

## MINUTES

### **Regular Meeting – Aurora City Council Monday, April 23, 2007**

#### **CALL TO ORDER – EXECUTIVE SESSION**

Mayor Tauer convened the Executive Session of City Council at 4:14 p.m.

#### **ROLL CALL**

PRESIDING:	Mayor Tauer
COUNCIL MEMBERS PRESENT:	Beer, Broom, Hogan, Markert, Peterson, Pierce, Sandstrom
COUNCIL MEMBER ABSENT:	Frazier
OFFICIALS PRESENT:	City Manager Miller, City Attorney Richardson, City Clerk Johnson
COUNCIL MEMBERS ARRIVING AFTER ROLL CALL:	FitzGerald, Wallace

Assistant City Manager Janice Napper announced the proposed items for discussion at Executive Session.

#### **CONSIDERATION TO RECESS FOR EXECUTIVE SESSION**

Motion by Pierce, second by Sandstrom, to recess to Executive Session.

Voting Aye: Mayor Tauer, Beer, Broom, Hogan, Markert, Peterson, Pierce, Sandstrom

The Executive Session was recorded pursuant to the requirements of State law.

#### **1. RECONVENE REGULAR MEETING OF APRIL 23, 2007 AND CALL TO ORDER**

Mayor Tauer reconvened the regular meeting of City Council at 7:35 p.m.

#### **2. ROLL CALL**

PRESIDING:	Mayor Tauer
COUNCIL MEMBERS PRESENT:	Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace
COUNCIL MEMBER ABSENT:	Frazier
OFFICIALS PRESENT:	City Manager Miller, City Attorney Richardson, City Clerk Johnson

#### **3. MOMENT OF SILENCE**

#### **4. PLEDGE OF ALLEGIANCE TO THE FLAG**

#### **5. APPROVAL OF THE MINUTES OF THE MEETING OF APRIL 9, 2007**

Motion by Peterson, second by Markert, to approve the minutes of April 9, 2007 as presented.

Voting Aye: Mayor Tauer, Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce,  
Sandstrom

Abstained: Wallace

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6. **CEREMONY**

Keith Wood, Colorado Forest Service, presented the Tree City USA Award to the City of Aurora.

Mayor Tauer read the proclamation declaring April 16 - 20, 2007 as Arbor Week.

Jack Cooper, Director of Parks and Open Space, discussed the recent Arbor Week tree planting that took place at Sunrise Elementary School.

7. **PUBLIC INVITED TO BE HEARD (non-agenda related issues only)**

None.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented with item 12a deferred to the May 7, 2007 City Council meeting, and possible deferral of 13b.

Charles Richardson, City Attorney, gave a brief history of Items 13a-b, noting in order to maintain the clarity of the record of Item 13b, he advised City Council not to entertain comments on the site plan matter (13b) at the time of the consideration of the rezoning (13a).

Mayor Tauer clarified should the applicant choose to defer the site plan then the general zoning would be considered and discussed but no testimony on the site plan would take place.

9. **CONSENT CALENDAR - 9a-9h**

**General Business**

- a. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Sturgeon Electric Company, Inc., Henderson, Colorado in the amount of \$1,005,357.00 for the 2007 Traffic Signal Installation, Project Number 07022.
- b. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Concrete Express Inc., Denver, Colorado in the amount of \$812,070.90 for the 2007 Aurora Concrete Rehabilitation Program, Project Number 07002.
- c. Consideration to APPROVE THE PURCHASE of 30.6 Shares of the New Brantner Extension Ditch Company Stock, by the City of Aurora acting by and through its Utility Enterprise.
- d. Consideration to EXTEND A SINGLE SOURCE AWARD to Fly'n Acres Spraying, LLP, Eads, Colorado in the not-to-exceed amount of \$93,800.00 for herbicide application weed control services for the Arkansas Valley Range Project.
- e. Consideration to AWARD A SOLE SOURCE CONTRACT to Sungard HTE, Inc., Lake Mary, Florida in the not-to-exceed amount of \$80,520.00 for annual software maintenance for the Aurora Water Billing System for 2007.

