

## MINUTES

### **Regular Meeting – Aurora City Council Monday, October 29, 2007**

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

Mayor Tauer convened the Executive Session of City Council at 4:07 p.m.

#### **ROLL CALL**

PRESIDING: Mayor Tauer  
COUNCIL MEMBERS PRESENT: Beer, Broom, FitzGerald, Frazier, Hogan, Markert,  
Peterson, Pierce, Sandstrom  
OFFICIALS PRESENT: City Manager Miller, Deputy City Attorney Rogers,  
City Clerk Johnson  
COUNCIL MEMBERS ARRIVING  
AFTER ROLL CALL: 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 Beer, to recess to Executive Session.

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

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

#### **1. RECONVENE REGULAR MEETING OF OCTOBER 29, 2007 AND CALL TO ORDER**

Mayor Tauer reconvened the regular meeting of City Council at 7:33 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, Deputy City Attorney Rogers, City  
Clerk Johnson

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

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

#### **5. APPROVAL OF THE MINUTES OF THE MEETING OF OCTOBER 15, 2007**

Motion by Markert, second by Pierce, to approve the minutes of October 15, 2007 as presented.

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

Abstained: Peterson

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6. **CEREMONY**

- a. Proclamation declaring November as Veteran's Recognition Month - Mayor Edward J. Tauer

Mayor Tauer invited the following members of the Veterans' Affairs Commission to come forward to accept the proclamation: Paula Sarlls, Robert VanSciver, Pam Bennett, Robert Yett, and Neal Dow. Mayor Tauer read the proclamation declaring November as Veteran's Recognition Month. Ms. Sarlls expressed appreciation for the proclamation, and reported on numerous events and ceremonies being held in November to honor our veterans. She introduced Herman Duncan, who along with Diane Henderson, were selected the 2007 Volunteers of the Year.

- b. Proclamation declaring October 9, 2007 Christine Sundberg Day – Mayor Edward J. Tauer

Mayor Tauer and Council Member Peterson invited Christine Sundberg to come forward to accept the proclamation. Mayor Tauer read the proclamation declaring October 9, 2007 as Christine Sundberg Day. Ms. Sundberg teaches at Hinckley High School, and was honored as the 2007 Wal-Mart Teacher of the Year. Ms. Sundberg expressed appreciation for the proclamation.

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

Andy Sims, Aurora, CO, a member of the 2nd Village East Townhome Association, voiced concerns regarding letters of non-compliance being sent to the complex regarding siding that was put on the buildings in 2001, and differing instructions on obtaining permits for new roofs. They were first told that they could put the new shingles over the existing layer, but when applying for the permits, were told they would have to remove the current layer prior to installing the new shingles. He also questioned why permits are required for each unit in a building rather than just one for the entire building.

Mary Ann Bender, Aurora, CO, is also a resident of the 2nd Village East Townhomes. She stated she is also concerned with the process of issuing permits, and asked why permits are needed for each unit and not each address. With permits costing \$500 each, what should cost \$5,500 would cost \$37,000. She asked if Council approves the fees and the process of how permits are issued, and if apartment buildings and condos are treated the same. She also wondered if homeowners would see increases to their property taxes based on permits for each unit.

Mayor Tauer stated he would contact both Mr. Sims and Ms. Bender to meet with them. Council Member Markert stated she would like to attend the meeting.

Council Member Hogan stated the issuance of permits changed with the adoption of the International Building Code, and he thought it had been resolved. Mayor Tauer stated the issue of the shingles had been resolved, but he was not sure about the issuance of permits by unit or by building.

Edward Lewis, Aurora, CO, stated he has had no luck in reaching Council Member Sandstrom regarding some code violations he has received at his home. He goes to court on October 31st. He mentioned that there are many other areas in the City that are in just as bad or worse condition than his home. He does have expired license plates on a vehicle in his driveway, but he does not have the money for an emission sticker to get plates, and he doesn't want to sell the vehicle.

Council Member Sandstrom stated she was not informed of any messages left at her work, so she provided a different telephone number to Mr. Lewis so he could contact her.

