

## MINUTES

Regular Meeting – Aurora City Council  
January 8, 2007

### **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 JANUARY 8, 2007 AND CALL TO ORDER

2. ROLL CALL Debra Johnson, City Clerk

PRESENT: Mayor Tauer, Mayor Pro-Tem Pierce, Beer, Broom, Fitzgerald, Frazier,  
Hogan, Markert, Peterson, Sandstrom, and Wallace.

3. MOMENT OF SILENCE

4. PLEDGE OF ALLEGIANCE TO THE FLAG (all standing)

5. APPROVAL OF THE MINUTES OF THE MEETING OF DECEMBER 18, 2006

Motion by Pierce, second by Markert, to approve the minutes of the meeting of December 18, 2006.

Voting Aye: Mayor Tauer, Mayor Pro-Tem Pierce, Beer, Broom, Fitzgerald,  
Frazier, Hogan, Markert, Sandstrom, Wallace.

Abstained: Peterson.

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6. CEREMONY

- a. Swearing in of newly appointed Boards and Commission members - Presiding Judge Richard Weinberg Name Board or Commission Katherine Blum Aurora Youth Commission Nikki Smith Aurora Youth Commission Kelly Raeburn Aurora Youth Commission David M. Rich Citizens' Advisory Budget Committee Lawrence Weygand Citizens' Advisory Budget Committee Loretta Lindsey Citizens' Advisory Budget Committee Pamela Bennett Cultural Affairs Commission/Veterans' Affairs Commission
- b. Swearing in of newly appointed Associate and Relief Judges - Presiding Judge Richard Weinberg Associate Judge Alan Stine Judge Tracey Dawson Judge Richard McManus Judge Kristopher Colley Judge Harold Davidson Judge Donald Fisher Judge Christopher Randall Judge Tammy Greene
- c. Proclamation declaring January 8 - 15, 2007 as Martin Luther King, Jr. Week - Mayor Edward J. Tauer

Commissioners on the Dr. Martin Luther King, Jr. Colorado Holiday Commission: Sharon Alexander-Holt, Chair; Vern L. Howard, Commissioner; Barbara Shannon-Banister, Commission Treasurer; Veronica O. White, HRC/MLK, Jr. Commemoration Chair; Peter Cukale, Aurora Human Relations Commission Chair. In addition, Pastor Thomas Mayes, David Wilson, and Lara DePice represented the HRC. The Commission spoke about the importance of the Holiday and the great festivities that would continue for one week within Aurora. They spoke about the importance of the Holiday and special events: lecture events by Dr. Derrick King, Sr. and Dr. Buddy Kyle (1/12/07); the Dr. MLK Humanitarian Awards Dinner (1/11/07); Community of Faith Breakfast (1/11/07); Human Relations TV Forum (1/10/07); "Expressions Of An Activist" production (1/11/07); Testimony of Transformation (1/12/07&1/14/07). For more information regarding events call 303-739-7580.

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

Bob Paulson, 843 South Evanston Circle, Aurora, CO 80012, 303-752-0141, President of the Greenbrook Home Owner's Association, came before Council seeking assistance with snow plowing in their neighborhood. Fraser Way is a street that runs through the complex, and it is a City public street. The City has not been through to plow snow during any of the three storms that have occurred in the last few weeks. Council Member Beer, whose Ward this property is in, asked Mr. Paulson to contact him tomorrow. Mayor Tauer asked Mr. Paulson to leave his contact information with Nancy Freed, Deputy City Manager, Operations Group.

8. ADOPTION OF THE AGENDA

The agenda was adopted as presented.

9. CONSENT CALENDAR - 9a-9i      General Business

- a. Consideration to AWARD A CONTRACT to Aurora EDC, Inc. for professional services during the year 2007. STAFF SOURCE: Dianne Truwe, Director, Development Services

