

MINUTES

Regular Meeting – Aurora City Council Monday, August 27, 2007

CALL TO ORDER – EXECUTIVE SESSION

Mayor Tauer convened the Executive Session of City Council at 4:18 p.m.

ROLL CALL

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

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

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

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

CALL TO ORDER – EXECUTIVE SESSION

Mayor Tauer convened the Executive Session of City Council at 7:05 p.m.

ROLL CALL

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

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 FitzGerald, to recess to Executive Session.

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

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

1. **RECONVENE REGULAR MEETING OF AUGUST 27, 2007 AND CALL TO ORDER**

Mayor Tauer reconvened the regular meeting of City Council at 7:36 p.m.

2. **ROLL CALL**

PRESIDING: Mayor Tauer
COUNCIL MEMBERS PRESENT: Beer, Broom, FitzGerald, Frazier, Hogan, Markert, Peterson, Pierce, Sandstrom, 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 AUGUST 27, 2007**

Motion by Markert, second by Sandstrom, to approve the minutes of August 13, 2007 as presented.

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

Abstained: Wallace

6. **CEREMONY**

- a. Aurora Arts and Humanities Council Drawing and Writing Contest Awards – Mayor Edward J. Tauer

Mayor Tauer invited Alice Lee Main, Manager of Cultural Services, and Jan Zinkl, Librarian Specialist, to come forward to present the following awards:

DRAWING

Preschool - 2nd grade

1st Place – Alexander Diggs
2nd Place – Alexandra Egli
3rd Place – Irma Alexander

3rd - 5th grades

1st Place – Alexis McCoy
2nd Place – Bridget Mann
3rd Place – Noah Johnston

6th - 12th grades

1st Place – Leanne Johnston
2nd Place – Kathleen Lutchi
3rd Place – Komottre Abdula-Lenox

WRITING

3rd - 5th grades

1st Place – Ivy Wingfield
2nd Place – Elizabeth Dupont
3rd Place – Emma Braun

6th - 12th grades

1st Place – Dominique McDaniel
2nd Place – Chris Gouen
3rd Place – Kathleen Lutchi

- ◆ *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.*

- b. Presentation of Eagle Award to Engineer Barry King, Aurora Fire Department – Mayor Pro Tem Brad Pierce

Mayor Pro Tem Pierce invited Barry King to come forward to accept the Eagle Award. On April 20, 2007 while off-duty, Engineer King came upon a burning vehicle on the shoulder of a road near Sedalia. As he approached the vehicle, he saw an elderly gentleman roll out of the driver seat onto the road, with his clothing on fire. Another bystander came by with a blanket and fire extinguisher, and the two were able to extinguish the flames on the man's body, gently roll him into the blanket, and carry him away from the heat and smoke of the burning vehicle. Engineer King contacted a 911 operator and requested emergency helicopter transportation. The man had second and third degree burns on his body. Chief Tad Keegan, of the Jackson 105 Fire Department in Sedalia, sent a letter to the Aurora Fire Department on behalf of Engineer King, thanking him for his assistance in the accident. Engineer King received a round of applause from the audience.

Mayor Tauer recognized Boy Scout Troop #749.

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

Mayor Tauer stated that many citizens have raised concerns with increases anywhere from 50 to 75% in their water bills. He wanted to let everyone know that the City Council has heard those concerns, and they are working with the Water Policy Committee and Water Department to look into the issues and find solutions.

The following people spoke to Council regarding their water bills, and asked Council to look at the problem as soon as possible:

Thomas R. Ware, Aurora, CO

Joe Salmons, Aurora, CO

Craig Bowman, Aurora, CO, representing the Shores Homeowners Association

Duane Clark, Aurora, CO, representing the Robinwood Condominium Association

Conrad Monson, Aurora, CO

Council Member Beer thanked the residents for coming to speak to Council tonight, and stated the Water Department is looking at the process used for setting the rate structures and the actual rates. He noted that the Water Department can come to a home to perform an audit of water usage, and low-flow showerheads and toilets, and rebate programs are available for residents.

Council Member Markert noted a meeting will be held on September 25th, for City Council, Homeowner Association Boards, and the Aurora Water Department to discuss issues and suggestions for solutions related to the water increase problems.

Council Member Frazier also thanked the residents for bringing their concerns forward, noting the Council members are also water consumers and very concerned with the situation. He stated the process of using winter quarter averages may not be the correct baseline for setting the water tiers, so that will be looked at as well.