Motion by Markert, second by Peterson, to approve items 9a-e.

Voting Aye: Mayor Tauer, Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

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**Final Ordinances**

- ◆ f. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, authorizing the execution and delivery of a Water Transmission and Sanitary Sewer Interceptor, Construction, and Cost Reimbursement Agreement between the City, acting by and through its Utility Enterprise, and Pulte Home Corporation.
- ◆ g. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, initially zoning a parcel of land generally located 650 feet East of Parker Road and 120 feet South of Park Place Villas to Open, and amending the Aurora Zoning Map accordingly. (Aurora Water Shop Creek Lift Station) 3.98 acres more or less.
- ◆ h. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, rezoning of a parcel of land generally located 650 feet East of Parker Road and 120 feet South of Park Place Villas from R1 to Open, and amending the Aurora Zoning Map accordingly. (Aurora Water Shop Creek Lift Station) 0.629 acres more or less.

Motion by FitzGerald, second by Wallace, to approve items 9f-h.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

10. **RESOLUTIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION authorizing approval of an Intergovernmental Agreement between the City of Aurora, Colorado, and E-470 Public Highway Authority for use and occupancy of the common use area for expansion, reconstruction, repair, maintenance, and use of Jewell Avenue.

Motion by Peterson, second by Broom, to approve item 10a.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

- ◆ b. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, declaring Water Availability Stage 1 for the "Aurora Water 2007 Water Management Plan".

Council Member Beer asked the Council for their support in approving this resolution. He explained it was consistent with the City's policy of being a leader in water conservation.

Council Member Pierce asked staff to speak to how a "drought stage" declaration relates to the public.

Dana Ehlen, Acting Director, Aurora Water, described the specifics of the plan.

Mayor Tauer noted the Denver Water Board recently enacted their mandatory water conservation plan, which allowed lawn watering three days a week. He stated this resolution put Aurora in alignment with most of the Metro area with regards to days allowed for watering. He noted this plan allows approximately 20 percent more water availability than the previously used circle, diamond, square method. He asked staff if a healthy lawn could be maintained under this new plan.

Mr. Ehlen answered affirmatively.

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Mayor Tauer noted there were restrictions for watering between the hours of 10:00 a.m. and 6:00 p.m.

Motion by Beer, second by Hogan, to approve item 10b.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION amending Section 146-601 of the City Code of the City of Aurora, Colorado, related to assisted living facilities in the Office Commercial Zone District.

Motion by Sandstrom, second by Wallace, to introduce item 11a.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

- ◆ b. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, adopting and enacting the provisions of the Urban Street Standards in Transit Oriented Developments and Urban Centers Code.

Council Member Markert complimented staff for their efforts with this project. For the record, she wanted assurance that the City's transportation partners are included in planning.

Council Member Broom asked if the Smoky Hill RAC, which includes the Southlands Mall area, would meet these standards.

Huilian Liu, Senior Transportation Planner, answered affirmatively.

Motion by Markert, second by Beer, to introduce item 11b.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

- ◆ c. Consideration of an ORDINANCE FOR INTRODUCTION amending Sections 94-112 and 94-113 of the City Code of the City of Aurora, Colorado, relating to General Offenses.

Chief Daniel Oates, Aurora Police Department, summarized this item. He stated it was an important and convenient tool to further address and discourage drug activity in the City.

Council Member FitzGerald expressed his appreciation to staff and Chief Oates for their efforts.

Motion by FitzGerald, second by Sandstrom, to introduce item 11c.

Voting Aye: Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

Voting No: Beer

12. **ORDINANCES FOR FINAL**

- ◆ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

**APPLICANT REQUESTS DEFERRAL OF ITEM 12a TO THE MAY 7, 2007 CITY COUNCIL MEETING.**

- ◆ a. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, rezoning a parcel of land generally located on the Northeast corner of Jordan Road and Arapahoe Road from PD Commercial/Office to B-1, and amending the Aurora Zoning Map accordingly. (Shoppes at Arapahoe Commons) 10.48 acres more or less.

