

MINUTES

Regular Meeting – Aurora City Council Monday, April 21, 2008

CALL TO ORDER – EXECUTIVE SESSION

Mayor Tauer convened the Executive Session of City Council at 4:06 p.m.

ROLL CALL

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

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, Pierce, Sandstrom, Wallace

CALL TO ORDER – A.U.R.A. URBAN RENEWAL AUTHORITY EXECUTIVE SESSION

Chairman Tauer convened the A.U.R.A. Executive Session of City Council at 5:10 p.m.

ROLL CALL

PRESIDING:	Chairman Tauer
COMMISSIONERS PRESENT:	Beer, Broom, FitzGerald, Hogan, Markert, Pierce, Sandstrom
COUNCIL MEMBER ABSENT:	Peterson
OFFICIALS PRESENT:	Executive Director/Secretary Miller, Treasurer Gross
COMMISSIONERS ARRIVING AFTER ROLL CALL:	Frazier, Wallace

City Clerk Debra Johnson announced the proposed items for discussion at A.U.R.A. Executive Session.

CONSIDERATION TO RECESS FOR A.U.R.A. EXECUTIVE SESSION

Motion by Broom, second by Sandstrom, to recess to A.U.R.A. Executive Session.

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

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1. **RECONVENE REGULAR MEETING OF APRIL 21 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, Pierce, Sandstrom, Wallace
COUNCIL MEMBER ABSENT:	Peterson
OFFICIALS PRESENT:	City Manager Miller, City Attorney Richardson, City Clerk Johnson

3. **MOMENT OF SILENCE**

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

5. **APPROVAL OF THE MINUTES OF THE MEETING OF APRIL 7, 2008**

Motion by Markert, second by Pierce, to approve the minutes of April 7, 2008, as presented.

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

Abstained: Sandstrom

6. **CEREMONY**

- a. Proclamation declaring April 26 - May 2, 2008 as Holocaust Awareness Week - Mayor Edward J. Tauer

Mayor Tauer invited Dan Stenersen, CEO, and President of Shalom Park, and Peter P. Cukale, HRC Chair, to come forward to accept the proclamation. Mayor Tauer read the proclamation declaring April 26 - May 2, 2008 as Holocaust Awareness Week. Mr. Stenersen gave a brief description of Shalom Park and expressed appreciation for the proclamation. Mr. Cukale expressed his appreciation for the proclamation.

- b. Proclamation declaring April 14 - April 20, 2008 as Arbor Week - Mayor Edward J. Tauer

Mayor Tauer invited Jack Cooper, Director, Parks and Open Space and John Wesolowski, Manager, Forestry Division, to come forward to accept the proclamation. Mayor Tauer read the proclamation declaring April 14 - April 20, 2008 as Arbor Week. Mr. Wesolowski and Mr. Cooper expressed appreciation for the proclamation. Council Member Beer expressed his appreciation to the citizens and staff of Aurora for working together for making this a wonderful Arbor Day.

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

None.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-9b**

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General Business

- a. Consideration to AWARD A SOLE SOURCE CONTRACT to Rae Systems, San Jose, California for radioactive gas detection system software in the total amount of \$66,050.00 for the Fire Department
- b. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Colorado Designsapes, Inc., Centennial, Colorado in the amount of \$1,195,429.07 for the construction of Red-Tailed Hawk Park, Project Number 5089A

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

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

10. **RESOLUTIONS**

- a. Consideration to APPROVE A RESOLUTION authorizing an Intergovernmental Agreement between the City of Aurora, Colorado, E-470 Public Highway Authority, and Colorado Department of Transportation regarding the operation and maintenance of the interchange at I-70 and the E-470 Highway.