Mayor Tauer noted that there is also a rebate program for residents who participate in the xeriscape program offered through the City.

Roger McCarville, Arvada, CO, had property in Aurora that he recently sold. He had a court case here in Aurora, and had contacted the Courts to order a transcript of his trial. He drove from Arvada to pick it up and was told he hadn't ordered one. He was passed around to multiple court rooms, and got very frustrated. He wondered why it was so much trouble to get a transcript. Mayor Tauer stated Charles Richardson, City Attorney, would contact Mr. McCarville tomorrow.

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C.J. Matthews, Aurora, CO, thanked Council and Nancy Bailey for working with her regarding the Sterling Hills West Metro District bonding issue. She is looking forward to meeting with City staff regarding permits, licensing, safety and enforcement, as well as a formal complaint process so Council is aware of issues within the District.

Jean Holland, Aurora, CO, came to ask Council for help regarding issues in the Chambers Heights area. She stated the area used to be a beautiful neighborhood, but trash, weeds, graffiti, fallen fences, dead trees and broken-down vehicles are destroying it. Code Enforcement is not doing what needs to be done, and they are virtually impossible to contact on evenings and weekends. The process to make a complaint to Code Enforcement is cumbersome, and the policies need revamped. Some residents have threatened others if complaints are made against them. She is willing to volunteer to serve on any committees created to help her neighborhood.

Council Member Frazier thanked Ms. Holland for coming to speak, and asked her if it is fair to say that her neighborhood is currently being underserved by Code Enforcement. She stated many of the older neighborhoods in that part of the City have trouble getting assistance from Code Enforcement.

Council Member Wallace stated she is Chair of the Code Enforcement Policy Committee, and she will contact Ms. Holland and come look through the neighborhood.

Council Member Pierce suggested the possibility of a Code Enforcement sweep through the neighborhoods, and using flex-time to work weekends.

Ron Miller, City Manager, stated staff will aggressively review the status of Code Enforcement efforts in these neighborhoods, and check into doing sweeps.

Council Member Markert stated discussion of 24-hour Code Enforcement issues can be addressed at upcoming budget meetings. Council can make recommendations regarding weekend coverage.

Francis Peter Maks Jr., Aurora, CO, mentioned the Colorado Open Records Act, and stated his request for some public records. He wants to inspect all contracts for the sale or lease of water to any entity, and waivers of property tax for large developers used to supplement the General Fund with regard to the City providing money to school districts.

Edward Lewis, Aurora, CO, noted the U.S. Constitution grants citizens the right to face their accusers. He had a complaint filed against him to Code Enforcement, and they will not tell him who filed the complaint. He has expired license plates on a vehicle in front of his house, but he has no money for an emission test or repairs to the vehicle to get licensed. He stated residents are not getting equal justice, and that neighbors are treated differently. He noted weeds on City-owned property are not being removed, and code restrictions are ridiculous. He is having trouble getting in touch with a police officer regarding a court case he has coming up soon.

Mayor Tauer asked Mr. Lewis to get with Frank Ragan, Deputy City Manager, for assistance in contacting the police officer.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

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9. **CONSENT CALENDAR - 9a-9i**

General Business

- a. Consideration to APPROVE a Nontributary Ground Water Lease and On-site Sanitary Sewer Disposal System Agreement between the City of Aurora, acting by and through its Utility Enterprise, and Pierce Hardy Limited Partnership, a Pennsylvania Limited Partnership, and I-70 LLP, a Colorado Limited Liability Partnership.
- b. Consideration to AWARD CHANGE ORDER NUMBER 2 TO A COMPETITIVELY BID CONTRACT with A&E Tire Inc., Denver, Colorado in the amount not-to-exceed \$55,000.00 to cover the cost of vehicle tires and service as required through October 2007.

Motion by Broom, second by FitzGerald, to approve items 9a, b.

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

- c. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Tierdael Construction Company, Denver, Colorado in the amount of \$575,575.00 for the Zone 7 Waterline Project, Project No. 5124A.

Council Member Markert asked why the engineer's estimate for this project was significantly higher than the vendor's bid, and if the specifications were over-estimated. Larry Catalano, Manager, Capital Projects Division, Aurora Water, stated many pipeline contractors are losing work with the economy the way it is, and bids are coming in much lower, sometimes at cost, in order to get the work. The estimates given by the engineer were made during better market times.

Motion by Markert, second by Broom, to approve item 9c.

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

- d. Consideration to AWARD A SINGLE SOURCE CONTRACT to Northwest Pipe Company, Denver, Colorado in the amount of \$68,800.00 for two repair kits for the main water line that supplies water to the North sections of Aurora.

