

MINUTES

Regular Meeting – Aurora City Council Monday, May 7, 2007

CALL TO ORDER – EXECUTIVE SESSION

Mayor Tauer convened the Executive Session of City Council at 4:33 p.m.

ROLL CALL

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

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

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

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

1. **RECONVENE REGULAR MEETING OF MAY 7, 2007 AND CALL TO ORDER**

Mayor Tauer reconvened the regular meeting of City Council at 7:30 p.m.

2. **ROLL CALL**

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

3. **MOMENT OF SILENCE**

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF APRIL 30, 2007**

Motion by Markert, second by Pierce, to approve the minutes of April 30, 2007 as presented.

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

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6. **CEREMONY**

- a. Proclamation declaring the month of May as Mental Health Month – Mayor Edward J. Tauer

Mayor Tauer invited Larry Davila, Board President, Aurora Mental Health Center, and Dr. Randy Stith, Executive Director, Aurora Mental Health Center, to come forward to accept the proclamation. Mayor Tauer read the proclamation declaring the month of May as Mental Health Month. He noted this was the 32nd anniversary of the Aurora Mental Health Center. Both Dr. Stith and Mr. Davila expressed appreciation for the proclamation.

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

Michael Cochrane, Aurora, Colorado, representing Aurora Central High School Environmental Science Class, discussed recycling in Aurora.

Tranelle Bradley, Aurora, Colorado, representing Aurora Central High School Environmental Science Class, discussed recycling in Aurora. She stated a better recycling program was needed in Aurora and asked the Council to consider this concern.

Mayor Tauer expressed his appreciation to the students for attending the meeting and sharing their thoughts with the Council.

Council Member Sandstrom stated a recycling event would take place in Aurora at 15700 East 32nd Avenue on Saturday, May 19, 2007, from 8:00 a.m. to 3:00 p.m. She stated volunteers were needed for this event and encouraged anyone interested to contact Access Aurora, 303-739-7000.

Francis Peter Maks, Aurora, Colorado, expressed his appreciation to the Aurora Police Department for their efforts regarding the investigation of a recent stabbing in his neighborhood.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a**

General Business

- a. Consideration to AUTHORIZE THE MAYOR TO EXECUTE a Quit Claim Deed releasing the City's interest, if any, in a parcel of land located in the Southeast quarter of Section 28, Township 4 South, Range 65 West of the Sixth Principal Meridian, City of Aurora, County of Arapahoe, State of Colorado (Cottonwood Creek Investors, LLC).

Motion by Peterson, second by Markert, to approve item 9a.

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

10. **RESOLUTIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, acting by and through its Utility Enterprise, approving an Intergovernmental Agreement between the City of Aurora, Colorado, and the East Cherry Creek Valley Water & Sanitation District regarding water pipeline connections.

- ◆ *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.*

Council Member Broom stated this resolution would solve a significant watering problem experienced at Eagle Bend Golf Course. Non-potable water would be used rather than potable water supplied by the City.

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

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

- ◆ b. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, adopting Revised Rules and Regulations for the Citizens' Advisory Budget Committee.

Motion by Pierce, second by Peterson, to approve item 10b.

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

11. **ORDINANCES FOR FINAL**

- ◆ 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.

Council Member FitzGerald expressed his appreciation to staff for involving the Cherry Creek Basin Water Quality Authority in this proposal.

Council Member Wallace expressed her appreciation for clarification provided by the applicant and staff. She previously voted against the item but given the new information, would now support it.

Motion by Hogan, second by FitzGerald, to approve item 11a.

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

12. **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 700 feet North of the Northeast corner of the intersection of Yale Avenue and Abilene Street from B-1 (Retail, Business District) to B-3 (Highway Service District), and amending the Aurora Zoning Map accordingly (Hampton Inn at Abilene). 2.12 acres more or less.

Elizabeth Tart, Planning, gave a brief presentation of the item.

Mayor Tauer stated staff recommends approval of the rezoning and the Planning and Zoning Commission unanimously supported the rezoning recommendation. This rezoning was consistent with the area and would provide a B-1 zone between the adjacent neighborhood and this site. Ms. Tart concurred.