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

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

- b. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Intergovernmental Agreement for street maintenance and cost sharing between the City and Abilene Station Metropolitan District Nos. 1 and 2

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

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

- c. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, expressing support for Red-Tailed Hawk Park and authorizing the submission of an application to the Great Outdoors Colorado Trust Fund for a grant to assist with the development of the park

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

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

- d. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving Amendment 12 to the 1993 Intergovernmental Agreement by and between the Urban Drainage Flood Control District ("District") and the City of Aurora, Colorado by and through its Utility Enterprise ("Aurora") regarding financial support for the Joint Monitoring Program and other NPDES permit activities

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

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

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

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Colorado Water Conservation Board (CWCB) for a Climate Vulnerability Study for the amount of \$48,000 with a pending reimbursement of \$24,000 from the CWCB upon project approval

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

Council Member Markert referenced Page 95, noting this involved a cooperative partnership with the Front Range Water Providers and not the City of Aurora alone. It was her opinion a study of this amount of money was excessive and the value to the City in question. She strongly urged the Council to carefully consider their votes.

Council Member Sandstrom asked for clarification regarding the City bearing the full cost of this study. She expressed her understanding Aurora was paying \$24,000 of the \$397,000 study.

Mark Pifher, Aurora Water, confirmed that was correct. The City of Aurora and other Front Range water providers were paying a portion and the American Waterworks Association Research Foundation was putting a matching grant towards the study.

Council Member Markert noted that was not the information provided in Council's backup material.

Mr. Pifher confirmed Aurora would pay \$48,000 to which half would be returned in order to allow the contribution by the state to be matched.

Mayor Tauer stated the City would contribute \$48,000 with \$24,000 being returned and the entire cost of the study would be \$397,000. Mr. Pifher concurred.

Council Member Markert asked staff to provide specific information as to how much each entity was contributing. Mr. Pifher did so. Council Member Markert asked for a specific budget of what Aurora was getting for their money. Mr. Pifher stated that would be provided.

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

Voting Nay: Markert

- f. Consideration to APPROVE A RESOLUTION approving an Intergovernmental Agreement between the City of Aurora, Colorado, acting by and through its Utility Enterprise, and Central Colorado Water Conservancy District (CCWCD) for the lease of Brighton Ditch Company Water.

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

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

- g. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, declaring Water Availability Stage 1 for the "Aurora Water 2008 Water Management Plan".

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

Council Member FitzGerald asked, given the recent forest fires, the likelihood Aurora would move to Stage 2 designation. Dana Ehlen, Aurora Water Interim Director, discussed that concern, noting the City was currently in good condition.

Council Member Beer noted the Stage 1 Water Management Plan was the default condition.

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Mr. Ehlen concurred, noting it was considered the "normal" schedule.

Council Member Beer asked if hardship adjustments were available. Mr. Ehlen answered affirmatively.

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

11. **ORDINANCES FOR INTRODUCTION**

- a. Consideration of an ORDINANCE FOR INTRODUCTION authorizing the issuance and sale of the City of Aurora, Colorado Hospital Revenue Refunding Bonds (The Children's Hospital Association Project) Series 2008, in one or more series, in an aggregate principal amount not to exceed \$125 million, to refund and refinance certain existing bonds issued by the City for The Children's Hospital Association and certain indebtedness of The Children's Hospital Association issued or incurred to refinance a portion of such bonds, the proceeds of which prior bonds were used to finance the acquisition, construction, improvement and equipping of a portion of The Children's Hospital in the City; authorizing the execution and delivery by the City of one or more bond trust indentures, loan agreements, bond purchase agreements, and closing and other ancillary documents in connection therewith; approving the use of one or more official statements in connection therewith; making determinations as to the sufficiency of revenues and as to other matters related to the refunding bonds; and repealing actions heretofore taken in conflict herewith.

Council Member Wallace asked staff to further clarify this issue in laymen's terms. John Gross, Finance Director, explained non-profits were paying higher interest rates in the national market, and this ordinance would authorize Children's Hospital to refund these bonds to pay lower interest rates, thereby allowing them to pass the savings onto their customers.

Council Member Sandstrom noted these bonds are not the responsibility of Aurora and no City tax dollars were involved. Mr. Gross concurred.

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

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

- b. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending various sections of Chapters 2 and 6 of the City Code relating to the Alcoholic Beverage Licensing Authority

Motion by Markert, second by Beer, to defer item 11b to the Community Partnership Committee.

Council Member Beer asked Council Member Markert why the Community Partnership Committee was the correct committee for this issue. Council Member Markert stated because it was a community issue.

