

## MINUTES

### **Regular Meeting – Aurora City Council Monday, August 13, 2007**

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

Mayor Tauer convened the Executive Session of City Council at 5:38 p.m.

#### **ROLL CALL**

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

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 Peterson, to recess to Executive Session.

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

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

#### **1. RECONVENE REGULAR MEETING OF AUGUST 13, 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:	Beer, Broom, FitzGerald, Frazier, Hogan, Markert, Peterson, Pierce, Sandstrom
COUNCIL MEMBER ABSENT:	Wallace
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 JULY 30, 2007**

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

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

Abstained: Frazier

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6. **CEREMONY**

- a. Swearing in of newly appointed Boards and Commission members – Presiding Judge Richard Weinberg

Presiding Judge Richard Weinberg administered the oath of office to the board and commission members. Mayor Tauer and City Council congratulated the members and thanked them for their service to Aurora.

<u>Name</u>	<u>Board or Commission</u>
Marco-Antonio Garcia	Aurora Youth Commission
Morgan McDonald	Aurora Youth Commission
JoseLuis Rodriguez	Aurora Youth Commission
Allie Vick	Aurora Youth Commission
Laurie Steenrod	Golf Course Advisory Committee
William J. Convery, III	Historic Preservation Commission
Ruth M. Fountain	Historic Preservation Commission
James Pierce	Local Licensing Authority
Nadine Caldwell	Metropolitan Wastewater Reclamation District Board
Leland Lotter	Metropolitan Wastewater Reclamation District Board
Gerald Allen	Open Space Board
Cecilia Dona Vanderbilt	Open Space Board
Augustin Jazo	Aurora Commission for Seniors

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

Pasha Amani, Aurora, CO, Property Manager, came to Council with concerns regarding commercial water usage. Mr. Amani feels the current regulations are not only unfair financially, but encourage the wasting of water in order to pre-qualify for the following year. Mayor Tauer directed Mr. Amani to Council Member Beer and stated that Council and the Water Committee are currently working through the concerns.

Roger McCarville, Arvada, CO, expressed his concerns regarding a code enforcement violation, specifically not enough grass in the front yard. He felt he was unjustly accused by a trial jury and Judge. Mr. McCarville plans to appeal the ruling and asked the City of Aurora to supply the Code Enforcement Department's Budget. Mayor Tauer noted that the budget was public information and he was more than welcome to contact the City Manager the following morning.

Steve Byfield, Arvada, CO, echoed the concerns of Mr. McCarville regarding the unfair practices of a particular City of Aurora Judge. Mr. Byfield wanted to remind Council that the U.S. Constitution was the supreme law of the land, not City codes.

Ruth Fountain, Aurora, CO, asked Council to review the Arapahoe County Preservation of Open Space Tax and the allocation of its funds. The tax funds were stated to assist with both the preservation of agriculture and ranch lands in addition to enhance and maintain heritage areas. Ms. Fountain noted that Delaney Farm, which is a heritage area, had not received funds and should not be neglected. Moreover, Ms. Fountain stated that she was in strong opposition to the potential park development at Spring Hill, because it is not an easily accessible area, and therefore would not benefit the community.

Terry Carter-Davis, Aurora, CO, came before Council in order to promote a Community Youth Core hip-hop weekend. The event is designed to unite the community against violence and gang activity, while celebrating with music, dance, and poetry. The first event is on August 17<sup>th</sup> at 7:00pm, with a rally on August 18<sup>th</sup> at 5:30pm, and a final celebration on August 19<sup>th</sup> at 10:00am. The festivities will take place at 9635 Montview Boulevard.

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8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented with item 10d continued to the August 27, 2007 City Council meeting.