Dan Mikesell, Manager, Water Services, Aurora Water, gave a brief introduction of the item. Two repair kits will be purchased for use on the 66" water line that flows into zones 1, 2 and 3.

Council Member Broom asked how long it would take to repair a break on the line, and how water service would be handled during a break. Mr. Mikesell stated a break did occur last August on a line that was constructed in the 1960's, that took four days to repair. Luckily, the weather at the time did not create a peak demand, and water was able to be routed in other lines in the zone. A repair kit was used for that line.

Motion by Broom, second by Pierce, to approve item 9d.

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

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Final Ordinances

- ◆ e. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, amending Section 146-807(c) of the City Code to repeal the prohibition against dog kennels operating in the APZ's (Accident Potential Zones) around Buckley Air Force Base.
- ◆ f. Consideration of an ORDINANCE FOR FINAL amending certain sections of Chapter 146 and Section 22-429 of the City Code of the City of Aurora, Colorado, relating to the Airport Overlay Districts and noise reduction.
- ◆ g. Consideration of an ORDINANCE FOR FINAL approving an Annexation Agreement between the City of Aurora and ACP DIA 1287 Investors, LLC, containing provisions for a vested property right pursuant to Article 68 of Title 24, C.R.S. for certain lands in the Southwest quarter of Section 4, the South half of Section 5, the North half and the Southwest quarter of Section 8, and the West half of Section 9, Township 3 South, Range 65 West of the 6th Principal Meridian, County of Adams, State of Colorado (ACP DIA 1287 Investors LLC).
- ◆ h. Consideration of an ORDINANCE FOR FINAL annexing a parcel of land located in the Southwest quarter of Section 4, the South half of Section 5, the North half and Southwest quarter of Section 8, and the West half of Section 9, Township 3 South, Range 65 West of the 6th Principal Meridian, County of Adams, State of Colorado, (ACP DIA 1287 Investors LLC) 1274.127 acres.
- ◆ i. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, initially zoning a parcel of land generally located on the Northwest corner of 56th Avenue and Harvest Mile Road to Northeast Plains I-70, and amending the Aurora Zoning Map accordingly (DIA 1287), 1,287.0 acres more or less.

Motion by Sandstrom, second by FitzGerald, to approve items 9e-i.

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

10. **RESOLUTIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION approving an Intergovernmental Agreement between the City of Aurora, Colorado, acting by and through its Utility Enterprise and the City of Brighton, Colorado.

Motion by Beer, second by Wallace, to approve item 10a.

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

- ◆ b. Consideration to APPROVE A RESOLUTION approving an Intergovernmental Agreement between the City of Aurora, Colorado, acting by and through its Utility Enterprise, and the United States Bureau of Reclamation for the use of excess capacity in the facilities of the Fryingpan-Arkansas Project.

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Mayor Tauer stated the City Attorney and Water Department have recommended deferral of this item in order to correct some language issues in the Intergovernmental Agreement.

Motion by Beer, second by FitzGerald, to defer item 10b to the September 10, 2007 City Council meeting.

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

DEFERRED TO THE SEPTEMBER 10, 2007 CITY COUNCIL MEETING

11. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- ◆ a. PUBLIC HEARING and 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 from the August 13, 2007 City Council meeting.***

Nancy Bailey, Manager, Office of Development Assistance, gave a brief introduction of the item. Approval of the amendment to the Service Plan will allow refunding of existing debt for the Sterling Hills West Metro District. They propose to refund \$11.4M in existing debt, extend the maturity of the bonds from 20 to 30 years, and increase the principal amount \$1.1M. The mill levy reduction will be 2.6 mills, creating an overall savings of approximately \$1M, or \$45 per homeowner annually. Questions raised by residents of one townhome development in the district were discussed at length with one of the homeowners, members of the Metro District, and City Staff. Comments from an engineering firm that represents a multi-family developer were received regarding maintenance of the detention pond, which is the responsibility of the Metro District. City Staff inspected the pond, and determined that mediation steps need to be taken. The Metro District has affirmed their responsibility for the pond, and is committed to remediation.

Council Member Beer stated the Metro District Board is still controlled by the developer, and asked if there are any plans to move that control to the homeowners. Ms. Bailey stated the Metro District is its own local government, and by State statute, would need to hold an election to make that change. The Board would like to have representation by homeowners, it just hasn't happened yet. Council Member Beer asked if the sales have progressed to the necessary level to make homeowners eligible to be on the Board. Ms. Bailey stated yes.

