

MINUTES

Regular Meeting – Aurora City Council Monday, July 14, 2008

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, FitzGerald, Frazier, Hogan, Markert, Pierce, Sandstrom, Wallace
COUNCIL MEMBER ABSENT:	Broom, 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 Pierce, second by Beer, to recess to Executive Session.

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

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

1. **RECONVENE REGULAR MEETING OF JULY 14, 2008 AND CALL TO ORDER**

Mayor Tauer reconvened the regular meeting of City Council at 7:32 p.m.

2. **ROLL CALL**

PRESIDING:	Mayor Tauer
COUNCIL MEMBERS PRESENT:	Beer, FitzGerald, Frazier, Hogan, Markert, Pierce, Sandstrom, Wallace
COUNCIL MEMBER ABSENT:	Broom, 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 JUNE 30, 2008**

Motion by Markert, second by Pierce, to approve the minutes of June 30, 2008 as presented.

Voting Aye: Mayor Tauer, FitzGerald, Hogan, Markert, Pierce, Sandstrom

Abstained: Beer, Frazier, Wallace

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6. **CEREMONY**

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

<u>Name</u>	<u>Board or Commission</u>
Deelynn B. Ford	Veterans Affairs Commission
Robert Neu	Public Defender Commission
Don Toussaint	Judicial Performance Commission
Richard Giffard	Citizen's Water Advisory Committee
Doris Giroux	Aurora Commission for Seniors
Sonia Skakich-Scrima	Citizen's Advisory Committee for Housing and Community Development
Sandra Arkin	Board of Adjustments and Appeals
Letitia Nesby	Aurora Youth Commission
Lauren FitzGerald	Aurora Youth Commission

- b. National Civic League Recognition of the City of Aurora as an All America City

Ms. Gloria Rubio-Cortez, National Civic League, explained and presented the City of Aurora with the All America City Award. The team was recognized and expressed their appreciation for the award. Mayor Tauer expressed congratulations to all those involved.

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

Matt Workman, Centennial, Colorado, came before Council to promote the "Second Wind Fund," which is a National teen suicide prevention organization. He noted Colorado ranked #6 in the nation in teen suicide rate and then briefly explained the many services provided to combat such serious statistics, including free professional counseling appointments within one week of scheduled time. He stated that well over 250 schools in the Denver-Metro area and more than 27 students from Aurora have worked with the organization.

Jill Knussmann, Golden, Colorado, invited Council and residents to the 7th Annual 5K Walk/Run/Ride Second Wind Fundraiser on Sunday, September 21, 2008. The event will start at Green Mountain High School and end at Green Mountain Presbyterian Church in Lakewood, Colorado. On-line registration will be available at www.thesecondwindfund.org on June 1, 2008.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-9f**

General Business

- a. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Strategy 7 Corp., Newport Beach, CA in the amount of \$145,484.16 for annual maintenance and support of the City's Informix database software. (B3831)
- b. Consideration to award a SINGLE SOURCE CONTRACT to A-1 Chipseal Company, Westminster, Colorado in the amount of \$1,035,528.50 for the 2008 Surface Treatment Program, Project Number 08002.

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- c. Consideration to AWARD A COMPETITELY BID CONTRACT to W. M. Brown Construction Corporation, Westminster, Colorado in the amount of \$558,123.64 for the construction of Cherry Creek Racquet Club GID 1-2007 Fence Replacement, Project Number 07013.

Motion by Markert, second by FitzGerald, to approve items 9a – c, with waivers of reconsideration on items 9b and c.

Council Markert would not support the motion because she was not satisfied with the lack of backup as to why a waiver of reconsideration was required for item 9b.

Charles Richardson, City Attorney, suggested staff be allowed to address that concern.

Nancy Freed, Deputy City Manager, Operations Group, directed Council's attention to Page 16 of the backup where that information was provided.

Council Member Markert appreciated the clarification and withdrew her opposition.