Francis Peter Maks, Jr., Aurora, CO, stated in eight days he could be Mayor of Aurora. He offered forgiveness to those who stole or destroyed his campaign signs. While he was walking the neighborhoods, he received many comments of support for his Mayoral campaign.

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Diann Calve, Aurora, CO, is a 16-year resident of the Del Mar neighborhood. She stated there are a lot of problems in her neighborhood, such as break-ins, vandalism, speeding, and people running stop signs. Residents have met with an Aurora Police officer, but feel meeting with the Mayor and Council would help them come up with solutions for improving their neighborhood.

Mayor Tauer suggested the residents meet with their Ward Council Member, Deborah Wallace.

Suzette Walker, Aurora, CO, is an 18-year resident of the Del Mar neighborhood, and is also concerned with gang activity and graffiti problems. The residents want to help beautify their neighborhood. She stated 50 residents came out to meet with the police officer, but want to meet with the Mayor and Council. She stated more street lighting is needed in the area.

Council Member Wallace, stated most neighborhoods have organized Watch Groups, which help to watch for those kinds of things. She will contact Ms. Walker to set up a meeting.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

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

**General Business**

- b. Consideration to AWARD A SINGLE SOURCE CONTRACT to LL Johnson Distributing Company, Denver, Colorado in the amount of \$54,900.00 for a Toro GM 4700D mower.
- c. Consideration to AWARD A SOLE SOURCE CONTRACT to Rexal Ryall, Denver, Colorado in the amount of \$77,493.17 for the equipment and software required for design, development, configuration, testing and deployment of the Supervisory Control and Data Acquisition (SCADA) system for the Prairie Waters Project.
- d. Consideration to AWARD A SINGLE SOURCE CONTRACT to North Central Instruments., Plymouth, Minnesota in the amount of \$65,433.00 to purchase a macroscope for the Police Crime Lab.
- e. Consideration to AWARD A SINGLE SOURCE CONTRACT to Factory Surplus Distributors, Denver, Colorado in the not to exceed amount of \$94,000.00 for miscellaneous hardware supplies through October 2008.
- f. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Casco Industries, Arvada, Colorado in the amount of \$50,848.00 for Bunker Gear Sets required by the Fire Department. (B3807).

Motion by FitzGerald, second by Peterson, to approve items 9b-f.

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

- a. Consideration to AWARD CHANGE ORDER NUMBER 2 TO COMPETITIVELY BID CONTRACTS to Dell Computers and Hewlett-Packard Co. in the combined total not to exceed \$500,000.00 to cover the cost of desktop computers, servers and printers as required through December 2007.

Council Member FitzGerald questioned why the additional amount was being requested when the original contract awarded last year was for \$1.1M. He also noted the backup listed both December 2007 and June 2007 as the contract dates and asked which one is correct. Rick Mapes, Manager,

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Client Services, Information Technology, stated it is difficult to anticipate growth in departments in the City, and this addition is mostly attributed to Aurora Water to facilitate their growing needs. He stated the amount spent will probably not come close to the \$500,000 amount being requested. The correct date for this contract is December 31, 2007. Council Member FitzGerald stated he did not see any mention of Aurora Water in the backup. Mr. Mapes stated all departments are lumped into one amount, but Aurora Water has been the major point of growth.

Council Member Beer asked if the purchases for Aurora Water will come out of their Enterprise Fund rather than the General Fund. Mr. Mapes stated that is correct, any purchases will come out each department's funds.

Motion by FitzGerald, second by Beer, to deny item 9a.

Council Member Hogan asked if there are any outstanding invoices that this money needs to cover. Mr. Mapes stated no, this will be used to purchase equipment now through the end of the year.

Council Member Beer stated if this change order were denied, an opportunity would arise for this contract to be brought back to Council with additional information provided justifying the need for these purchases for 2008. Mr. Mapes stated that staff would hope for that opportunity.

Council Member Sandstrom asked if this amount was included in the most recent supplemental budget ordinance. Mr. Mapes stated it was not included.

