

MINUTES

Regular Meeting – Aurora City Council Monday, September 18, 2006

CALL TO ORDER – EXECUTIVE SESSION

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

ROLL CALL

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

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 Wallace, to recess to Executive Session.

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

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

1. RECONVENE REGULAR MEETING OF SEPTEMBER 18, 2006 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, Peterson, Pierce, Sandstrom, Wallace
COUNCIL MEMBER ABSENT:	Hogan
OFFICIALS PRESENT:	City Manager Miller, City Attorney Richardson, City Clerk Johnson

3. INVOCATION

Mayor Edward J. Tauer gave the invocation.

4. PLEDGE OF ALLEGIANCE TO THE FLAG

5. APPROVAL OF THE MINUTES OF THE MEETING OF AUGUST 28, 2006

Motion by Sandstrom, second by Pierce, to approve the minutes of August 28, 2006 as presented.

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

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6. **CEREMONY**

- a. City Manager Employee Recognition - Ron Miller, City Manager

Ron Miller, City Manager, presented the City Manager's Special Commendation to Addison Cohen, a lifeguard at the Del Mar swimming pool. He rescued four adults on May 27, 2006, who had fallen into the deep end of the swimming pool and could not swim. Mr. Cohen's parents and sister were introduced, and he received a standing ovation by all in attendance.

- b. Swearing in of newly appointed Boards and Commission members – Presiding Judge Richard Weinberg

<u>Name</u>	<u>Board or Commission</u>
Joan Calvert	Art in Public Places Commission
Mary Linhoff	Art in Public Places Commission
Chris Thunblom	Art in Public Places Commission
Dale Mingilton	Aurora Housing Authority
Andris Berzins	Aurora Youth Commission
Marsha Berzins	Board of Adjustment and Appeals
John Aikens	Citizens' Advisory Budget Committee
Samantha Downing	Cultural Affairs Commission
Mary Jeanne Murl	Fox Arts Center Board
Teresa Barbo	Golf Course Advisory Committee
Marie M. Rottler	Historic Preservation Commission
Shirlene Costigan	Judicial Performance Commission
Robert A. Yett, Sr.	Veterans' Affairs Commission

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

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

Ralph Warner, 462 Oswego Street, Aurora, CO with a business address of 786 Dayton Street, Aurora, CO, spoke in opposition to the interchange at First and Dayton streets. He felt the proposed roundabout at 1st Avenue and Dayton Street and the new street to Yosemite would greatly reduce business traffic which could result in the closing of the 23 independently owned small businesses. He presented a petition signed by the Dayton Street business owners opposed to the change. Council Member Wallace agreed to continue to investigate this concern to determine what could be done. Mayor Tauer suggested there might have been a misconception that this change was something people in the area were in favor of.

Pat Tudor, 1724 Clinton Street, Aurora, CO, related she was in possession of a donated elevated stair. She requested Council aid her in placing the chair with someone who really needs it. It is free and anyone interested should contact the City. Council Member Markert stated the City is a member of the Aurora Action Coalition for Action Services and she was certain the stair could be placed. Council Member Beer also directed Ms. Tutor to the Providers Resource Center.

- a. Public Hearing on the 2007 Budget

Ruth Fountain, 2839 S Xanadu Way, Aurora, CO, President of the Aurora Historical Society, discussed the Dutch Mill which is an important reminder and symbol of Aurora's history. The land on which the Dutch Mill sits is a new development and as such, it will not be preserved. There is an item in the 2007 Budget suggesting that \$50,000 be used to move the Dutch Mill to Bicentennial Park. The Dutch Mill was previously on the A Budget but is now on the B Budget and the Historical Society would request that the item be moved back to the A Budget. The City

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is not expected to bear the full cost of moving and renovating the Dutch Mill and the Historical Society plans to help in that effort. Council Member Wallace stated efforts were being made to aid the Historical Society in moving and renovating the Dutch Mill. Mayor Tauer noted this issue would be reviewed in depth on September, 30, 2006 and what is agreed upon then would come to the floor for approval.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-9n**