Tom Bishop, 1600 Broadway, #1100, Denver, CO 80202; Barbara Vander Wall, 7400 East Orchard Road, #3300, Greenwood Village, CO 80111; and Harvey Deutsch, 9145 East Kenyon Avenue, Denver, CO, representing the Sterling Hills West Metro District, were present to answer questions.

C.J. Matthews, Aurora, CO, a resident of the district, stated the Metro District Board is not accessible to the residents, and does a very poor job communicating with them. The residents are not made aware of the dates and times of Board meetings, which should be a given for a government entity. She is asking the Board, on behalf of her neighbors, to agree to the following requests: the bond issue not shopped as of August 16th will be for 5% or lower, this is the last time this bond can be refunded, that all previous infrastructure and this infrastructure relating to water and sewer lines has or will be turned over to the City of Aurora within one year of the payment to the developer, this is the last water and sewer infrastructure necessary for this region and there are no further plans for such structures, the only remaining obligations of this district are this bond and the park and recreational obligations of this region, and dates and times of Board meetings will be provided to the residents.

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Council Member Beer asked why the residents would not want any future refunding, when debt savings to them would be realized. Ms. Matthews stated that with the percentage being used for this refunding, she doubts that any further refunding will be able to occur. Their commitment was for 20 years, and they are wanting to extend that. The money spent on the refunding is more than the homeowners will save.

Mayor Tauer asked the applicant to respond to Ms. Matthews concerns. Mr. Bishop, representing the investment banker for the District, stated they do expect the interest rate to come in below the 5% level, possibly at 4.90 or lower. This transaction is FSA insured and AAA rated. They have no control of the interest rates, but if the rates rise on the municipal bonds, they may also rise on the treasury yields, which would contribute to a greater savings and lower mill levy. A substantial amount of taxpayer money will be saved from the refunding. This is the last advance refunding that can be done. These bonds will be call protected for ten years, and the investors have the right to keep these bonds outstanding for those ten years. An advance refund can only be done one time on outstanding debt per treasury regulations. The Board does not intend on extending the amortization, and if the residents get control of the Board, they can see to it that the amortization does not get extended. They are ready to proceed marketing the bonds tomorrow if this is approved, locking in the rate in one week, and closing in two weeks, which will eliminate the higher interest rate risk Ms. Matthews mentioned.

Council Member Broom asked if the \$700,000 insurance cost includes the bond insurance premium. Mr. Bishop stated it does.

A lengthy discussion followed regarding the posting of public notices of Board meetings. Ms. Vander Wall, whose firm serves as General Counsel of the Sterling Hills West Metro District, stated the next Board meeting is November 15th, at 1:30 p.m. and is a regular meeting of the Board. The District meets quarterly, and the meetings are set at the beginning of every year. The notices are posted in the Clerk and Recorder's office, as well as other procedures set forth by State statute. Special meetings may be called with 72 hours of advance notice, which are posted in the Clerk and Recorder's office, Secretary of State's office, and at three locations within the district boundaries. All statutory requirements are met with regard to posting public meetings. All Board meetings are public, and the residents are welcome to attend. The meetings are held at the developer's offices at 9145 East Kenyon Avenue. When asked what specific locations get posted in the District boundaries, Ms. Vander Wall stated mostly on utility poles, as there are no clubhouses in many of the developments, the postal service does not allow posting of notices on mailboxes, and the District does not have their own internet Web site. Ms. Vander Wall's contact information is included on each property tax bill sent to all homeowners every year. The majority of Council indicated a desire for the District to insure that notices are provided to residents, even if it means going above what the State requires, such as mailing postcards to each homeowner and/or constructing bulletin boards near swimming pools or mailbox areas. Ms. Vander Wall stated they will do their best to find better locations for posting notices. She also noted that when residents start becoming members of the Board, a more convenient location for Board meetings can be chosen.

Ms. Vander Wall noted that all infrastructure in the District has been conveyed to the City of Aurora, and that no additional infrastructure is needed for the area. Following the issuance of these bonds, the District will have no further debt, but will have an on-going operation and maintenance responsibility for park and recreation activities as well as the detention pond.