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- b. Consideration to AWARD CHANGE ORDER #2 TO AN OPENLY SOLICITED CONTRACT to Matrix Design Group, Inc., Denver, Colorado in the amount of \$200,000.00 to provide final environmental construction requirements and post-closure monitoring of groundwater at former Fitzsimons Landfills 1, 2 and 4, Project Number R-1214. STAFF SOURCE: Ronald Degenhart, City Engineer, Public Works
- c. Consideration to AMEND AN OPENLY SOLICITED CONTRACT to CH2M Hill, Inc., Englewood, Colorado in an amount not to exceed \$9,988,050.00 for 2007 program management services for the Prairie Waters Project, RFP R-1215. STAFF SOURCE: Darrell Hogan, Deputy Director, Prairie Waters Program
- d. Consideration to AWARD A SINGLE SOURCE CONTRACT to Mike Naughton Ford Inc., Aurora, Colorado in the not-to-exceed amount of \$110,000.00 for the purchase of Ford Original Equipment Manufacturer (OEM) vehicle parts and repair services for 2007. STAFF SOURCE: Greg Carlton, Manager, Fleet Services
- e. Consideration to AWARD A SOLE SOURCE CONTRACT to Positron, Montreal, Quebec in the amount of \$90,067.02 for annual renewal of maintenance on the City's 911 answering system through February 9, 2008. STAFF SOURCE: Mark Pray, Director, Information Technology
- f. Consideration to AWARD A SOLE SOURCE CONTRACT to Applied Knowledge, Inc. (AKI), Santa Ana, California in the amount of \$151,252.00 for software maintenance for the Tax and Licensing (T&L) computer system through December 31, 2007. STAFF SOURCE: Mark Pray, Director, Information Technology
- g. Consideration to AWARD A SINGLE SOURCE CONTRACT to LL Johnson Distributing Co., Denver, Colorado in the amount of \$58,900.00 for purchase of a used Toro Groundsmaster Mower for the Golf Division. STAFF SOURCE: Dennis Lyon, Manager, Golf
- h. Consideration to AWARD A COMPETITIVELY BID CONTRACT to A - Z Pools and Spas Inc., Wheatridge, Colorado in the amount of \$97,050.00 for the Resurfacing of Parklane and Pheasant Run Swimming Pools, Project # 5106A. STAFF SOURCE: William A. Rich, Aquatics Supervisor, Library, Recreation, and Cultural Services Final Ordinances

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

Voting Aye: Mayor Tauer, Mayor Pro-Tem Pierce, Beer, Broom, Fitzgerald, Frazier, Hogan, Markert, Peterson, Sandstrom, Wallace.

- ◆ i. Consideration of an ORDINANCE FOR FINAL amending Section 2-595 of the City Code of the City of Aurora, Colorado, regarding the investment of public funds. Ordinance 2006-79, Introduced 9-0 at the December 18, 2006 City Council meeting. STAFF SOURCE: John Gross, Finance Director

Motion by Fitzgerald, second by Peterson, to approve item 9i.

Voting Aye: Mayor Pro-Tem Pierce, Beer, Broom, Fitzgerald, Frazier, Hogan, Markert, Peterson, Sandstrom, Wallace.

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## 10. PUBLIC HEARING WITH RELATED ORDINANCE

- ◆ a. PUBLIC HEARING and consideration of an ORDINANCE FOR FINAL 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. Ordinance 2006-78, Introduced 9-0 at the December 18, 2006 City Council meeting. STAFF SOURCE: Scott Berg, Chief Building Official

Gretchen Davidson, 6051 South Ouray Street, Aurora, CO 80016, 303-690-4961, Executive Director of the Arapahoe County Early Childhood Council, she came before Council to request an amendment to align City building code with Denver and the rest of the State. Ms. Davidson felt the restrictive code would cause business strife in the child care industry.

City Attorney Richardson stated that this inquiry came at the "11th hour" and with the time restraints involved, recommended that Council should look to finalize the ordinance tonight without any new amendments, but in the near future should commit to researching the issue further.

Staff stated that the building code does not limit the number of children to five, one can have as many as they would like, but it then requires that the occupancy level be increased and safety additions added to the building. Also, staff stated that they were in alignment with national and international code, and would like to avoid any unnecessary and excessive amendments.

Mary Ingleby, 17572 East Bellewood Circle, Aurora, CO 80015, 303-699-2681, came before Council to express her opposition of the current building code capacity requirements. She is concerned that this will lead to more un-licensed child care within the community, as well as more children without any care.

Council Member Fitzgerald stated this capacity requirement has been in effect since 2003, and even though the state did not advise anyone of the code changes, compliance simply means altering the building to a specific fire code capacity.