General Business

- a. Consideration to APPROVE revised Council Rules of Order and Procedure.
- b. Consideration to EXTEND AN AWARD to Romberg and Associates in the amount of \$89,000.00 for State Lobbying Services for 2007.
- c. Consideration to EXTEND AN AWARD to Romberg and Associates in the amount of \$180,822.00 for Federal Lobbying Services for 2007.
- d. Consideration to AWARD A PROFESSIONAL SERVICES CONTRACT to BKD LLP, Denver, Colorado for external audit services in the amount of \$134,250 for the audit of 2006, \$141,000 for the audit of 2007, \$148,250 for the audit of 2008, \$155,500 for the audit of 2009 and \$162,750 for the audit of 2010.
- e. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Concrete Construction Specialties LLC, Castle Rock, Colorado in the amount of \$798,574.25 for the 2006 Concrete Pavement Preservation Program, Project Number 06004.
- f. Consideration to AWARD A SOLE SOURCE CONTRACT to Software Spectrum, Liberty Lake, Washington in the amount of \$160,716.04 to purchase Microsoft annual software licenses in support of the City's Active Directory migration.
- g. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Stantec Consulting Inc., Denver, Colorado in the not-to-exceed amount of \$60,602.00 for professional engineering services for updating Aurora Water's Development Standards and Specifications, RFP R-1278.
- h. Consideration to AWARD A SINGLE SOURCE CONTRACT to Conlin Associates, Leadville, Colorado in the not-to-exceed amount of \$125,000.00 for professional consulting services associated with the Box Creek Reservoir project.
- i. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Arapahoe Utilities and Infrastructure, Inc., Englewood, Colorado in the amount of \$1,054,426.70 for the construction of Phase I - Quincy Reservoir South Diversion Channel, Project No. 00071.
- k. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Tierdael Construction Company, Denver, Colorado in the amount of \$187,696.32 for the Sanitary Sewer Repair: Colfax at Potomac and Billings, and Yuba Street at 14th, Project Number 06047.

Motion by Beer, second by Markert, to approve items 9a-i, k.

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

- j. Consideration to AMEND AN OPENLY SOLICITED CONTRACT with Brown & Caldwell, Golden, Colorado, in the not-to-exceed amount of \$125,000.00 for additional design services for the Zone 5 Storage Tank and Zone 7 Pump Station project at the Aurora Reservoir, RFP R-1258.

Council Member Broom asked the location of the improvements on the Reservoir side. Steve Fiori, Project Delivery Manager, Aurora Water, stated the improvements were originally proposed to be placed by the main parking lot but are now being proposed to be located close to the existing Zone 5 tank to the north of the swim beach. Additionally, the tank would be partially buried in this new location which would save the City approximately half a million dollars.

Motion by Broom, second by FitzGerald, to approve item 9j.

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

Final Ordinances

- ◆ m. Consideration of an ORDINANCE FOR FINAL vacating a portion of Imboden Road generally located one-quarter of a mile North of 48th Avenue on Imboden Road, City of Aurora, County of Adams, State of Colorado. (Case Number 2006-8001-00).
- ◆ n. Consideration of an ORDINANCE FOR FINAL annexing a City-owned parcel of land located in the West half of Section 9, Township 5 South, Range 65 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado, to the City of Aurora (City of Aurora/Aurora Reservoir Gateway) 145.84 acres.

Motion by Wallace, second by Broom, to approve items 9m, n.

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

- ◆ l. Consideration of an ORDINANCE FOR FINAL amending Section 22-609 of the City Code of the City of Aurora, Colorado, regarding the establishment of reinspection fees.

Council Member Wallace asked the purpose of the fees. Nancy Sheffield, Director, Neighborhood Services, stated the ordinance was proposed to establish reinspection fees for the City's Systematic Multi-Family Program. Code Enforcement inspects all of the multi-family properties and the Reinspection Fee Program would help offset the cost to Code Enforcement.

Motion by Wallace, second by Peterson, to approve item 9l.

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

10. **RESOLUTIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, adopting Budget Policies and Guidelines.

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

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

- ◆ b. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, ordering that a Public Hearing be conducted regarding the designation of the proposed Highpointe 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 Beer, second by Peterson, to approve item 10b.

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

11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION amending Section 130-4 of the City Code of the City of Aurora, Colorado, regarding tax increment financing in Urban Renewal areas.

MAIN MOTION

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

Council Member Beer expressed his support for this item, and offered an amendment to Section 5, which would add an additional acceptable category of financing: 5. Business/Personal Property Tax. He asked City Attorney Charles Richardson if doing so was legally supportable. Mr. Richardson answered affirmatively, noting it was a matter of policy.

AMENDMENT #1

Mayor Tauer clarified there are four potential tax sources and Council Member Beer would like to add a fifth one. The intent is that it would be available and not automatic. He asked Mr. Richardson if adding that would accomplish Council Member Beer's intent. Mr. Richardson agreed it would and clarified there was no intention to modify the School District's Tax Base.

Motion by Beer, second by Markert, to amend item 11a to add a potential additional tax source, Item 5, which is the City's share of the business/personal property tax.

VOTE ON AMENDMENT #1

PASSED: 8 – 1

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

Voting No: Peterson

VOTE ON MAIN MOTION

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

12. **ANNEXATIONS**

- ◆ *The City Charter prescribes the Mayor may vote on resolutions and ordinances only to create or break a tie vote of Council Members present. The Mayor Pro-Tem is always permitted to vote on all items.*

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, annexing a City-owned parcel of land located in the Southwest quarter of Section 7, Township 5 South, Range 66 West of the Sixth Principal Meridian, County of Arapahoe, State of Colorado (City of Aurora/Shop Creek Lift Station) 3.98 acres.