Council Member Markert asked what percentage would be paid for by the Aurora Water Enterprise Fund and what percentage would be paid out of the General Fund. Mr. Mapes stated the last time the numbers were run, it was 12% for Aurora Water, but updated figures will be provided when they come back to Council.

Council Member Peterson asked if other departments will be affected who may need to replace old printers or computers. Mr. Mapes stated yes, there is a risk of delays or disrupted services if this change order is delayed.

Council Member Frazier asked what the extent of disrupted services or the impact to citizens would be if delayed. Mr. Mapes stated this purchase order is to be used for servers, printers and computers. If the need arises for a server with a hardware failure outside of the warranty, that may be an issue. He does not feel there is a great risk at this time for servers. He stated an impact to citizens is hard to know, but he feels it would be minimal, as there are resources available to work around in most cases.

Council Member Broom asked if the pricing is based on a statewide contract that all cities participate in. Mr. Mapes stated this is based on the Western States Contracting Alliance, and is used to negotiate the best pricing for the City.

Council Member Beer stated a delay in replacement of equipment does not necessarily equate to disrupted service to the public. Mr. Mapes stated that is correct.

Council Member Hogan asked if this is being done now, as a cost-saving measure to obtain better pricing, than waiting until 2008. Mr. Mapes stated yes, there are potential savings, as the current guaranteed contract pricing expires December 31st and new pricing will need to be negotiated.

Mayor Tauer stated his concern of limited information in the backup as to where the equipment is going, and the possibility of disrupted service. The odds of having 4 servers go down over night disrupting service would be a reach. He feels it would be reasonable to come back in three weeks with more backup. Mr. Mapes stated he would be happy to come back to Council with the revised figures and detailed funding information requested by Council tonight.

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Council Member Beer also asked for information as to where the last \$1.1M went. Mr. Mapes stated he could provide that information.

Council Member Hogan asked if it would be better to have a motion to defer the item rather than the motion to deny the item. Bob Rogers, Deputy City Attorney, stated since Council is requesting additional information, a motion to defer would be more appropriate.

Council Members FitzGerald and Beer agreed to amend their previous motion and second to deny to a motion to defer.

Substitute Motion by FitzGerald, second by Beer, to defer item 9a to the November 19, 2007 City Council meeting.

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

### **Final Ordinances**

- ◆ g. Consideration of an ORDINANCE FOR FINAL of the City of Aurora, Colorado, adopting an Operating and Capital Improvements Projects Budget for the fiscal year beginning January 1, 2008, and ending December 31, 2008.
- ◆ h. Consideration of an ORDINANCE FOR FINAL establishing the Tax Levy on all taxable property within the corporate limits of the City of Aurora, Colorado, for the tax collection year beginning January 1, 2008, and ending December 31, 2008.
- ◆ i. Consideration of an ORDINANCE FOR FINAL of the City of Aurora, Colorado, appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2008, and ending December 31, 2008.

Motion by Hogan, second by Wallace, to approve items 9g-i.

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

### 10. **RESOLUTIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION of the City of Aurora, Colorado, approving an Intergovernmental Agreement with the Board of County Commissioners and Treasurer of Arapahoe County concerning the collection of special improvement district maintenance fees.

Motion by Pierce, second by Hogan, 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, approving the implementation of the 2007 Water Conservation Rebate Program.

### **MAIN MOTION:**

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

Council Member Beer noted this resolution is the first of several steps the City will be taking to address issues related to excessive water bills this past summer. The main point the Water

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Department wants to emphasize to water customers is the importance of conservation, living in a semi-arid community as we do. Aurora Water also wants to recognize that many customers did everything possible to conserve, using less water in June, July and August compared to last year, but still saw significant increases in their bills. The Water Policy Committee and staff of Aurora Water came up with a rebate program that will apply to customers that meet specific criteria. A total of approximately \$500,000 will be rebated to about 1200 water customers, including single family homeowners and multi-family accounts. This is a significant commitment from the Water Department to recognize conservation efforts of customers.