Council Member Markert expressed her concern for the safety of children and the community and added that the City staff will follow up and further discuss the issue, as well as bring the concern to the attention of the entire metro area.

Council Member Beer summarized the discussion by stating that no changes would be made tonight, but we would move forward and plan to make an amendment to the code and hopefully align the metro area with a new capacity limit.

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

Voting Aye: Mayor Pro-Tem Pierce, Beer, Broom, Fitzgerald, Frazier, Hogan, Markert, Peterson, Sandstrom, Wallace.

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- ◆ b. PUBLIC HEARING and consideration of an ORDINANCE FOR FINAL 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. Ordinance 2006-77, Introduced 9-0 at the December 18, 2006 City Council meeting. STAFF SOURCE: Kevin Hammons, Fire Marshal

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

Voting Aye: Mayor Pro-Tem Pierce, Beer, Broom, Fitzgerald, Frazier, Hogan, Markert, Peterson, Sandstrom, Wallace.

## 11. ORDINANCES FOR INTRODUCTION

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION amending Chapter 102 of the City Code of the City of Aurora, Colorado, relating to the definition of "inflation" in the "Old-Hire" Police Retirement System. STAFF SOURCE: John Gross, Finance Director

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

Voting Aye: Mayor Pro-Tem Pierce, Beer, Broom, Fitzgerald, Frazier, Hogan, Markert, Peterson, Sandstrom, Wallace.

Council Member Sandstrom asked if the old-hire fire was going to be a part of this, and staff stated they were asked and they declined.

- ◆ b. Consideration of an ORDINANCE FOR INTRODUCTION amending Chapter 138 of the City Code of the City of Aurora, Colorado, by enacting new sections to be numbered 159 and 160 regarding resale and sub-billing of water and wastewater service. STAFF SOURCE: Dan Mikesell, Manager, Water Service Operations

Motion by Sandstrom, second by Beer, to introduce item 11b.

Voting Aye: Mayor Pro-Tem Pierce, Beer, Broom, Fitzgerald, Frazier, Hogan, Markert, Peterson, Sandstrom, Wallace.

## 12. ORDINANCES FOR FINAL

- ◆ a. Consideration of an ORDINANCE FOR FINAL amending Section 14-8 of the City Code of Aurora, Colorado, relating to animals. Ordinance 2006-75, Introduced 6-2 (Broom, Peterson voting no) at the December 4, 2006 City Council meeting. STAFF SOURCE: Nancy Sheffield, Director, Neighborhood Services

Motion by Wallace, second by Markert, to approve item 12a.

Voting Aye: Mayor Pro-Tem Pierce, Beer, Fitzgerald, Frazier, Hogan, Markert, Sandstrom, Wallace.

Voting Nay: Broom, Peterson.

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### 13. PLANNING MATTERS

- ◆ a. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado vacating a portion of Jewell Avenue generally located between Gun Club Road and E-470, City of Aurora, County of Arapahoe, State of Colorado. (Case Number 2006-8001-00). STAFF SOURCE: William Davidson, Planning

Mary L. McCarthy, 10 North Walker Drive, Chicago, IL 60606, 312-795-1235, The Dally Group, came before Council to express excitement to develop in Aurora and looked forward to future projects within the City.

Council Member Beer asked Ms. McCarthy what the significance of their development had to do with the planning matter of vacating Jewell Avenue. Ms. McCarthy stated that this extra land will be used as part of their shopping center development.

Council Member Beer then asked staff if they thought this future development will create a congested roadway and require widening. Staff stated that the roadway would need to be upgraded to a freeway status before the right-of-way will be needed. Council Member Broom followed up by asking if the acceleration and deceleration lanes would be dedicated by the property owner if they are needed for the arterial right-of-way. Staff stated the deceleration and acceleration lanes are accounted for already.

Motion by Broom, second by Wallace, to introduce item 13a.

Voting Aye: Mayor Pro-Tem Pierce, Beer, Broom, Fitzgerald, Frazier, Hogan, Markert, Peterson, Sandstrom, Wallace.