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

Final Ordinances

- ◆ d. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, appropriating sums of money in addition to those appropriated in Ordinance Nos. 2006-57, 2007-04, 2007-25 and 2007-77 for the 2007 fiscal year and Ordinance Nos. 2007-67 and 2007-77 for the 2008 fiscal year
- ◆ e. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, amending various subsections in Division 2, of Article 7, of Chapter 146, relating to the Fitzsimons Boundary Area District
- ◆ f. Consideration of an ORDINANCE FOR FINAL of the City Council of the City Aurora, Colorado amending Section 146-2001 of the City Code of the City of Aurora, Colorado, relating to the definition of Motel.

Motion by Sandstrom, second by Wallace, to approve items 9d-f.

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

10. **RESOLUTIONS**

- ◆ a. Consideration of a RESOLUTION of the City Council of the City of Aurora, Colorado, ordering that a public hearing be conducted regarding the designation of the proposed Buckingham Urban Renewal Area as a blighted area appropriate for urban renewal and the adoption of an urban renewal plan for the redevelopment of such area.

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

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

- ◆ b. Consideration of a RESOLUTION of the City Council of the City of Aurora, Colorado, ordering that a public hearings be conducted regarding the removal of the property comprising the proposed Colorado Science and Technology Park Urban Renewal Area from the boundaries of the Fitzsimons Urban Renewal Area, the designation of such
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property as appropriate for urban renewal, and the adoption of an Urban Renewal Plan for the redevelopment of such property

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

Voting Aye: Beer, FitzGerald, Frazier, Hogan, Markert, 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 Board of County Commissioners of Arapahoe County for the clarification of jurisdictional maintenance and control of East Quincy Avenue

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

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

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 Service Plans for Harvest Metropolitan District Nos. 1 and 2 and authorizing the execution of Intergovernmental Agreements between the City and each of the Districts.

Mark Geyer, Development Project Manager, gave a brief introduction of the items.

Motion by Hogan, second by Frazier, to approve item 11a.

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

- ◆ b. PUBLIC HEARING and consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plan for MJC Metropolitan District and authorizing the execution of an Intergovernmental Agreement between the City and the District

Motion by Hogan, second by Frazier, to approve item 11b.

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

- ◆ c. PUBLIC HEARING and consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, designating the Trolley Trailer No. 610 as Aurora Historic Landmark No. 24

Dr. Gordon Davis, History Museum Executive Director, gave an introduction of the item.

Ruth Fountain, Aurora, Colorado, President, Aurora Historical Society, spoke in favor of this item.

Motion by FitzGerald, second by Sandstrom, to approve item 11c.

Council Member FitzGerald noted significant effort had gone into the restoration of this trolley and it was a demonstration that the future relied on the past.

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

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12. **ORDINANCES FOR FINAL**

- ◆ a. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, amending the definition of Temporary Employment Office contained within Article 20 of Chapter 146 of the City Code removing the distinction based upon remuneration for the provided service

Motion by Wallace, second by Hogan, to defer item 12a until the July 28, 2008 City Council meeting.

Council Member FitzGerald understood the desire to wait until a full Council vote could be realized on this item but he did not support the motion because many people were present this evening to hear this item either approved or denied.

Council Member Wallace asked for the support of Council to allow for all Council Members to be present. She clarified her intent behind the item was to put both for profit and nonprofits on the same playing field.

Council Member Markert noted that was a good reason to decide the item tonight. Doing otherwise allowed the media to continue to malign the issue.

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

Council Member Beer asked if those wishing to do so could speak to this item under Item 17 of the agenda. Mayor Tauer clarified they may but cautioned doing so would negate future opportunities to address the item when it was heard by Council.

13. **PLANNING MATTERS**

- ◆ a. PUBLIC HEARING to consider a Site Plan Amendment with a waiver for Original Hamburger Stand, located at 938 South Havana Street (Case Number 2000-6002-05)

Elizabeth Tart, Planning Department, gave a presentation of the item. The applicant proposes to amend the site plan for an existing 1697-square-foot fast food restaurant with a drive-through. The request is to relocate two existing street trees from the front of the property along Havana Street to the rear of the property along Lola Street. A waiver to reduce the number of required street trees is also requested. Staff suggested lowering the height of the sign so it would be visible under the tree canopy and some minor relocation of existing trees within the street buffer to enhance the view corridor to the sign. The ability to relocate the existing trees within the street buffer is constrained by the existing drainage detention pond. The applicant also explored the possibility of relocating two existing trees on the adjacent Advanced Auto property with the owner of that property and waiver. Planning staff does not support the proposed landscape waiver to reduce the required number of street trees because it is inconsistent with the Havana District Design Concept Plan adopted by City Council. Planning Commission approved the item 4-2 at the May 28, 2008 Planning Commission meeting, and the item was called up by City Council at the June 16, 2008 Council Meeting.

