

MINUTES

Regular Meeting – Aurora City Council Monday, May 12, 2008

CALL TO ORDER – EXECUTIVE SESSION

Mayor Tauer convened the Executive Session of City Council at 4:08 p.m.

ROLL CALL

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

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

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

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

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 4:40 p.m.

ROLL CALL

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

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

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

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

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1. **RECONVENE REGULAR MEETING OF MAY 12, 2008 AND CALL TO ORDER**

Mayor Tauer reconvened the regular meeting of City Council at 7:35 p.m.

2. **ROLL CALL**

PRESIDING:	Mayor Tauer
COUNCIL MEMBERS PRESENT:	Beer, Broom, FitzGerald, Frazier, Markert, Pierce, Sandstrom, Wallace
COUNCIL MEMBER ABSENT:	Hogan, 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 MAY 5, 2008**

Motion by Markert, second by Pierce, to approve the minutes of May 5, 2008, as presented.

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

6. **CEREMONY**

a. Southshore – National Community of the Year Award - Mayor Edward J. Tauer

Mayor Tauer invited Susan Peterson to come forward to accept the award. Ms. Peterson expressed appreciation for the award.

b. Proclamation declaring the month of May Mental Health Month - Mayor Edward J. Tauer

Mayor Tauer invited Dr. Randy Stith and June Smigel to come forward to accept the proclamation. Mayor Tauer read the proclamation declaring May Mental Health Month. Dr. Stith and Ms. Smigel expressed appreciation for the proclamation.

Mayor Tauer recognized Boy Scout Troop #12.

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-9h**

General Business

a. Consideration to AUTHORIZE the Mayor to execute an easement to the Todd Creek Farms Metropolitan District No. 1 for a waterline serving the Prairie Waters Project Pump Station No. 1 site in Adams County, Colorado

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- b. Consideration to AUTHORIZE the Mayor to execute an easement to Adams County for storm water quality and drainage purposes located at the Prairie Waters Project Pump Station No.
- c. Consideration to AUTHORIZE the Mayor to execute an easement to the South Adams County Water and Sanitation District for water service at the Prairie Waters Project Pump Station No. 2 site in Commerce City, Colorado
- e. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Camp Dresser & McKee, Inc, Denver, Colorado in the not to exceed amount of \$1,140,000.00 for professional engineering design services associated with the Tollgate Creek Parallel Sewer, Sand Creek Interceptor to Alameda Parkway project, RFP R-1334.
- f. Consideration to APPROVE A GROUND LEASE of certain real property to Midwest Research Institute

ORIGINAL MOTION

Motion by Beer, second by Wallace, to approve items 9a-f.

Council Member Pierce called out Item 9d.

AMENDMENT 1

Motion by Beer, second by Wallace, to approve items 9a, b, c, e and f.

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

- d. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Ready Mixed Concrete, Denver, Colorado in the not to exceed amount of \$120,000.00 for ready-mix concrete material as required for the Streets Division of Public Works through May 31, 2009. (B-3821).

Council Member Pierce asked staff the amount of the 2007 award.

Chris Carnahan, Operations Manager, Public Works, explained this bid related to materials used by the City's in-house crew for concrete repairs. The price of the material went down this year. This was a reflection of the reduction in construction activity.

Council Member Pierce noted previous award amounts were usually included in Council's backup material. He requested that be provided. Mr. Carnahan agreed to do so.

Motion by Pierce, second by FitzGerald, to approve items 9d.

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

Final Ordinances

- ◆ g. Consideration of an ORDINANCE FOR FINAL of the City of Aurora, Colorado, rezoning a parcel of land generally located 500 feet south of Smith Road at Laredo Street from M-1 (Light Industrial District) to O (Open District), and amending the Aurora Zoning Map Accordingly, (Star K Ranch RV Park) 34.0 acres more or less. (Case Numbers 2007-2021-00, 2007-6041-01, 2004-7003-02 and 2007-6041-00)

Applicant requests Item 9g be withdrawn

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- ◆ h. Consideration of an ORDINANCE FOR FINAL 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.