Motion by Broom, second by Sandstrom, to introduce item 12a.

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

- ◆ b. PUBLIC HEARING and consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, making certain findings of fact regarding the proposed annexation of a parcel of land located in the North half of Section 17 and the Southwest quarter of Section 8, Township 5 South, Range 65 West of the 6th Principal Meridian, County of Arapahoe, State of Colorado, (Cherry Creek School District) 136.00 acres.

Mark Guyer, Project Manager, Development Assistance, gave a presentation of items 12b and 12c. He noted the parcel to be annexed would be used for the Cherry Creek School District as a Master Plan Planned Development in three phases, including a bus maintenance facility, future high school and future middle school. Representatives of the Applicant were present to answer questions.

Mayor Tauer clarified this process was bringing the parcel into the City.

Motion by Broom, second by Pierce, to approve item 12b.

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

- ◆ c. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, annexing certain lands located in the North half of Section 17 and the Southwest quarter of Section 8, Township 5 South, Range 65 West of the 6th Principal Meridian, County of Arapahoe, State of Colorado, (Cherry Creek School District) 136.00 acres.

Motion by Sandstrom, second by Pierce, to introduce item 12c.

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

13. **RECONSIDERATIONS AND CALL-UPS**

None.

14. **GENERAL BUSINESS**

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

Motion by Broom, second by Sandstrom, to appoint Sandra Arkin to the Aurora Commission for Seniors.

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

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

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Motion by Peterson, second by Markert, to reappoint Terrell Gaines to the Public Defender Commission.

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

15. **REPORTS**

NOTE: For further information on applying for a board or commission, interested citizens may call 303-739-7094 or go to Aurora's Web site at www.auroragov.org. Most boards and commissions have residency and voter registration requirements.

a. Report by the Mayor

Mayor Tauer announced last weekend people in Council Member Broom's Ward worked with the use of a minor mini-grant to beautify their neighborhood, hundreds of people attended the Household Chemical Round-up, a beautiful ceremony was held for those returning from Iraq with the Army Reserve at Fitzsimons and the Children's Hospital had their big gala event. All of those events occurred in the City of Aurora in just one day and demonstrated the kind of people who live in this community. He expressed his personal appreciation to those who have been praying for the safe return of those serving in Iraq because his son-in-law has returned home safely.

b. Reports by the Council

Council Member Peterson announced a Neighborhood Meeting for the Morris Heights and Sable Altura neighborhoods would be held at Parklane Elementary School on Tuesday, September 19, 2006 at 7:00 p.m. regarding the Magellan Terminal Site Plan. She asked those interested in attending to please do so and suggested anyone with questions should contact Shawn Wright at 303-739-7442. Additionally, she invited those interested to a free workshop on Fraud and Exploitation of Seniors. That workshop will be held at the Central Library from 9:00 a.m. to noon on Saturday, September 23, 2006.

Council Member FitzGerald related his recent observation of the Aurora Courts. He was impressed by all involved and how the courts are operated.

Council Member Markert announced Rocky Mountain News reporter, Eric Olivera, who has been covering City Council for the last year has taken a position out of state. She expressed her appreciation for his efforts in enhancing Aurora's communication process.

Council Member Pierce announced the Taste of Aurora would take place on September 28, 2006 at the Stampede from 5:30 p.m. to 7:30 p.m. The Chamber of Commerce is a primary sponsor of this event and any interested parties should call 303-344-1500 for more information.

Council Member Frazier noted he prides himself on meeting with as many citizens as possible. Doing so helps him keep his finger on the pulse of the City. He made an open offer to anyone interested in having him attend their Neighborhood Meeting for discussion to call 303-739-7518. He announced his recent decision to leave his employment with the Raytheon Corporation to move on to the Avaya Corporation.

Council Member Broom related his recent experience with the Seville Townhome Association installation of wonderful landscaping at Kalispell and Hampden. The Association has taken it upon themselves to beautify their entryway and it looks very nice.

Council Member Wallace related her recent experience with the International Festival. Many people from across the world attended. She extended her appreciation to the hundreds of volunteers, especially Pam Wilson and her group, who made this a wonderful event. The Aurora Kids Idol took place this weekend and she expressed her appreciation to all those who attended

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and supported this event. She announced her first Town Meeting was scheduled for October 10, 2006 at 7:00 p.m. at the Martin Luther King Library. She invited anyone interested to attend.

Council Member Beer announced the Ward III Town Meeting would take place Saturday, September 23, 2006 at the Country Buffet at Mississippi and Sable from 9:00 a.m. to 11:00 a.m. The topic of discussion would be the 2006 elections. He invited anyone interested to attend.

16. **PUBLIC INVITED TO BE HEARD**

None.

17. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 8:29 p.m.

EDWARD J. TAUER, Mayor

ATTEST:

DEBRA JOHNSON, City Clerk

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