

## MINUTES

### **Regular Meeting – Aurora City Council Monday, December 18, 2006**

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

Mayor Tauer convened the Executive Session of City Council at 4:11 p.m.

#### **ROLL CALL**

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

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, Broom, FitzGerald, Frazier, Markert, Pierce, Sandstrom, Wallace

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

#### **1. RECONVENE REGULAR MEETING OF DECEMBER 18, 2006 AND CALL TO ORDER**

Mayor Tauer reconvened the regular meeting of City Council at 7:34 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 DECEMBER 4, 2006**

Motion by Markert, second by Broom, to approve the minutes of December 4, 2006 as presented.

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

Abstained: Hogan, Wallace

#### **6. CEREMONY**

- ♦ *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.*

No ceremonies.

Mayor Tauer recognized Andy Holtzmann from Boy Scout Troop #921.

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

Peter Faciszewski, 1180 South Kramer Court, Aurora, CO 80012, 303-353-4800, came before Council in August and was back to follow up on an issue regarding materials used in plumbing fixtures. He stated he is an engineer, and has offered his services to the City. Council Member Beer stated there are engineers employed in the Public Works and Planning Departments. Diane Truwe, Director, Development Services, stated there is a structural engineer on staff, and they have reviewed Mr. Faciszewski's concerns and feel the issue does not warrant further consideration, as the plumbing meets City building codes.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented with items 11a and 11b deferred to the January 22, 2007 City Council meeting.

9. **CONSENT CALENDAR - 9a-9e**

**General Business**

- a. Consideration to AWARD A SINGLE SOURCE CONTRACT to Waste Management of Colorado Inc., Englewood, Colorado in an amount not to exceed \$74,000.00 for landfill dumping fees through December 31, 2007.
- b. Consideration to AWARD A SINGLE SOURCE CONTRACT to Waste Management of Colorado Inc., Englewood, Colorado in an amount not to exceed \$115,000.00 for refuse collection services through December 31, 2007.

Motion by Beer, second by Sandstrom, to approve items 9a, b.

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

- c. Consideration to APPROVE the renewal of property and liability insurance policies and a surety bond paid through Arthur J. Gallagher & Co., Denver, Colorado in the amount of \$1,650,100.

Council Member Broom noticed that the self retention was increased by \$500,000 for 2007, and was interested to know what the amount was in 2006. Charles Richardson, City Attorney, explained that the self-insured retention (SIR) amount currently is \$250,000 with a corridor, which ultimately provided protection by keeping premiums low. Regarding 2007, the City has decided it more efficient, pricing and program wise, to simply add \$500,000 SIR.

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

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

- d. Consideration to AWARD A SINGLE SOURCE CONTRACT to Publication Printers Corporation, Denver, Colorado in an amount not to exceed \$133,000.00 for printing and mailing of the Leisure and Active Living brochures through December 31, 2007.

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Council Member Beer asked if we are able to find a sponsor for the publication, are we able to do so without any kind of contract restrictions. Lori Daniel, Manager, Recreation Services, stated that there would be no restrictions affecting the City's ability to do so.

Motion by Beer, second by Markert, to approve item 9d.

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

### **Final Ordinances**

- ◆ e. Consideration of an ORDINANCE FOR FINAL authorizing payments under an agreement for a series of option purchases of several water storage vessels, along with the adjacent and surrounding real property and certain appurtenant real property rights, between L. G. Everist and the City of Aurora, Colorado, acting by and through its utility enterprise, for an amount not to exceed thirty million dollars.

Motion by Beer, second by FitzGerald, to approve item 9e.

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

## 10. **RESOLUTIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION establishing the 2007 Pay Plan for the City of Aurora, Colorado, Career Service employees.

Motion by Markert, second by Pierce, 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 development of the Prairie Waters Project for additional water supplies.

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

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

- ◆ c. Consideration to APPROVE A RESOLUTION of the Aurora City Council 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).

Council Member Beer stated he would like to be reassured by staff that under this process, we won't have instances of any property for historic designation against the will of the property owner. Gordon Davis, Executive Director, Aurora History Museum and Historic Preservation Officer, stated that this is true, because nominations come before Council and the Historic Preservation Commission and that they do not approve anything without the approval of the landowner.