9. **CONSENT CALENDAR - 9a-9j**

**General Business**

- a. Consideration to AWARD A SOLE SOURCE CONTRACT to HTE VAR LLC, Chamblee, Georgia in the amount of \$127,995.00 to purchase a server for the Aurora Water Billing System.
- b. Consideration to AWARD A SOLE SOURCE CONTRACT to Sungard Bi-Tech Inc., Chico, California in the amount of \$62,377.44 for annual support of IFAS through June 30, 2008.
- c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to M.W. Golden Corporation, Castle Rock, Colorado in an amount not to exceed \$1, 773,936.00 for Meadow Hills Pool replacement and construction of a new pool and bathhouse, Project No. 5111A.
- d. Consideration to AWARD A SINGLE SOURCE CONTRACT to Westin Engineering, Inc., Rancho Cordova, California in the not-to-exceed amount of \$211,675.00 for professional design consulting services associated with designing the Supervisory Control and Data Acquisition Wide Area Network for new Aurora Water facilities.
- e. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Brown & Caldwell, Golden, Colorado, in the not-to-exceed amount of \$1,174,605.00 for professional project support services associated with the construction phase of the Zone 5 Storage Tank and Zone 7 Pump Station project at the Aurora Reservoir, RFP R-1258.

Motion by Beer, second by Broom, to approve items 9a-9e.

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

**Final Ordinances**

- ◆ f. Consideration of an ORDINANCE FOR FINAL amending Section 147-48(b) of the City Code of the City of Aurora, Colorado, related to land dedication and small urban park requirements.
- ◆ g. Consideration of an ORDINANCE FOR FINAL annexing a parcel of land located in the Northwest quarter of Section 29, Township 5 South, Range 66 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Arapahoe County Water & Wastewater Authority/ Parcel 3) .23 acres.

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- ◆ h. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, for the initial zoning of a parcel of land generally located on the Southwest corner of Arapahoe Road and Parker Road to Planned Development, and amending the Aurora Zoning map accordingly. (CornerStar ACWWA Well Parcel 3) 0.23 acres more or less.
- ◆ i. Consideration of an ORDINANCE FOR FINAL annexing a parcel of land located in the Northwest quarter of Section 29, Township 5 South, Range 66 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (Arapahoe County Water & Wastewater Authority/ Parcel 4) .23 acres.
- ◆ j. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, for the initial zoning of a parcel of land generally located on the Southwest corner of Arapahoe Road and Parker Road to Planned Development, and amending the Aurora Zoning map accordingly. (CornerStar ACWWA Well Parcel 4) 0.23 acres more or less.

Motion by Beer, second by Fitzgerald, to approve items 9f-9j.

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

10. **RESOLUTIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the assignment of \$7,800,000 of the City's Private Activity Bond allocation for 2007 to the Housing Authority of the City of Aurora; providing other details in connection therewith; and providing an effective date.

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

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

- ◆ b. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the assignment of \$2,500,000 of the City's Private Activity Bond allocation for 2007 to the Colorado Housing and Finance Authority and providing other details in connection therewith.

Motion by Broom, second by Frazier, to approve item 10b.

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

- ◆ c. PUBLIC HEARING and consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Third Amendment to the Service Plan for Sterling Hills Metropolitan District and the issuance of Refunding and Improvement Bonds by said District.

Mayor Tauer stated a Public Hearing would be needed on this item. Nancy Bailey, Manager, Office of Development Assistance, gave a brief overview of the proposed refunding for the Sterling Hills Metro District bonds. The net savings, by means of a newly reduced rate, is expected to yield \$52 a year to the homeowners.

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Motion by Hogan, second by Pierce, to approve item 10c.

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

Voting Nay: Peterson

- ◆ d. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Second Amendment to the Service Plan for Sterling Hills West Metropolitan District and the issuance of Refunding and Improvement Bonds by said District.

**Continued to August 27, 2007 Council Meeting**

- ◆ e. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the execution of a Sales and Use Tax Waiver Agreement between the City and Whirlpool Corporation.

Motion by Sandstrom, second by Markert, to approve item 10e.

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

- ◆ f. Consideration to APPROVE A RESOLUTION approving an amendment to an agreement dated March 6, 2007 between the City of Aurora, acting by and through its Utility Enterprise, and the University of Colorado Health Science Center regarding the replacement of the 19th Avenue Water Main at the Fitzsimons campus.