AMENDMENT TO ORIGINAL MOTION

Amendment made by Frazier, to defer item 11b to the Business Advisory Board prior to review by the Community Partnership Committee.

Amendment accepted by Council Members Markert and Beer.

VOTE ON AMENDED ORIGINAL MOTION

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

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Voting Nay: Broom

- c. Consideration of an ORDINANCE FOR INTRODUCTION approving an agreement for a long term water lease between the City of Aurora, Colorado, acting by and through the Utility Enterprise, and the McCanne Ditch and Reservoir Company.

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

Council Member Beer asked staff if this item went to the Water Policy Committee. Mr. Pifher answered no.

Council Member Markert asked if this item should go to the Water Committee. Mayor Tauer clarified an individual purchase that is consistent with City policy is not required to go through committee.

Council Member Beer noted given the sensitivity with water rates and the size and term of the commitment, perhaps this item should have a greater level of discussion through the policy committee process.

Council Members FitzGerald and Wallace concurred.

SUBSTITUTE MOTION

Motion by FitzGerald, second by Wallace, to defer item 11c to the Citizen's Water Advisory Committee.

AMENDMENT TO ORIGINAL MOTION

Motion by Pierce, second by Sandstrom, to defer item 11c to the Citizen's Water Advisory Committee.

Council Member FitzGerald withdrew his motion to allow Council Member Pierce's motion to stand. Council Member Wallace concurred.

VOTE ON AMENDED ORIGINAL MOTION

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

12. **PLANNING MATTERS**

- a. PUBLIC HEARING and consideration of a SITE PLAN AMENDMENT to allow the addition of one 200-square foot, single-faced electronic off-premise sign at the McDonald's located at 2651 South Parker Road (Case Number 2000-6007-04).

Motion by FitzGerald, second by Markert, to table item 12a.

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

- b. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, vacating a portion of East Belleview Drive situated in the north half of the northeast quarter of Section 18, Township 5 South, Range 66 West of the Sixth Principle

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Meridian, City of Aurora, County of Arapahoe, State of Colorado and amending the Aurora Zoning Map accordingly, 1.644 acres. (Shalom Park North).

Motion by Broom, second by Hogan, to introduce item 12b.

Elizabeth Tart, Planning Department, gave a brief presentation of the item. Staff recommends approval of the item.

Mayor Tauer stated this item related to the vacation of the street rather than the associated site plan. The site plan would go to Planning Commission and potentially back to Council at a future date.

Charles Richardson, City Attorney, concurred.

Council Member Broom asked staff if the Fire Department had signed off on this item. Ms. Tart answered affirmatively.

Council Member Pierce asked if the main access into Shalom Park would be on South Fairplay Street. Ms. Tart answered no. She pointed out and discussed the main access at East Belleview Avenue, which would be privatized and would remain open. The access off Fairplay Street would no longer be available.

Council Member Broom noted the map demonstrates access to Fairplay would remain and Belleview would be cut off.

Ms. Tart clarified there is Belleview Avenue and Belleview Drive. She pointed out both locations, noting Belleview Drive would remain functional for the campus but would no longer have access from South Fairplay into Shalom Park.

Michael Jezier, Aurora, Colorado, attended the Planning Commission meeting on this item but did not speak at that time. He noted the applicant's main argument for closing East Belleview Drive was the safety of Shalom Park residents because vehicles were being driven in excess of 50 – 60 mph at that location. He did not agree, and challenged the applicant to provide traffic studies that prove otherwise. He believed the applicant's primary motivation for closing the street was money as this vacation request was a direct result of the building going into this development. He asked Council to deny this item.

Dan Stenersen, Aurora, Colorado, representing the applicant, noted resident safety, the City's request for better campus integration and market research for the aging to have larger accommodations were the main reasons for the street vacation request.

Council Member Wallace asked the applicant to clarify his comments related to the City's request for better campus integration. Mr. Stenersen stated that request related to integration between the proposed and existing developments. This would create a cohesive campus rather than one that is bisected by a public street.