### 14. ANNEXATIONS

- ◆ a. PUBLIC HEARING and consideration of an ORDINANCE FOR FINAL 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. Ordinance 2006-80, Introduced 9-0 at the December 18, 2006 City Council meeting. STAFF SOURCE: Vinessa Irvin, Project Manager, Development Assistance

John Lyda, 13981 West 83rd Place, Arvada, CO 80015, came to Council on behalf of the developer stating that because the developer agreement included vesting they sent out mineral rights notification to all the mineral rights holders on November 7, 2007, ensuring they met all requirements.

Gretchen Vanderwerf, 1525 17th Street, Denver, CO 80202, 303-298-9939, representing Anadarko E&P Company and Anadarko Land Corp., came before Council in opposition of Ordinance 14a. Ms. Vanderwerf stated that she has filed an objection letter and would like it to be part of the record. She stated that her clients own all of mineral rights in the land being annexed, and they preserve the right to explore for and develop coal within the property. Her clients do not object to the annexation, but object to any agreement by the City that would include a provision allowing TransPort a vested property right.

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City Attorney Richardson stated that Ms. Vanderwerf's objections are for the record only, and nothing more. Mayor Tauer added that if a multi-page document is not submitted within a 24-hour time period, they are welcomed, but will not be considered as part of the record.

Mayor Tauer stated that mineral rights do exist, but are negotiations between the land owner and the mineral rights owner, and not a primary concern for Council's decision on development plans.

Council Member Broom asked Ms. Vanderwerf if the coal deposits were shallow enough for strip mining or deep enough to require underground mining. Ms. Vanderwerf stated she did not know and Anadarco was currently evaluating, but clearly there was a surface use conflict with coal mining and other surface development.

Council Member Frazier asked why there was a delay in bringing the objection to Council. Ms. Vanderwerf stated that her client did not receive notice of the prior hearing.

Council Member Beer asked City Attorney Richardson if by approving the development agreement, there would still be potential to negotiate a private resolution between the developer and others, therefore not impairing Anadarco's interests. City Attorney Richardson agreed.

Council Member Peterson asked Mr. Lyda if they indeed gave Anadarco advance notice. Mr. Lyda stated that they sent three certified mailings to three different notification addresses on 12-8-06 (Denver, CO), 12-11-06 (Houston, TX), and 12-13-06 (Woodlands, TX).

Motion by Peterson, second by Frazier, to approve item 14a.

Voting Aye: Mayor Pro-Tem Pierce, Beer, Broom, Fitzgerald, Frazier, Hogan, Markert, Peterson, Sandstrom, Wallace.

## 15. RECONSIDERATIONS AND CALL-UPS

None.

## 16. GENERAL BUSINESS

None.

## 17. REPORTS

### a. Report by the Mayor

Mayor Tauer echoed Council by stating he was appreciative of the hard work of the public works department, noting that other cities in the metro area were not able to remove as much snow as Aurora. He wished everyone Happy New Year.

### b. Reports by the Council

Council Member Pierce wanted to notify residents about a great exhibit called "Abraham Lincoln's Journey to Emancipation" at the City Museum until February 24th. In addition, he thanked the public works crews for their sacrifice during the snow storms.

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Council Member Hogan thanked public works for their efforts.

Council Member Frazier wanted to remind the public that January 11th at 7pm, the Aurora Police Department will hold a public information forum at the AMC regarding a sexually violent predator released into the community.

Council Member Broom added his appreciation to the great work of the public works department during the storms.

Council Member Sandstrom gave her gratitude to those in the public works department.

Council Member Wallace spoke of her appreciation to the public works department and Access Aurora for all the hard work. Ward I town meeting is January 17th at 7pm at the Martin Luther King Library. In addition, Council Member Wallace stressed a need for committed volunteers for the "NANO" organization board. Lastly, the Aurora public schools are back in session, so be aware of pedestrians.

Council Member Beer thanked Access Aurora for their committed work and spoke highly of the various City employees that helped minimize snow storm issues. Also, on January 18th Aurora Water will host an opportunity briefing event at the Radisson Hotel (I-225/Parker) regarding several upcoming projects. For more information regarding the event contact Aurora Water at [www.aurorawater.org](http://www.aurorawater.org). He wished everyone Happy New Year.

18. PUBLIC INVITED TO BE HEARD

None.

19. ADJOURNMENT

Mayor Tauer adjourned the regular meeting of City Council at 9:00 p.m.

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EDWARD J. TAUER, Mayor

ATTEST:

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DEBRA JOHNSON, City Clerk

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