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Mr. Deutsch, President of the Sterling Hills West Metro District, stated the developer usually stays in control of a Board until all improvements have been completed. He stated this district is just about there, and he is hoping to find ways to generate interest from the homeowners to join the Board. He stated he is committed to finding ways to better notify residents of meetings and Board vacancies, and is willing to work with City staff to come up with recommendations for transitioning from developer-controlled to owner-controlled Boards. He stated the District works closely with management companies of the homeowner associations (HOA's), and they will communicate the need for those companies to better provide information to the homeowners regarding meetings and board vacancies.

Council Member Peterson voiced her displeasure with the developer still being in control of the district after ten years, noting that the Board needs resident representation. The homeowners are expected to pay for everything, but are not allowed to make decisions about what is needed in their community.

Council Member FitzGerald noted the good reputation of the District, but there needs to be better communication to the residents regarding the transition to becoming owner-controlled. Maybe the City could have a Web site that all Metro Districts could provide meeting information on. The City has a Joint Developer Task Force that could review issues with Metro Districts. Mr. Deutsch stated he would be very willing to participate on the task force.

Mayor Tauer stated it is a good idea to provide district information to active HOA's. They would have the responsibility to see that their residents receive the information. Mr. Deutsch stated they will commit to doing just that.

Council Member Beer stated he will support the resolution, but feels some common issues in metro district service plans should be addressed, as more districts are being formed. He believes the districts are compliant with the law, but an obligation exists to go above and beyond the required minimum to encourage public involvement. He noted the Planning, Economic Development & Redevelopment (PEDR) Policy Committee could discuss this at an upcoming meeting.

Council Member Frazier also stated he will support the resolution, but will be monitoring the issues regarding access to meeting information and the locations of meetings. A governmental entity should have a closer proximity to the people it serves.

Mayor Tauer asked Council Member FitzGerald, Chair of the PEDR Policy Committee, if an item regarding the transition of Metro Districts and notification practices can be scheduled in the next few months. Council Member FitzGerald stated yes.

Motion by Broom, second by Pierce, to approve item 11a.

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

12. **ORDINANCES FOR INTRODUCTION**

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Aurora's Comprehensive Disaster Plan by adopting in its entirety the 2007 Emergency Operations Plan as the City of Aurora's comprehensive disaster plan.
- ◆ *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 Frazier stated he is happy this is moving forward. As the Chair of the Public Safety Policy Committee, he is pleased that the City has a plan in place that effectively and efficiently coordinates the various departments in dealing with an emergency. He asked staff to give a brief introduction of the item so the public is aware of this plan.

Deanne Criswell, Office of Emergency Management, stated this plan is a complete revision from the previous one done in 2003, and is compliant with the National Response Plan and the State of Colorado Emergency Operations Plan. The plan was developed through a combined effort of the Emergency Preparedness Committee, which consists of representatives from all City departments detailing procedures each department would use during an emergency.

Council Member FitzGerald asked if this included integration of the Fire and Public Safety Communications departments. Ms. Criswell stated this plan is designed to bring all affected departments together, in addition to departments that may not know they are affected, in order to offer support and collectively respond to and recover from any incident. She created the Emergency Preparedness Advisory Committee, which meets quarterly, and updates the Public Safety and Courts Policy Committee.

Council Member Beer asked if the plan will be available on the City's Web site for public viewing. Ms. Criswell stated the entire plan can be made available on the Web site, there is no sensitive material.

Council Member Markert asked if the form that someone would fill out requesting special assistance in case of an emergency or disaster is part of this plan. Ms. Criswell stated the Special Needs Project is a separate project from the Emergency Operations Plan, but the plan does address how special needs would be handled in an emergency. The Special Needs Project is a database of information used to identify residents that would need extra help in an incident or emergency. The Special Needs form is already on the City's Web site.

Council Member Wallace commended Ms. Criswell and the rest of the staff who worked on the project. She noted her participation in emergency preparedness training in Maryland last year, and was pleased at how well our City departments work together. Aurora staff received compliments from instructors, noting our staff brought up information not used in other courses. She stated Aurora residents are fortunate the City has such a fine public safety staff.

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

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

13. **ORDINANCES FOR FINAL**

- ◆ a. Consideration of an ORDINANCE FOR FINAL amending certain sections of Chapter 146 of the City Code of the City of Aurora, Colorado, related to coffee shops and drive-through windows in the Fitzsimons Boundary Area District.

Council Member Markert stated she will still be voting no on this, as the Starbucks across the street from University Hospital does not have a drive-through window, and it hasn't been a problem for hospital staff to cross the street.

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

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

Voting No: Markert

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14. **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 approximately 350 feet East of Blackhawk Street and on the North side of Evans (14193 E. Evans Drive) from M-1 (Light Industrial District) to C-O (Commercial Office District) and amending the Aurora Zoning Map accordingly (St. Anna's Home Assisted Living), 2.1 acres more or less.