Thomas Marrier, Aurora, Colorado, gave a presentation of the item. He related the history of his business experience, business and work ethic. He requested the waiver to remain competitive. He did not agree with staff's recommendation that the sign be lowered because the franchisee had plans to finance a reader board at the bottom of the sign. He presented and discussed photographs of his site and pointed out the location of the trees he would like to move and remove.

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Council Member Beer noted he and the applicant met for coffee a few weeks ago, where he recommended the applicant meet with the Planning staff. Mr. Marrier concurred. Council Member Beer asked the applicant if that meeting took place. Mr. Marrier answered affirmatively, noting he met with Don Fecko, Landscape Architect, and Michael Smyth, Planning Department. Council Member Beer referenced the photographs submitted by the applicant, noting the discrepancy in angles between his site and his competitors' sites. Mr. Marrier stated he attempted to create an even perspective. Council Member Beer asked staff to speak to the applicant's suggestion of replacing the two trees in front of the store and moving them to an alternate location in front of the store.

Ms. Tart noted street trees were not typically placed in the detention pond and those that are, generally do not thrive.

Mr. Fecko discussed various alternate recommendations.

Council Member Beer referenced the letter from the adjacent neighbor agreeing to remove their own trees. He asked if that property owner would be required to gain site plan amendment approval from the Planning Commission. Mr. Fecko answered no, noting if everyone agreed, that could be handled as a minor site plan amendment approved by the Director of Planning or Manager of Development Review.

Council Member Markert stated the applicant's competitors are compliant with the Havana Design Guidelines. She suggested trees were not the problem because the addition of trees made the sites more attractive. She asked staff if reader boards were allowed in the City. Ms. Tart answered affirmatively, noting the face of the message could not change more frequently than every 30 minutes. Additionally, the business must conform to the sign code and site plan amendment approval would be required.

Council Member Wallace asked if Ms. Jetchick's suggestion would meet standards. Mr. Fecko stated it would not be consistent with the vision of the Concept Plan.

Arnie Schultz, Aurora, Colorado, representing Village East Neighborhood Association (VENA), spoke in opposition to the item.

Gayle Jetchick, Aurora, CO, representing the Havana Business District, related recent discussions with the Codes and Signs Committee, noting a study group would be formed to review current codes that address access control issues in the Havana Business District.

Council Member FitzGerald stated the Havana BID was a separate entity, and an overriding principle within the BID was to bring in and keep business on Havana. Ms. Jetchick concurred.

Council Member Markert expressed her appreciation to Ms. Jetchick for her efforts. She asked if a solution could be reached in this regard. Ms. Jetchick answered affirmatively. Council Member Markert suggested the Ward Council Member might consider deferring this item for two weeks until a solution could be reached.

Council Member Beer stated that was a reasonable solution.

Mr. Marrier concurred.

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Motion by Beer, second by Markert, to defer item 13a to the July 28, 2008 City Council meeting.

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

14. **RECONSIDERATIONS AND CALL-UPS**

None.

15. **GENERAL BUSINESS**

- a. Consideration to reappoint two incumbent members to a three-year term on the Golf Course Advisory Committee.

Motion by Hogan, second by FitzGerald, to reappoint John Sellers and Richard Johnson to the Golf Course Advisory Committee.

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

- b. Consideration to reappoint two incumbent members to a three-year term on the Judicial Performance Commission.

Motion by Sandstrom, second by Frazier, to reappoint Christine Law and LaSheita Sayer to the Judicial Performance Commission.

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

- c. Consideration to appoint one new member to a three-year term on the Cultural Affairs Commission.

Motion by Beer, second by Markert, to appoint Karen Howard to the Cultural Affairs Commission.

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

16. **REPORTS**

- a. Report by the Mayor

Mayor Tauer echoed Council Member Markert's invitation to KidSpree.