Council Member Pierce asked if the street would be narrowed. Mr. Stenersen agreed it would be reduced but would continue to meet City standards. Council Member Pierce asked if the applicant planned to complete the curb and gutter on Fairplay Street. Mr. Stenersen answered affirmatively; noting the applicant was required to do so prior to the decision to vacate was recorded.

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

Voting Nay: Wallace

- c. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, rezoning of a parcel of land generally located on the northwest corner of E. Arizona Drive and Peoria Street from R-1 (Low Density Single-Family Residential) to R-2 (Medium Density Residential) and amending the Aurora Zoning Map accordingly (Sherwood Village Apartments), 2.246 acres.

Elizabeth Tart, Planning Department, gave a brief presentation of the item. Staff recommends approval of the item.

Motion by Markert, second by Beer, to introduce item 12c.

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

13. **RECONSIDERATIONS AND CALL-UPS**

Motion by Markert, second by Sandstrom, to call up for consideration development application 1973-6005-15 which was before the Planning and Zoning Commission on April 9th of this year wherein the applicant, Arash Groceries at the Shores, sought a Site Plan Amendment to increase the size of an existing store by 2,450 square feet..

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

14. **GENERAL BUSINESS**

- a. Consideration to reappoint one incumbent member to a three-year term on the Citizens' Water Advisory Committee.

Motion by Markert, second by FitzGerald, to reappoint Richard Gifford to the Citizens' Water Advisory Committee.

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

Consideration to reappoint one incumbent member to a three-year term on the Public Defender Commission.

Motion by Broom, second by Pierce, to reappoint Robert Neu to the Public Defender Commission.

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

- c. Consideration to appoint one new member to a three-year term on the Aurora Commission for Seniors.

Motion by Markert, second by Hogan, to appoint Doris Giroux to the Aurora Commission for Seniors.

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

- d. Consideration to appoint one new member to a three-year term on the Veterans' Affairs Commission.

Motion by Sandstrom, second by Hogan, to appoint Deelynn B. Ford to the Veterans' Affairs Commission.

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

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

Motion by Sandstrom, second by Beer, to appoint Don Toussaint to the Judicial Performance Commission.

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

15. **REPORTS**

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

Council Member Wallace expressed her appreciation to the citizens of Aurora for their wonderful volunteer work. She related her recent visit to Washington DC to meet with delegates to discuss important Aurora issues such as the widening of I-225, and funding for the VA hospital. She expressed her appreciation to those Council Members and Mayor Tauer who accompanied her on this trip.

Council Member Broom related his attendance at services for Judge Jim Ayres who was Chief Judge in Aurora for 22 years. He expressed his appreciation for the wonderful job Judge Ayres provided the City of Aurora.

Council Member Frazier concurred with Council Member Wallace's statements regarding the recent trip to Washington DC. He expressed well wishes and speedy recovery to Council Member Peterson on her recent surgery.

Council Member Markert stated the Part 150 Centennial Airport Noise Study was due tomorrow and anyone desiring to provide input should do so as soon as possible. The study related to flight patterns and not noise. She expressed her appreciation to everyone for their understanding and support during her mother's recent health concerns.

Council Member FitzGerald related a boxing match between the Aurora Police Department and Denver Sheriff's Department to benefit Cops Fighting Cancer and the Aurora Police League would take place at Red and Jerry's on May 2, 2008. He encouraged all those interested to attend. He noted the Masonic Lodge of Aurora recently celebrated ten Aurora Public Schools high school students for their athletic, academic and ethical achievements. Lastly, in light of the recent pit bull attack on a small child, he encouraged everyone to carefully consider when deciding to purchase a dog of this breed.

Council Member Wallace congratulated Council Member Peterson's son on his recent achievement of graduating from Hinkley High School and receiving certificates from both Pitkin's

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Technical Collage and the Community College of Aurora. She extended congratulations to all graduating seniors in Aurora high schools, advising them to be true to themselves and to always do what they can to help underclassmen.

16. **PUBLIC INVITED TO BE HEARD**

None.

17. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 8:49 p.m.

EDWARD J. TAUER, Mayor

ATTEST:

DEBRA JOHNSON, City Clerk

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