Motion by Broom, second by Sandstrom, to defer item 12a to the May 7, 2007 City Council meeting.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

13. **PLANNING MATTERS**

- ◆ a. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, rezoning a parcel of land generally located South of 18th Place and West of Altura Boulevard, City of Aurora, County of Adams, State of Colorado, from PD (Planned Development) to R-1 (Low Density, Single-Family Residential District), and amending the Aurora Zoning Map accordingly (Habitat for Humanity at 18th Place) 1.90 acres more or less.
- b. PUBLIC HEARING to consider a SITE PLAN with waivers for a parcel of land generally located South of 18th Place and West of Altura Boulevard, City of Aurora, County of Adams, State of Colorado, from PD to R-1, and amending the Aurora Zoning Map accordingly (Habitat for Humanity at 18th Place) 1.90 acres more or less.

William Davidson, Planning, gave a brief presentation of the items.

Mayor Tauer asked the applicant to speak to Item 13b, noting he had every right to have the item heard this evening.

Charles F. (Chip) King, King & Associates, Inc., 730 Monaco Parkway, Denver, Colorado, 80220, 303-333-3834, representing the applicant, asked when the item would return to Council because it was necessary to make changes to the plan in the interim. The applicant accepted staff's recommendation to make the requested site plan changes and defer the item for four weeks.

Mayor Tauer asked Mr. King if the applicant would like to defer the item to May 14, 2007, which is three weeks, or to June 4, 2007, which is six weeks. Mr. King stated June 4, 2007. Mayor Tauer asked if the applicant was amenable to Item 13a being heard tonight and Item 13b being deferred to June 4, 2007. Mr. King answered affirmatively. He expressed interest in both public and Council comments regarding both items.

City Attorney Richardson stated two or three speakers in opposition to the item were present this evening and if it was determined they had a known unavailability, it was within Council's discretion to hear testimony this evening.

Mayor Tauer noted if so, the applicant could respond to that testimony at the next hearing. Mr. King was amenable to that, noting as long as those in favor of the item could also speak this evening. City Attorney Richardson concurred.

Council Member Markert raised a concern regarding setting a precedent, noting there have been other times when Council's view was all or nothing.

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City Attorney Richardson stated in this case and under these circumstances, some flexibility should be shown, because through no fault of the applicant, the applicant was approached just under an hour ago with staff's recommendations.

Mr. King gave a presentation of Item 13a. Mayor Tauer stated the Planning Commission approved the zoning 6-0.

Richard Rosenthal, 9716 South Keenan Street, Highlands Ranch, Colorado, 80130, 303-346-4505, spoke in favor of the item.

Mona Coilbert, 14771 East 18th Place, Aurora, Colorado, 80011, 303-366-1363, expressed her appreciation for Habitat for Humanity, noting she lives in a safe environment and was in favor of the item.

Ronnetta Williams, 14721 East 18th Place, Aurora, Colorado, 80011, expressed her appreciation for Habitat for Humanity. She is a single-mom and feels safe and happy in her neighborhood. She spoke in favor of the item.

Jean Broida, 2085 Granby Street, Aurora, Colorado, 80011, 303-365-9804, spoke in opposition to 13b, but had no problem with 13a. She agreed to return on June 4 to speak to her opposition.

Tony Brake, 15011 East Montview Boulevard, Aurora, Colorado, 80011, 303-344-8226, spoke in favor of the item with the caveat that single-family housing be added; he would like to see it done according to City regulations. He suggested Habitat for Humanity should provide better housing and not housing that is defined as substandard.

Russ Martin, 14781 East 24th Avenue, Aurora, Colorado, 80011, 303-366-5927, agreed with Mr. Brakes' comments regarding Item 13a, and noted he would return to speak on Item 13b June 4.

J. Wilfred Tapping, 12391 East Cedar Circle, Aurora, Colorado, 80012, 303-341-1276, spoke in favor of the item.

Mr. King stated it was the applicant's intent to return on June 4 and demonstrate how their site plan would meet City codes and standards.