**AMENDMENT NO. 1:**

Motion by Markert, second by Beer, to amend the Resolution by adding the following clause:  
*Whereas, the City Council desires to address the situation where customers reduced their water consumption during the 2007 irrigation season, yet still saw a significant increase in their summer water bills.*

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

Mayor Tauer expressed thanks to everyone who worked on this. This is not the end of the water issue, and a team is already working on other issues regarding the 2008 water rates. This is really a reward for conservation.

**VOTE ON MAIN MOTION AS AMENDED:**

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

- ◆ c. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an Intergovernmental Agreement between the City of Aurora, Colorado and the Urban Drainage Flood Control District for improvements to the East Tollgate Creek Watershed at East Quincy Highlands.

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

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

- ◆ d. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, consenting to a minor boundary adjustment pursuant to Colorado Revised Statutes Section 30-6-109.7(4)(e).

Motion by Wallace, second by Sandstrom, to approve item 10d.

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

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

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Motion by FitzGerald, second by Beer, to approve item 10e with a Waiver of Reconsideration.

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

- ◆ f. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, agreeing to act as a reviewing entity for the State Income Tax Credit Program for qualifying rehabilitation projects under Colorado House Bill 90-1033 (C.R.S. § 39-22-514, as amended).

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

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

11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, adopting the Urban Growth Area 2006, and Travel Framework Maps as an amendment to the Comprehensive Plan.

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

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

- ◆ b. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending sections 2-812(A) and 2-902(A) of the City Code of the City of Aurora, Colorado, regarding membership of the Commission for Seniors and the Aurora Youth Advisory Commission.

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

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

- ◆ c. Consideration of an ORDINANCE FOR INTRODUCTION authorizing the use of Lease-Purchase Financing to acquire new equipment for the Aurora Fire Department.

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

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

- ◆ d. Consideration of an ORDINANCE FOR INTRODUCTION appropriating sums of money in addition to those appropriated in Ordinance Nos. 2006-57, 2007-04, and 2007-25 for the 2007 Fiscal Year and Ordinance No. 2007-67 for the 2008 Fiscal Year.

Motion by Sandstrom, second by Frazier, to introduce item 11d.

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

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- ◆ e. Consideration of an ORDINANCE FOR INTRODUCTION amending subsections 50-36(2) and (4), amending subsections 134-8(F) and (G), and enacting Section 50-38, and repealing subsection 50-27(C) of the City Code of the City of Aurora, Colorado, relating to costs and fees.

Motion by Broom, second by Wallace, to introduce item 11e.

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

## 12. ORDINANCES FOR FINAL

- ◆ a. Consideration of an ORDINANCE FOR FINAL amending Chapter 126 of the City Code of the City of Aurora, Colorado, by the addition of Article IX relating to newsracks in the Arts District in Original Downtown Aurora.

Council Member FitzGerald stated while this is a good ordinance, he would not be supporting it, as the freedom of the press for content and distribution is constitutionally protected.

Motion by Wallace, second by Broom, to approve item 12a.

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

Voting No: Beer, FitzGerald, Frazier

## 13. PLANNING MATTERS

- a. PUBLIC HEARING for a Contextual Site Plan for 130 single-family residential units on 33.58 acres generally located southeast of E-470 between Glasgow Drive and County Line Road. (Timber Ridge Contextual Site Plan No. 1)

Ed Arnold, Planning, gave a brief introduction of the item, noting the Planning Director approved the Contextual Site Plan (CSP) on August 15, 2007. That approval was appealed by the neighbors of Creekside at Eagle Bend. Planning Commission denied the CSP by a vote of 3-3 on September 26, 2007, and the applicant, Beazer Homes, has appealed to City Council. The plan is for 130 single family detached homes in the E-470 corridor, and complies with all of the E-470 standards and the Framework Development Plan (FDP) that was previously approved. Staff recommends approval of the CSP.

Lisa Perman, 8310 South Valley Hwy, Englewood, CO 80112, from Beazer Homes; and Bernard Lash, 26 West Dry Creek Circle, #600, Littleton, CO 80120, were present representing the applicant. Mr. Lash stated the applicant is asking Council to approve the CSP for their proposed Timber Ridge development that was denied by the Planning Commission. He displayed some maps of the development, showing the sizes of the lots and where the development is in relation to neighboring communities. They have worked with staff to address all of the City codes and E-470 design standards, which the development meets, and are not asking for any waivers.