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Council Member Markert asked staff to clarify what uses were prohibited by the condition set forth by the Planning Commission. *“The rezoning is conditioned to limit the permitted uses to hotel and customary accessory uses to a hotel and uses in the B-1 zone district.”*

Ms. Tart stated the current zoning is B-1 therefore any permissible B-1 uses were allowed. There were four particular uses including hotels that were allowed in a B-3 zone that were not allowed in B-1 and were restricted with this condition. Those uses include a nightclub, self-storage, automobile sales and services, etc.

Council Member Markert stated the uses allowed in B-1 zones would not locate here because of the restriction. Ms. Tart concurred.

Council Member FitzGerald asked staff if the intent was for this hotel to provide a place for families visiting the extended and assisted living centers in the area to stay. Ms. Tart stated a current site plan was not available and deferred that question to the applicant.

Hitesh Patel, Aurora, Colorado, representing Colorado Lodging Incorporated, gave a presentation of the item. He related people visiting the adjacent assisted living center would be welcome and that issue has been discussed with the assisted living center owners.

Council Member Markert asked Mr. Patel to share any ideas he might have regarding community involvement during the site plan review process. Mr. Patel reiterated he has spoken with his next-door neighbor, the assisted living center owner, to create a synergy between the uses. Council Member Markert stated a series of neighborhood meetings should take place in order to present the plans to the neighbors. Mr. Patel agreed that would occur.

Council Member Beer asked Mr. Patel if he operated the Best Western. Mr. Patel answered affirmatively. Council Member Beer asked Mr. Patel to discuss what occurred to make the Hampton Inn move to his location. Mr. Patel stated the franchise agreement ran out. Additionally, Hilton Hotels were regenerating their existing hotels and his development fits their needs. Council Member Beer noted there was not an exit off I-225 at Yale and asked if that would be a detriment to the hotel. Mr. Patel stated exits from highways were not important because people tend to drive to hotels such as these.

Motion by Broom, second by Frazier, to introduce item 12a.

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

13. **ANNEXATIONS**

- ◆ a. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION annexing a parcel of land located in the North half of Section 36, Township 3 South, Range 66 West of the Sixth Principal Meridian, County of Adams, State of Colorado (City of Aurora Smith Road Right of Way 1). 12.27 acres.

Scott VanGenderen, Project Manager, Development Assistance, gave a brief summary of items 13a and 13b, noting it would help facilitate the installation of the Prairie Waters pipeline.

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Council Member Beer asked Mr. VanGenderen to clarify where Aurora was located on the plat. Mr. VanGenderen stated it appeared to be located on both sides of Smith Road. Council Member Beer stated in previous decades, "flagpole annexation" was seen as poor planning. He asked Mr. VanGenderen to speak to that concern as it relates to this ordinance. Mr. VanGenderen stated it was the opposite in this case, because a connection street was provided.

Motion by Peterson, second by Wallace, to introduce item 13a.

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

- ◆ b. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION annexing a parcel of land located in portions of Sections 31, 32, and 33, Township 3 South, Range 65 West of the Sixth Principal Meridian, County of Adams, State of Colorado (City of Aurora Smith Road Right of Way 2). 16.39 acres.

Motion by Peterson, second by Wallace, to introduce item 13b.

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

14. **RECONSIDERATIONS AND CALL-UPS**

None.

15. **GENERAL BUSINESS**

- a. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Western Summit Constructors, Inc., Denver, Colorado in the amount of \$190,333,554.00 for the construction of the Aurora Reservoir Water Purification Facility for the Prairie Waters Project, Project Number 1098F1.

Council Member Beer gave a brief introduction of items 15a, 15b and 15c, followed by a presentation given by Peter Binney, Director, Aurora Water.

Council Member Beer asked staff to continue the presentation, and discuss how items 15b and c relate to the master contract, and contribute to the efficiency as a whole. Darrell Hogan, Deputy Director, Aurora Water, Prairie Waters Project, provided that information.

Council Member Broom asked when groundbreaking would begin and construction completed for the plant. Mr. Hogan stated construction activity should begin June 2007.

Council Member Sandstrom asked if reservoir activities such as boating, swimming, etc would be restricted during construction. Mr. Hogan answered no, stating the Aurora Reservoir would be open for recreation during construction.

Council Member FitzGerald asked staff to explain the type of purification processes anticipated for the plant. Dana Ehlen, Aurora Water, stated the processes include water softening, an advanced oxidation process, a concentration of sedimentation and filtration and a GAC filtration process.