Council Member Sandstrom noted considering there were several people present this evening to speak to 13b, she asked staff to make sure they received updated copies of any changes. Mr. Davidson agreed to do so.

Council Member Pierce would support 13a.

Motion by Markert, second by Hogan, to approve item 13a.

Voting Aye: Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

Motion by Hogan, second by Peterson, to defer item 13b to June 4, 2007.

Voting Aye: Mayor Tauer, Beer, Broom, FitzGerald, Hogan, Peterson, Pierce, Sandstrom, Wallace

Voting Nay: Markert

Mayor Tauer invited all those interested to return on June 4 to speak to Item 13b.

#### 14. **RECONSIDERATIONS AND CALL-UPS**

- ◆ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

None.

15. **GENERAL BUSINESS**

- a. Consideration to appoint two new members to a three-year term on the Business Advisory Board.

Council Member Markert nominated Jack Tierney.

Council Member Pierce nominated Rich Allison.

Motion by Hogan, second by Markert, to appoint Rich Allison and Jack Tierney to three-year terms on the Business Advisory Board.

Voting Aye: Mayor Tauer, Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

- b. Consideration to appoint two new members to a three-year term on the Aurora Fox Arts Center Board.

Motion by Markert, second by Broom, to appoint Suellyn Cota and Shannon Watson-Borden to three-year terms on the Aurora Fox Arts Center Board.

Voting Aye: Mayor Tauer, Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

- c. Consideration to appoint one new member to a three-year term on the Library Board.

Motion by Sandstrom, second by FitzGerald, to appoint Dr. Sandra Arkin to a three-year term on the Library Board.

Voting Aye: Mayor Tauer, Beer, Broom, FitzGerald, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace

16. **REPORTS**

- a. Report by the Mayor

- b. Reports by the Council

Council Member Peterson related she and Council Member Wallace attended an Aurora Public School Ceremony for juniors receiving Mason scholarships. She wished good luck to all area juniors taking the SAT exams this week.

Council Member FitzGerald stated Amazing Jakes opened and was indeed amazing.

Council Member Markert concurred. She related her recent opportunity to be a Leader Reader at Arkansas Elementary this week. She encouraged any citizen interested in reading to children to participate. She invited those interested to attend the Ward IV Budget meeting scheduled for Thursday, April 26, 2007 at Heather Ridge Golf Course Meeting Room from 7:00 p.m. to 9:00 p.m.

Council Member Pierce related his recent enjoyable and gratifying experience participating in the Habitat for Humanity Homebuilding at Tollgate Crossing.

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Council Member Broom stated the Denver Regional Council of Governments held their annual awards dinner and several in Aurora were recognized by DRCOG. He congratulated those who received the following awards: the gold award to Ron Miller in recognition for the Senior Housing Program, the silver award to Natalie Brower-Kirton and Jo Scarbeary for the Aurora Water Youth Program and the Mayors from Aurora, Denver and Lakewood who were honored for their efforts and cooperation in putting on the marathon along Colfax.

Council Member Sandstrom related her attendance to help present the Trig Star Awards to students who had the highest trigonometry test scores. She invited those interested to attend the Ward V Budget meeting at Heather Gardens Community Center scheduled for Wednesday, April 25, 2007 at 7:00 p.m.

Council Member Beer also participated recently in the Leader are Readers program at Virginia Court Elementary. He invited those interested to attend the Ward III monthly Town Meeting scheduled for Thursday, April 26, 2007 in the Aurora Room at 7:00 p.m. The planned topic is transportation. He noted this Saturday, April 28, 2007; he would be the moderator of an event called Earth to Aurora. This was an Earth Day themed event to inform residents on energy, water and conservation related issues in the City. He invited those interested to attend. The event would take place in the Littleton Room in the Arapahoe County building, located at 14980 East Alameda Drive.

17. **PUBLIC INVITED TO BE HEARD**

None.

18. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 8:43 p.m.

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EDWARD J. TAUER, Mayor

ATTEST:

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DEBRA JOHNSON, City Clerk

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