Council Member Broom asked staff if the resolution had addressed the problems of water contamination. Joe Wingert, Manager of Water Engineering, stated that this should help alleviate the problems.

Motion by Peterson, second by Beer, to approve item 10f.

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

- ◆ g. Consideration to APPROVE A RESOLUTION of the City of Aurora, Colorado, accepting the improvements made in Special Improvement District 1-05 and the statement of costs and assessment roll therefor; setting the date of a Public Hearing thereon; and ordering the publication and mailing of notice of such hearing to owners of property to be assessed. (Ptarmigan Park Fence)

Motion by Hogan, second by Sandstrom, to approve item 10g.

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

11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION repealing Section 2-593 of the City Code of the City of Aurora, Colorado, abolishing the Community Maintenance Fund and transferring the assets thereof to the General Fund.

Motion by Hogan, second by Peterson, to introduce item 11a.

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

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12. **RECONSIDERATIONS AND CALL-UPS**

None.

13. **GENERAL BUSINESS**

- a. Consideration to reappoint two incumbent members to a three-year term on the Public Defender Commission.

Motion by Fitzgerald, second by Markert, to reappoint Beverly Edwards & James McKnight to the Public Defender Commission.

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

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

Motion by Markert, second by Pierce, to reappoint Wendy Bullock to the Aurora Fox Arts Center Board.

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

14. **REPORTS**

- a. Report by the Mayor  
b. Reports by the Council

Council Member Peterson stated that the National Night Out for Neighborhood Watch took place over the past weekend, and they had a successful time bringing both the community and the police together.

Council Member Fitzgerald informed the public that he and Council Member Markert both attended a Parks and Recreation Board meeting, whereas through due process, Utah Park was back up and running. He thanked Council Member Markert and the Board for their professionalism and efforts.

Council Member Markert reminded residents that the Aurora Fox Arts Center is starting their 23<sup>rd</sup> Season and tickets are available by calling the box office at (303) 739-1970.

Council Member Pierce announced the upcoming At-Large Council Member Town Meeting will be held on Wednesday August 29<sup>th</sup> at 6:30pm in the Aurora Room at the Municipal Center. Guests will include Mayor Tauer and Police Chief Daniel Oates.

Council Member Frazier wanted to express his appreciation for the opportunity he had to visit Africa and then he noted that his experience will hopefully benefit him in his public service.

Council Member Broom stated his attendance at the National Night Out Neighborhood Watch picnic, which was well attended and enjoyed. In addition, he announced his Ward VI Town Meeting on Wednesday August 15<sup>th</sup> at 7:00pm at Mission Viejo Library. The agenda will consist of two main subjects; water billing and truck traffic on Hampden Avenue.

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Council Member Sandstrom invited residents to attend the last Banks in Harmony Concert, which is a great free family event at Meadowood Park.

Council Member Beer noted his 2<sup>nd</sup> annual honor of grilling hotdogs at the Lansing Elementary Back-To-School Community Bar-B-Q. Additionally, he recognized Aurora resident Ed Knox who recently was elected President of IBEW Local 68, which is the union of Metro-Denver Electricians. Finally, Council Member Beer announced his Ward III Town Meeting on Monday August 20<sup>th</sup> at 7:00pm in the Aurora Room at the Municipal Center.

15. **PUBLIC INVITED TO BE HEARD**

CJ Matthew, Aurora, CO, came before Council in order to speak regarding item 10d. Ms. Matthew represents the Rock Ridge Home Owners Association (HOA) and stated the opposition of her fellow HOA homeowners. Mayor Tauer noted that the reason it was deferred was in order to evaluate the information that she had sent to Council that day. Her concerns were welcomed to be heard again at the August 27 Council meeting.

16. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 8:21 p.m.

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EDWARD J. TAUER, Mayor

ATTEST:

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DEBRA JOHNSON, City Clerk

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