- b. Reports by the Council

Council Member Beer invited all those interested to attend the Ward 3 Town Meeting scheduled for Thursday, July 17, 2008 where a discussion of identity theft prevention would take place.

Council Member Wallace congratulated Council Member Frazier on his invitation to speak in Bangkok this November on the impact of United States politics on Southeast Asia. She expressed appreciation to all those who attended, donated to and volunteered for the recent First Annual Ward 1 Picnic.

Council Member Sandstrom announced the appointments of Sandy Neves to the Business Advisory Board and Lovia Dixon to the Aurora Youth Commission. She invited everyone to

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attend the USGA U.S. Amateur Public Links Championship taking place currently at Murphy Creek Golf Course.

Council Member Frazier extended an invitation to the public and City Council to attend the Community Going Back to School Event scheduled for Saturday, August 2, 2008 at the Aurora Municipal Center West Lawn from 11:00 a.m. to 4:00 p.m.

Council Member Markert extended invitations to KidSpree this Saturday and Sunday, July 19 and 20 at Bicentennial Park from 10:00 a.m. to 5:00 p.m., to the Iliff Station Area Planning meeting scheduled for Tuesday, July 22, 2008 from 6:30 p.m. to 8:30 p.m. at the Heather Ridge Country Club, to the Ward IV meeting scheduled for Thursday, July 24, 2008 from 5:30 p.m. to 6:30 p.m. at Not Just Yogurt and to the Aurora Public Schools kickoff event scheduled for Saturday, August 2, 2008 from 9:00 a.m. to noon at Central High School.

Council Member FitzGerald made comments on behalf of Council Member Peterson. He noted the Ward 2 Town Meeting was scheduled for July 21, 2008 at 7:00 p.m. in the Aurora Municipal Center where a candidate forum would take place.

17. **PUBLIC INVITED TO BE HEARD**

Tom Kowal, Westminster, Colorado, El Centro Humanitario Chairman, informed Council of El Centro's intentions of aiding day workers. He apologized for the dialogue previously displayed at the June 17, 2008 Council meeting and stated it was in everyone's best interest to keep the communication civil. He provided a short story of day worker life in order to illustrate the struggle for work during these hard economic times. He concluded by reminding the audience of the importance of "treating others how you want them to treat you."

Council Member Markert expressed her appreciation to Mr. Kowal for his patience in listening to her point of view. She stated her opinion that El Centro using day workers for the gains of El Centro was much more abhorrent than the current situation. Nonprofits have been representing that part of Aurora since at least 1982 and probably 100 years before that. This community has a long history of working collaboratively with nonprofits and there has never before been an issue. However, due to the manner in which El Centro has chosen to work with the City, distressing, negative impacts have occurred.

Council Member FitzGerald stated this issue has blossomed out of proportion. El Centro was entitled to set up a business and supply a service in Aurora. Small businesses should be supported and El Centro should be welcomed. He expressed his appreciation for the context of Mr. Kowal's comments this evening as opposed to those made at the last City Council meeting.

Heidi Pansh, Centennial, Colorado, spoke in opposition of the Temporary Employment ordinance, stating the issue had many other alternatives that could still be discussed.

Carol Harr, Centennial, Colorado, discussed day laborers, expressed her faith and asked City Council to oppose the Temporary Employment ordinance. She stated the day laborers were merely seeking work and a better life.

Council Member Wallace stated the ordinance has nothing to do with Aurora working together with El Centro. The Community Partnership formed a committee to work with El Centro if a building was found for them to purchase and refurbish. She reiterated the ordinance made a level playing ground for everyone, and to continue to state that Aurora not welcoming El Centro was incorrect. Continued communication should be encouraged. She expressed appreciation for the change in tone of the discussion this evening.

Council Member Frazier related he chaired the Community Partnership Committee which on two occasions has met with El Centro. He noted there has never been an implication that El Centro

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was not welcome to the City. He took this situation very seriously and acknowledged El Centro's intent to bring a much needed service to the City. He stated open communication was vital, but suggested a disconnect between what people believe is going on and what is actually going on was evident. He welcomed the conversation that would remedy that concern.

18. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 9:20 p.m.

EDWARD J. TAUER, Mayor

ATTEST:

DEBRA JOHNSON, City Clerk

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