Council Member Beer asked how many meetings were held with residents of adjacent communities and what the outcome was. Mr. Lash stated one meeting was held, with about 15 to 18 people attending. He stated the neighbors were mostly concerned with the size of the lots and prices of the homes. There was discussion about an access point that is not on the property of the proposed development. Council Member Beer asked if any adjustments were made to the proposal based on the concerns of the neighbors. Mr. Lash stated no, as the project meets or exceeds all of the requirements set by the City.

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Council Member Frazier stated one concern was the lack of open space in the project. Mr. Lash pointed out a large area of open space across Irish Drive and a park near the center of the development. This equals over 10% of open space for the project.

Council Member Pierce asked about the density of the proposed development compared to the neighboring Creekside neighborhood. Mr. Lash stated this proposed development is about 3.5% and he does not know about Creekside. Council Member Pierce asked about the price range and average lot sizes for the homes. Ms. Perman stated between mid \$200's to mid \$300's, with 50% being walk-out garden homes which averages up the base price. The average lot size is about 55-feet by 110-feet, or about 6100 square feet.

Council Member FitzGerald asked about the technical conditions being recommended by staff. Mr. Lash stated some language changes and minor engineering-related variances on the development drawings. All of these changes are agreed to by the applicant.

Mayor Tauer asked again about the locations of the open space. Mr. Lash pointed out the large open space across Irish Drive, the park in the center of the development, the detention pond area, and two trail connections, one of which is to the Xcel utility area. Ms. Perman stated the trail connection occurs where the detention pond is, due to the topography of the project. They worked with the Open Space Department and decided this location would be best as it is more of a flat area. Mayor Tauer noted from where the power lines are located, the homes are elevated, and the backs of the homes along the west boundary are along a greenbelt. Ms. Perman stated that is correct, and those will all be walk-out garden level homes with 6'x8' foot standard wooden decks on the upper level. Those homes will have the required 3-rail fences for lots that back to a greenbelt. Mayor Tauer noted the E-470 guidelines do not require the backs of the home be all brick, and asked what material will be used. Ms. Perman stated per the FDP, the backs of the homes will be siding.

Council Member Frazier asked how the project will exceed the minimum requirements and design standards. Mr. Lash stated with the density being less than required, the average lot sizes will be larger than required. There were many challenges on the property which had to be overcome to get the project to where it is. There are many ridges and slopes on the property.

Council Member Markert noted there were some inflammatory remarks made on the comment cards returned regarding investigations with Beazer Homes in other states. She asked for reassurance regarding these issues.

Bob Rogers, Deputy City Attorney, stated Council adopted an ordinance a while ago that allows them to look at the past performance of the applicant within the City of Aurora.

Ms. Perman noted Beazer Homes is a very successful company that has been in business for 50 years, and in the Fortune 500. They are relatively new to the Colorado market, coming in the last five years. She mentioned five development projects Beazer Homes is working on or has completed in the City of Aurora, without any problems or issues with any of them. Council Member Markert asked how they compare in quality to high-end communities. Ms. Perman stated Beazer Homes strives for the best quality in all of their homes, and with the prices being between \$250K and \$350K, these homes are geared for move-up buyers, rather than first-time buyers.

Mayor Tauer asked the City Attorney what the Council can and can't take into account in approving a CSP. Mr. Rogers stated the context of the development along with the area around it is considered for a Contextual Site Plan. Zoning establishes use and density, the FDP is the general layout of those uses, and the site plan establishes the architecture, building design, building materials used, setbacks, landscaping, open space and recreation areas. Criteria for approval are set by policies in the Comprehensive Plan regarding residential development and the land use plans for E-470. Mr. Rogers stated Council is supposed to review the architectural development of the plan, but the architectural elevations have not been submitted yet.