Abigail Janusz, Planning, gave a brief introduction of the item, noting a 13-bedroom facility is being proposed for the area. Assisted living facilities in the C-O zone district require conditional use approval. The proposal is compatible with the existing neighborhood and meets the needs for elderly citizens as set forth in the Comprehensive Plan. Forty neighborhood referral cards were returned, of which five support the proposal, eight took no position, and there were none in opposition. Planning Commission unanimously approved the rezoning, and staff recommends approval also.

Council Member Pierce asked if there is a specific zoning classification for assisted living facilities. Ms. Janusz stated assisted living facilities are always a conditional use, with the same zoning as hospitals. Council Member Pierce asked about status of a detached sidewalk as mentioned in the backup. Ms. Janusz stated the sidewalk is partially attached and partially detached. The configuration of the driveway did not allow enough room to meet up properly with the existing attached sidewalk.

Margaret Gray, 5400 South Syracuse Street, Greenwood Village, CO 80111; Robert Saas, 5400 South Syracuse Street, Greenwood Village, CO 80111, and Paul Lee, 978 South Havana Street, Aurora, CO 80015, representing the applicant were present to answer questions.

Motion by Markert, second by Frazier, to introduce item 14a.

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

15. **RECONSIDERATIONS AND CALL-UPS**

None.

16. **GENERAL BUSINESS**

- a. Consideration to reappoint one incumbent member to a three-year term on the Historic Preservation Commission.

Motion by Pierce, second by Markert, to reappoint Amy Bailey to the Historic Preservation Commission.

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

- b. Consideration to appoint two new members to a three-year term on the Human Relations Commission.

Motion by Markert, second by Peterson, to appoint Tina Collins and Veronica Moody to the Human Relations Commission.

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

- c. Consideration to appoint two new members to a four-year term on the Election Commission.

Motion by Beer, second by Wallace, to appoint Carolyn Boller and Lorraine Walker to the Election Commission.

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

17. **REPORTS**

- a. Report by the Mayor

Mayor Tauer noted that he sent a child off to college this year, and it is a very emotional experience. He also asked drivers to be very aware and watch for children walking to and from school.

- b. Reports by the Council

Council Member FitzGerald congratulated Mark Rinkel for winning an award for Best Lemonade Stand by *Inc.com*. Mark has raised \$14,000 to buy a companion dog for his younger brother Jason, who has diabetes. The dog senses when Jason is going into diabetic shock and notifies someone for help.

Council Member Markert reported the Forestry Division has a program which provides commemorative trees and benches that can be purchased to honor or celebrate a special person or event. She stated that she, along with many other parents took sons and daughters to college in the last week, and promised the City will be kept in good shape for when they return, and jobs will be available.

Council Member Pierce announced the At-Large Council Member and Mayor Town Meeting will be held August 29th at 6:30 p.m. in the Aurora Room.

Council Member Frazier wished everyone a Happy Labor Day weekend. He also congratulated Donna Green for receiving the Circle of Life Award by the North Aurora Business Association.

Council Member Wallace reported that a tree has been planted in Moorhead Park in honor of Donna Green. Trees from the state of the honoree are planted, so a great variety of trees are in the park. She also noted that a bench memorial was installed a few years ago in Ward II for Phil Dietrich, an outstanding volunteer in the City. She reminded everyone of the International Festival on September 15th, at Fletcher Plaza. She announced a meeting on September 25th, from 7:00 – 9:00 p.m. at the Martin Luther King, Jr. Library will be held with staff from the Water Department to answer questions from citizens, and give ideas on xeriscaping your yard.

Council Member Beer wished everyone a great week and Labor Day holiday. He encouraged citizens to drive carefully and take a walk in their neighborhoods.

18. **PUBLIC INVITED TO BE HEARD**

Francis Peter Maks Jr., Aurora, CO, had two questions for the City Attorney. He stated back in 1967, the City sold 2,600 acre feet of water to Pueblo. In 1980, a ballot question allowing the sale of City water rights was defeated. Since the sale of City water rights is against the City

- ◆ *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.*

Charter, he would like to know how to go about filing a complaint against the City for violating the Charter. He also wants to know if the contract with Pueblo can be terminated since it is unlawful.

19. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 9:45 p.m.

EDWARD J. TAUER, Mayor

ATTEST:

DEBRA JOHNSON, City Clerk

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