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Council Member Pierce asked if any rewards or penalties were in place related to completing the project on time or not. Mr. Hogan explained none were in place for finishing on time. He discussed repercussions of finishing late and the incentives built in to save money. Council Member Pierce was happy to hear that information, citing Council's concerns regarding citizen and bondholders money.

Council Member Broom asked if the plant was energy efficient. Mr. Hogan answered affirmatively, noting it was not designated "green" but had a number of energy money saving features.

Motion by Beer, second by Wallace, to approve item 15a.

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

- b. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Carollo Engineers, P.C., Broomfield, Colorado in an amount not to exceed \$9,602,207.00 to provide Construction Management Services associated with the Aurora Reservoir Water Purification Facility, Bid Package F of the Prairie Waters Project, R-1289.

Motion by Beer, second by Wallace, to approve item 15b.

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

- c. Consideration to AMEND A SINGLE SOURCE CONTRACT to CH2M Hill, Inc., Englewood, Colorado in an amount not to exceed \$8,805,621.00 to provide Design Engineering Services during construction for the Aurora Reservoir Water Purification Facility, Bid Package F of the Prairie Waters Project.

Motion by Beer, second by Markert, to approve item 15c.

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

- d. Consideration to appoint one Representative from the Business Community to a two-year term on the Fitzsimons Redevelopment Authority.

Motion by Hogan, second by Sandstrom, to appoint John Shaw to the Fitzsimons Redevelopment Authority.

Mayor Tauer clarified this was a Council appointment.

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

- e. Consideration to reappoint three incumbent members to a three-year term on the Citizens' Utility Advisory Committee.

Motion by Peterson, second by Broom, to reappoint Jean Robertson, Charles Widick, and Thomas Tobiassen to the Citizens' Utility Advisory Committee.

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

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- f. Consideration to appoint two new members to a three-year term on the Veterans' Affairs Commission.

Motion by Peterson, second by Beer, to appoint Veronica Moody and Ricardo Rodriguez to the Veterans' Affairs Commission.

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

- g. Consideration to reappoint one incumbent member to a three-year term on the Aurora Fox Arts Center Board.

Motion by Markert, second by Beer, to reappoint Margaret Day to the Aurora Fox Arts Center Board.

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

- h. Consideration to appoint one new member to a six-year term on the Career Service Commission.

Motion by Peterson, second by Pierce, to appoint William Turner to the Career Service Commission.

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

16. **REPORTS**

- a. Report by the Mayor

Mayor Tauer expressed his appreciation to the Aurora Police Department for their efforts. He participated in a ride-along recently, which elevated his regard for Aurora Police even higher.

- b. Reports by the Council

Council Member Beer wished all Aurora mothers a Happy Mother's Day.

Council Member Broom announced his Ward VI Budget Meeting would be held Thursday, May 10, 2007 at 7:00 p.m. at the Tallyn's Reach Library. He invited all those interested to attend.

Council Member Frazier echoed Council Member Beer's well wishes for all mothers in Aurora.

Council Member Pierce announced the City's siren system would be tested at 11:00 a.m., May 15, 2007. He discussed the recycling event referenced earlier, noting a nominal fee would be charged to recycle electronics.

Council Member Markert related her recent attendance at a COMPASS event (Coalition of Many Supporting After School Success) which provides after school activities for Aurora Public Schools. She invited those interested in supporting this program to attend West Middle School's Girls with Voice performance of *The House on Mango Street*, Thursday, May 17, 2007 at 6:00 p.m. Additionally, Comitis is having their community kick-off party at their new facility on the Fitzsimons campus on that same evening from 4:00 p.m. to 8:00 p.m. on May 17, 2007. Lastly, she invited those interested to attend a lawn concert at Arkansas Elementary School on Friday, May 11, 2007 at 6:00 p.m.

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Council Member FitzGerald noted the Colorado Court of Appeals upheld Aurora's Pit Bull Ordinance.

Council Member Peterson expressed her appreciation to the Geo Group for their generous donation of \$10,000 to save Parklane Swimming Pool. They did so in response to hearing 13-year old Brandon Townsend from North Middle School address City Council and request that the pool be saved.

17. **PUBLIC INVITED TO BE HEARD**

None.

18. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 8:33 p.m.

EDWARD J. TAUER, Mayor

ATTEST:

DEBRA JOHNSON, City Clerk