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

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

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- ◆ d. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the execution of the First Amendment to the Redevelopment Agreement between the City, The Aurora Urban Renewal Authority, and Weingarten/Miller/Aurora Joint Venture.

***Main Motion***

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

Council Member Beer reminded Council that the intent of these funds, as previously discussed in Study Session, is that there will be a designated revenue fund in the City budget rather than the Urban Renewal budget. Council Member Hogan then asked where the funds would go. Diane Truwe, Director, Development Services, stated the check would go direct to the City account and not the Urban Renewal Authority account. Charles Richardson, City Attorney, assisted Council in amending the 6th whereas clause on page 51 and Section 2 of the recitals on page 54 by modifying the language.

***Amendment #1***

Motion by Beer, second by Sandstrom, to amend item 10d as described by the City Attorney.

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

***Vote on Main Motion as Amended***

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

- ◆ e. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, adopting a revised Investment Policy.

Council Member Sandstrom stated that she initially had problems with the added conflict of interest section in the investment policy, but the revisions that have been made better protect the City and are well written.

Motion by Sandstrom, second by Pierce, to approve item 10e.

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

11. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

***STAFF REQUESTS DEFERRAL OF ITEMS 11a and 11b TO THE JANUARY 22, 2007 CITY COUNCIL MEETING.***

- ◆ a. PUBLIC HEARING and consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, declaring the existence of a blighted area within the City and designating the area as appropriate for Urban Renewal. (CornerStar) STAFF SOURCE: Mark Franzen, Project Manager
- ◆ b. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, adopting an Urban Renewal Plan for the redevelopment of the CornerStar Urban Renewal Area. STAFF SOURCE: Mark Franzen, Project Manager
- ◆ ***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.***

Motion by FitzGerald, second by Markert, to defer items 11a and 11b to the January 22, 2007 City Council meeting.

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

12. **ORDINANCES FOR INTRODUCTION**

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION amending Section 2-595 of the City Code of the City of Aurora, Colorado, regarding the investment of public funds.

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

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

- ◆ b. Consideration of an ORDINANCE FOR INTRODUCTION repealing and reenacting Chapter 22 of the City Code of the City of Aurora, Colorado, relating to buildings and building regulations, including the adoption by reference of the 2006 editions of the International Building Code, International Residential Code, International Energy Conservation Code, International Mechanical Code, International Fuel Gas Code, International Plumbing Code, the edition of the National Electrical Code as adopted by the State of Colorado, and amending a definition in Section 146-2001.

Council Member Hogan stated that there were some concerns from the Home Builders Association that needed to be addressed. The main concern was a conflicting City code regarding distance from the exterior wall of the house to the property line. Scott Berg, Chief Building Official, stated that they have already spoken to the Home Builders Association and their solution was to enforce the new requirements on any new sub-division that goes up after June 1st.

Council Member Hogan asked what the normal process was for amending the International codes. Mr. Berg stated that Council would need to approve an ordinance with the recommendation coming from the Code Committee.

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

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

- ◆ c. Consideration of an ORDINANCE FOR INTRODUCTION adopting the 2006 edition of the International Fire Code, by repealing and reenacting Article II of Chapter 66 of the City Code of the City of Aurora, Colorado.

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

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

13. **ANNEXATIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION finding a petition for annexation of a parcel of land located in the Southeast quarter of Section 28, Township 3 South, Range 64 West
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of the 6th Principal Meridian, County of Adams, 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 (TransPort Industrial Development) 151.66 acres.

- ◆ b. Consideration of an ORDINANCE FOR INTRODUCTION approving a Development Agreement between the City of Aurora, Colorado, and TransPort Industrial Development, LTD containing provisions for a vested property right pursuant to Article 68 of Title 24, C.R.S. for certain lands located in Sections 8, 16, 17, 20, 21, 22, 24, 25, 27, 28, 29, 32, and 33, Township 3 South, Range 64 West of the 6th Principal Meridian, City of Aurora, County of Adams, State of Colorado (TransPort Industrial Development Ltd.) 5,413.49 acres more or less.
- c. Consideration to APPROVE AN AGREEMENT between the City of Aurora and TransPort Industrial Development, LTD., concerning construction of infrastructure to serve the proposed TransPort Project generally located between I-70 to the South, Imboden Road to the West, 64th Avenue and Front Range Airport to the North, and Schumaker Road to the East, Adams County, Colorado (5,415 acres).