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Ms. Perman stated when submitting a site plan, the applicant is allowed to wait on submitting the architectural element of the plan. Many times, developers create a project with a site plan but don't know what the final architecture is going to be. She stated they typically wait until closer to the time for submitting for permits, and go through a CSP amendment process to add the architecture. Mr. Rogers asked if they had typical elevations. Ms. Perman stated those were approved with the FDP, which requires architectural, open space and general character of the project.

Mr. Rogers stated the CSP amendment will establish what the architecture will be. Since this was appealed to City Council, one of the elements of the CSP is the building elevation and materials.

Diane Skahill, 7995 South Coolidge Way, Aurora, CO 80016, is on the Board of the Creekside at Eagle Bend Homeowners Association (HOA). She stated their main objections to this proposed development is the compatibility to current neighboring developments and the lack of open space. They do not want "cookie cutter" homes on long, straight streets with no room in between where you just see garage after garage. These are smaller homes on smaller lots, a very small park in the community, and the major open space is across a busy street. They do not feel these are high quality homes.

Council Member Frazier thanked Ms. Skahill for coming to speak. He asked what the Creekside HOA position is and if she attended the meeting. Ms. Skahill stated the HOA is opposed to the project. She did attend the meeting, where the neighbors asked for some compromises but Beazer Homes was not open to making any changes.

Council Member Pierce asked about a connection between Creekside and Tallyn's Reach South. Ms. Skahill stated this connection concerns the Carma development and does not have anything to do with the Beazer Home development.

Pat Mosley, 7830 South Coolidge Way, Aurora, CO 80016, a resident of Creekside at Eagle Bend, also attended the meeting with Beazer Homes. She stated the lots are too small compared to the others in the neighboring communities. The backs of the homes should be brick or stone, and the current design of the homes will not flow with the adjacent neighborhoods. She submitted a petition with 21 signatures opposing the development to the City Clerk.

Ms. Perman stated they do have the elevations that were approved through the FDP if anyone wants to see them. She stated everything is a matter of perspective, because even in areas of curved streets, it is still house after house. This project is no different than the others in that respect. She stated that Creekside at Eagle Bend are definitely bigger homes on bigger lots, but they have completely different zoning and General Development Plan (GDP). She pointed out on the map that Creekside at Eagle Bend has some even longer, straighter streets than this proposed project. This project has mixed elevations with some side-load and some front-load garages which creates a good mix. She stated that a ridge line cuts through the property, so they worked with City staff to make the layout of the streets minimize steep slopes. She displayed the FDP approved styles of the homes for the project.

Council Member Markert asked if they tried reconfiguring the number of lots after hearing concerns from the neighbors. Ms. Perman stated from a financial standpoint, the project is designed for the best possible solution considering the main infrastructure of Irish Drive cutting through the property. The original plan for the community contained more lots, but they decided some of the lots were too small, so they redesigned and cut down to 130. Irish Drive was already there, so they had no say on the location of that street. They don't have the option financially to reduce the lots.

Council Member Pierce questioned the amount of open space quoted from one of the speakers. Ms. Perman stated she did not know how that figure came about, but that this project meets the requirements for the site, and they won't have to pay any cash-in-lieu.

Motion by Broom, second by Beer, to deny item 13a.

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Council Member Broom stated he does not feel anything has been demonstrated to counter the denial of the Planning Commission.

Council Member Frazier stated he supports the motion to deny. He feels that compared to the rest of the community, this project appears to be just a minimum effort not seeking to exceed the City's standards and goals for the area. He stated he has concerns over the lack of collaboration between the applicant and the community, and doesn't feel that any effort was made by the applicant to work with the neighbors. He also has concerns regarding compatibility given the minimum requirements met.

Council Member Beer stated that he was on the Planning & Zoning Commission five years ago, and they had concerns that the City Council at that time decided all applications for development in the E-470 corridor would be approved administratively. Neighbors weren't in place at that time that would need to be consulted, but that is not the case now. He congratulated the neighbors for using the process in place to appeal the approval. Growth in the area is creating the need to revisit the process used for approval of developments in the E-470 corridor. A higher level of neighborhood involvement in the process is needed to work through conflicts with new projects and existing communities.