Motion by Markert, second by Pierce, to final item 9h.

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

10. **RESOLUTIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION of the City of Aurora, Colorado, authorizing the assignment of \$9,102,113 of the City's Private Activity Bond allocation for 2008 and providing other details in connection therewith

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

Council Member FitzGerald asked staff to explain a Private Activity Bond Allocation for the benefit of the Boy Scouts present this evening.

Paul Andrus, Planner, Community Development, did so.

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

- ◆ b. Consideration to APPROVE A RESOLUTION of the City of Aurora, Colorado, setting the date of a Public Hearing concerning the organization of General Improvement District 1-2008 (Peoria Park) and ordering publication and mailing of Notice of Hearing to Electors of the proposed District

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

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

- ◆ c. Consideration to APPROVE A RESOLUTION of the City of Aurora, Colorado, setting the date of a Public Hearing concerning the organization of General Improvement District 2-2008 (Vista at Meadow Hills) and ordering publication and mailing of Notice of Hearing to Electors of the proposed District.

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

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

- ◆ d. Consideration to APPROVE A RESOLUTION of the City of Aurora, Colorado, setting the date of a Public Hearing concerning the organization of General Improvement District 3-2008 (Meadow Hills Country Club) and ordering publication and mailing of Notice of Hearing to Electors of the proposed District.

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

Council Member Broom noted this item demonstrates the new General Improvement District financing for fence replacement was working.

Mayor Tauer concurred. He explained this item gave neighborhoods the chance to create a district to determine if they wanted to set up a tax authority to tax themselves for fence repairs.

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

- ◆ e. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving requests for funding from the Visitor's Promotion Account in excess of \$25,000.

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

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

- ◆ f. Consideration to APPROVE A RESOLUTION of the City of Aurora, Colorado, appointing Michelle Wolfe as a director of the Aurora Capital Leasing Corporation

Motion by Sandstrom, second by Broom, to approve item 10f, with a waiver of reconsideration.

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

11. ORDINANCES FOR INTRODUCTION

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending various sections of Article 14, Chapter 146 of the City Code of the City of Aurora, Colorado, relating to xeric landscape standards

ORIGINAL MOTION

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

AMENDMENT 1

Motion by Beer, second by Pierce, to amend the original motion to add a new section 146-1452 invalidating any existing residential covenant that purports to invalidate or disallow these landscape requirements.

Council Member Beer noted the City is encouraging drought resistant landscaping throughout the City and there may be HOA covenants in the City that limit or prohibit homeowners from practicing conservation by using drought resistant landscaping.

Mayor Tauer asked Charles Richardson, City Attorney, if this was within the City's authority. City Attorney Richardson answered affirmatively.

Council Member Frazier was in favor of the item, but expressed concerns regarding the late introduction of the amendment and the potential negative impact on the HOA community. He was specifically concerned about potential conflicts between HOAs and homeowners, and asked how it could be appropriately communicated to all parties to avoid that concern.

Council Member Wallace would support the motion. She expressed concerns regarding those in Ward I not under covenants that would be cited by the City.

Don Fecko, Urban Design Supervisor, stated a neighborhood without an associated site plan was bound by Section 142-75, which was a duty to provide and maintain landscaping.

Council Member Markert recommended this item be defeated. She noted there were measures in place where Council could discuss an issue at length. She noted it was a philosophical argument that negated homeowner covenants and it was her contention, local government should be respected.

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Mr. Fecko gave a brief presentation of the item.

Council Member Pierce would support the amendment because the City was attempting to promote conservation.

Council Member FitzGerald expressed his understanding this ordinance would go into affect prospectively and any HOA with regiments of landscaping would not be affected unless they chose to be.

Mayor Tauer noted the ordinance as proposed affects only new development.