Discussion for items 13a, b and c were taken together. Vinessa Irvin, Project Manager, Development Assistance, gave a brief introduction of the items, noting this area will be a transportation hub which will include accessibility to air via Front Range Airport, Union Pacific railroad and vehicle traffic from I-70.

John Lyda, 13981 West 83rd Place, Arvada, CO 80005, Vice President of Development for Schuck Corporation, gave a brief orientation on the TransPort site plan and noted the multi-phased plan.

Council Member Beer asked for reassurance regarding item 13c and any potentially damaging cost implications that may incur down the road. Ms. Irvin stated that item 13c details the developer building the facilities in advance and being reimbursed later through fees. The City has no financial costs involved in the project.

Bill Schuck, 2 North Cascade Avenue, Suite 1280, Colorado Springs, CO 80903, spoke of the importance of the TransPort project for commercial and industrial transporting opportunities. He noted that this project represents a unique opportunity for the City to increase its employment and tax base with virtually no investment or impact on existing services.

Council Member Beer stated that he supports the project, but hopes that they continue to make progress quickly. The development has been extremely slow, specifically with Union Pacific. Mr. Schuck stated that he cannot give a definitive date of completion, but progress is being made. Discussions with Union Pacific have not yet finished, but they are working together. Council Member Beer asked about secure facilities regarding Homeland Security. Mr. Lyda explained that the centralized area and space needs that are at TransPort will ultimately assist in securing the facilities. Council Member Fitzgerald stated he felt the project had great foresight in seeing the need for an "inland port." Council Members Broom and Pierce echoed their approval of the three items.

Motion by Frazier, second by Markert, to approve item 13a.

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

Motion by Sandstrom, second by Beer, to introduce item 13b.

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Voting Aye: Beer, Broom, FitzGerald, Frazier, Hogan, Markert, Pierce, Sandstrom, Wallace  
Motion by Wallace, second by Broom, to approve item 13c.

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

14. **RECONSIDERATIONS AND CALL-UPS**

None.

15. **GENERAL BUSINESS**

- a. Consideration to reappoint one incumbent member to a three-year term on the General Employees' Retirement Board.

Motion by Sandstrom, second by Hogan, to reappoint Robert Gray to the General Employees' Retirement Board.

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

16. **REPORTS**

- a. Report by the Mayor

Mayor Tauer thanked the 5th graders of Mont View Elementary for allowing him to wear his Grinch tie. He thanked Council for a great year, and wished Happy Holidays to all.

- b. Reports by the Council

Council Member Beer welcomed his wife who was in the audience, and announced his Ward III Town meeting on Tuesday December 19, 2006 at 7:30 p.m. in the Aurora Room at the Aurora Municipal Center. He thanked his Ward III neighbors for giving him the honor of representing them on Council, and wished Happy Holidays to all.

Council Member Wallace thanked the residents of Ward I for a wonderful year and announced her Ward I Town Meeting on January 17, 2007 in the Martin Luther King Library. She wished good health and happiness to all.

Council Member Sandstrom wished everyone a happy holiday, and for 2007 to be a great year.

Council Member Broom wanted to caution Aurora residents to remain alert during the long process of the I-225 widening. He stated his pleasure with the Colorado Department of Transportation (CDOT) choosing to widen I-225 rather than implementing toll lanes.

Council Member Frazier thanked Officer Everett Williams in District I for the ride-a-long. He congratulated the 5th grade DARE graduates at Century Elementary School, and thanked the folks at the Cherry Creek Retirement Village for a wonderful holiday open house. He noted he was Master of Ceremony at the Jack & Jill Cotillion, which recognizes African-American high school senior men. He wished Happy Holidays to all.

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Council Member Pierce expressed his holiday wishes and acknowledged the effort of the City staff and citizens to create a great holiday season.

Council Member Markert thanked the Aurora Youth Commission for a fun and eventful program, and urged everyone to be mindful of fire safety during the holiday season with trees, candles and lights.

Council Member Fitzgerald encouraged everyone to take advantage of their religion and to enjoy the holidays.

17. **PUBLIC INVITED TO BE HEARD**

None.

18. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 8:54 p.m.

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EDWARD J. TAUER, Mayor

ATTEST:

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DEBRA JOHNSON, City Clerk

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