Council Member Hogan stated he agrees and feels Council was wrong at the time to allow administrative approval for development in the E-470 area. He feels there are some issues, but is concerned about denying a project that meets all of the City's requirements. There is no requirement in ordinances or City Code stating an applicant needs to meet more than the minimum. If more is required, it is Council's job to change the minimum. He stated if there is any value to this project, the last thing to do is deny it. Options exist to defer the item or require more meetings with the neighbors, which would be of value. If Council denies the project, the applicant will have to go through the whole process again, spending an equal amount of money or more to bring back another project, which is not cost effective for them or the City. In an effort to be respectful of the concerns of the neighbors and the time and effort put forth by the applicant, Council Member Hogan offered a substitute motion to defer the item until another meeting can be held between the applicant and neighbors, with a report provided to Council stating whether or not any changes have been made that are acceptable to both parties.

Council Member Hogan stated there needs to be dialog between both groups. Council has been known to turn down projects when an applicant does not pay any attention to concerns of neighbors. He urged the applicant to get together with the neighbors and work with them to bring back a project that both sides can live with. If another meeting takes place and the applicant comes back stating the project is moving forward as is, it will be denied. He also urged the homeowners to be fair. Other areas of the City are trying to curb growth with smaller lots and creating housing in all parts of the City that is available to all citizens, not just those who can afford high-end homes. This project is not starter homes, and good homes can be built on smaller lots.

Council Member Frazier stated there is no assumption that the applicant would agree to a deferral. They are here for an answer tonight.

Council Member Hogan asked Ms. Perman if they need a final vote tonight. Ms. Perman stated obviously they were hoping for approval, but they are willing to accept a deferral and work with the neighbors.

Council Member Pierce stated he is in favor of the deferral, noting the lot sizes are smaller than the surrounding communities, but the prices are also lower.

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Mayor Tauer stated his concern with the response from the applicant that they can't make any changes to the number of homes due to economic reasons. Most of the time he would agree with a deferral, but when an applicant says no changes will be made unless it serves them economically, that is not in the spirit that Council would typically allow a deferral. He is having a hard time envisioning both sides coming together. Just because minimum standards are met does not mean automatic approval. There is a very specific section of the Code that requires compatibility with the surrounding area, and there seems to be a very wide separation between what the applicant and neighbors want.

Council Member Broom stated it is to everyone's advantage to see Irish Drive improved. He asked how long the deferral would last, and if no agreement is made, does this go back to square one.

Council Member Hogan stated the next meeting would probably not allow enough time for a meeting, so he suggested the first meeting in December.

Council Member Hogan stated this same scenario occurred years back when the Aurora Medical Center South wanted to expand its facility, and the neighbors were opposed. Council was ready to deny the expansion, but deferred it instead. Both sides got together and came back with a solution that was agreeable to all. He is trying to accomplish the same thing tonight.

Substitute Motion by Hogan, second by Markert, to defer item 13a to the December 10, 2007 City Council meeting.

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

Voting No: Mayor Tauer, Beer, Frazier, Peterson

Mayor Tauer noted the City Attorney informed him it was okay for the Mayor to vote on site plans.

Ms. Perman asked for clarification on the process. Mayor Tauer stated that a meeting needs to be held with the neighbors to try to find resolution to the issues. It will come back to Council on December 10th. Another Public Hearing will be held to provide Council with information on the outcome of the meeting. If there are significant changes to the site plan, Council may refer the item back to the Planning Commission.

#### 14. **ANNEXATIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, finding a petition for annexation of a parcel of land located in the northeast quarter of Section 29, Township 5 South, Range 66 West of the 6th Principal Meridian, County of Arapahoe, State of Colorado, to be in substantial compliance with Section 31-12-107(1), Colorado Revised Statutes, and giving notice of a public hearing on the proposed annexation. (Kremer 2.496 acres).

Council Member Markert asked for confirmation that this annexation is for retail, as she does not approve any for residential. Scott VanGenderen, Project Manager, Development Assistance, confirmed that this annexation was for retail only.

Motion by Broom, second by Peterson, to approve item 14a.