City Attorney Richardson concurred, noting there would be no ex post facto application of this item. Additionally, it was better parliamentary procedure for this discussion to take place during introduction rather than upon finalization. He agreed it was prospective in nature.

Council Member Beer agreed both the ordinance and the amendment were forward-looking and only affected future development. Additionally, the amendment was a part of an educational process for future developers to help them be more in step with the City's culture of conservation.

Council Member Frazier asked if it was necessary to add the amendment considering it was a prospective ordinance.

City Attorney Richardson stated if Council was intent upon exercising their police powers in this case then this amendment would put the development community on notice.

VOTE ON AMENDMENT 1

Voting Aye: Beer, Broom, FitzGerald, Pierce, Wallace

Voting Nay: Frazier, Markert, Sandstrom

Council Member Markert expressed her appreciation that the ordinance affected only new development, but suggested the low percentage recreational space restriction was shortsighted. She would not support the motion and asked Council to consider doing so as well.

Council Member Sandstrom concurred.

VOTE ON ORIGINAL MOTION

Voting Aye: Beer, Broom, FitzGerald, Pierce, Wallace

Voting Nay: Frazier, Markert, Sandstrom

12. **ORDINANCES FOR FINAL**

- ◆ a. Consideration of an ORDINANCE FOR FINAL 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 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 FitzGerald, to final item 12a.

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

13. **RECONSIDERATIONS AND CALL-UPS**

None.

14. **REPORTS**

a. Report by the Mayor

Mayor Tauer wished Council Member Peterson a speedy recovery.

b. Reports by the Council

Council Member FitzGerald appointed *Lauren FitzGerald to the Aurora Youth Commission.

Council Member Markert expressed appreciation to Peoria Park for their efforts regarding chronicling the entire history of the neighborhood fence. She commended the fire station crew who responded to her recent emergency call, and explained how those interested could fill out a Special Needs Registration, which would allow the Fire Department to be aware of any special circumstances.

Council Member Pierce related his attendance at the recent Aurora Police Department graduation. He congratulated the ten cadets who graduated and are now Aurora Police Officers. He announced the City's Emergency Sirens would be tested at 11:00 a.m. on Tuesday, May 13, 2008. He reminded everyone of the E-Cycling Event that would take place Saturday, May 17, 2008 from 9:00 a.m. to 2:00 p.m. at the City's North Satellite Facility, located at 15740 East 32nd Avenue, Aurora, Colorado. Further information was available on the City's website.

Council Member Broom invited those interested to attend the Quarterly Ward VI Town Meeting scheduled for Thursday, May 15, 2008 at 7:00 p.m. at the Talon's Reach Library where the topics of discussion would include E-470 and the City's Budget.

Council Member Sandstrom conveyed congratulations to the residents of Meadow Hills Country Club Townhouses and Vistas at Meadow Hills for their efforts regarding fence negotiation. She was honored to attend the Annual Police Department Promotions and Awards Ceremony where both civilians and police officers were honored. In some cases, those incidences involved life saving events.

Council Member Wallace expressed her appreciation to all of the *NANO volunteers for their efforts with the recent alley clean up, the Parks Department for their efforts regarding the recent tree planting ceremony on behalf of longtime resident *Fran Micalvey, and Council Member Markert and all those who attended the medical insurance panel at St. Therese. She invited those interested to attend the Ward I Budget Town Meeting scheduled for May 22, 2008 at the Martin Luther King Library at 7:00 p.m.

Council Member Beer related his attendance at the recent Aurora Community College graduation ceremony. He conveyed particular congratulations to *Andréa Michelle Berzins and *Kyle Peterson, and to all of the graduates. He invited those interested to attend the Ward III Town Meeting scheduled for Thursday, May 15, 2008 at 7:00 p.m. in the Aurora Room in the AMB, where Open Space would be the main topic.

17. **PUBLIC INVITED TO BE HEARD**

None.

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18. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 8:24 p.m.

EDWARD J. TAUER, Mayor

ATTEST:

DEBRA JOHNSON, City Clerk

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