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

15. **RECONSIDERATIONS AND CALL-UPS**

Motion by Wallace, second by Hogan, to reconsider the Abilene Station Rezone denial from the October 15, 2007 City Council meeting.

**APPROVED: 11-0**

Motion by Broom, second by Sandstrom, to waive the call up period for the Conceptual Site Plan for the Loews at Southlands which was approved by the Planning Director on October 24, 2007.

**APPROVED: 11-0**

Motion by Markert, second by FitzGerald, to call up the Site Plan for Church's Chicken which was denied at the October 10, 2007 Planning Commission meeting.

**APPROVED: 11-0**

16. **GENERAL BUSINESS**

- a. Consideration to appoint one new member to a three-year term on the Judicial Performance Commission.

Motion by Peterson, second by Pierce, to appoint Augustin Jazo to the Judicial Performance Commission.

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

17. **REPORTS**

- a. Report by the Mayor

Mayor Tauer wished everyone a Happy Halloween.

- b. Reports by the Council

Council Member Peterson announced two public meetings will be held on November 7th regarding the FasTracks light rail expansion. The meetings will be from 4:00 p.m. - 6:00 p.m. and 6:00 p.m. - 8:00 p.m. at the Summit Restaurant. She encouraged anyone interested to attend.

Council Member FitzGerald reported he attended a Bio-Science breakfast sponsored by the Aurora Medical Complex at Fitzsimons, dealing with venture capitalists and assisting businesses that want to relocate to the complex. He also attended a Nano-Bio Conference also sponsored by the Aurora Medical Complex at Fitzsimons.

Council Member Markert announced Aurora Borealis and Aurora Australis 41¢ stamps are available through the Post Office. She suggested using these new "Aurora" stamps on announcements, invitations or holiday mail.

Council Member Pierce announced he, Council Member Wallace and Mayor Tauer attended the dedication of the new Aurora Fire Station No. 1. It is a beautiful fire station for Original Aurora, and a huge improvement from the old building, which was built in 1955.

Council Member Frazier congratulated Michael Garcia for being chosen as the new Fire Chief for the City. He reported his participation in the Leaders as Readers program, where he read to Miss

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Galvin's 1st and 2nd grade class at Murphy Creek. He reminded everyone to turn their clocks back on November 4th, wished everyone a Happy Veteran's Day on November 12th, and reminded all to vote by November 6th. He announced he will be emceeding a multi-cultural alzheimer's event on November 9th at the Summit Event Center.

Council Member Broom reported he helped deliver 143 dictionaries to 3rd graders at Mission Viejo Elementary School. This is part of the Rotary program which will be delivering a total of 5000 dictionaries to public and private schools in Aurora. He announced the Denver Regional Council of Governments (DRCOG) will be holding a workshop at 7:00 p.m. on Tuesday in the Aurora Room regarding the Metro Vision 2035 plan. They will explain the process they go through, the urban growth boundaries, and other issues. He invited anyone interested to attend.

Council Member Sandstrom reported she also participated in the Aurora Public Schools Leaders as Readers program, and read to three classes at Frontier K-8 School and Yale Elementary School. She encouraged everyone to read a book titled *The Pink Refrigerator*, a great book with a motivational message.

Council Member Wallace also read to three 5th grade classes at Sable Elementary School. The kids were wonderful and asked a lot of questions about what the Council does and how to become involved. The teachers already have these 5th graders looking towards college. She noted that Fire Station No. 1 is beautiful and encourage everyone to come by for a tour. She also reminded everyone to make sure their mail ballots are mailed or dropped off on time. There is a drop-box in the City Clerk's office, which will save from having to put stamps on the ballot.

Council Member Beer reported he read to 5th graders at Virginia Court Elementary School, which the kids really enjoyed. He stated it was a pleasure to read to these smart kids. He wished everyone a healthy and safe Halloween.

18. **PUBLIC INVITED TO BE HEARD**

None.

19. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 9:55 p.m.

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EDWARD J. TAUER, Mayor

ATTEST:

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DEBRA JOHNSON, City Clerk

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