

MINUTES

Regular Meeting – Aurora City Council Monday, April 30, 2007

1. **CONVENE REGULAR MEETING OF APRIL 30, 2007 AND CALL TO ORDER**

Mayor Tauer convened the regular meeting of City Council at 7:31 p.m.

2. **ROLL CALL**

PRESIDING:	Mayor Tauer
COUNCIL MEMBERS PRESENT:	Beer, Broom, FitzGerald, Frazier, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace
OFFICIALS PRESENT:	Deputy City Manager Freed, 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 APRIL 23, 2007**

Motion by Hogan, second by Markert, to approve the minutes of April 23, 2007, as presented.

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

Abstained: Frazier

6. **CEREMONY**

Mayor Tauer invited Ruth Fountain, Aurora Historical Society, to come forward to accept the proclamation. Mayor Tauer read the proclamation declaring ***Aurora's 116TH Anniversary***. Ms. Fountain expressed appreciation for the proclamation.

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-9d**

General Business

- b. Consideration to AWARD A SINGLE SOURCE CONTRACT to OneRain Company, Longmont, Colorado in the not-to-exceed amount of \$89,159.00 for the purchase of weather stations and related monitoring services.
- c. Consideration to APPROVE THE PURCHASE of 25 Shares of the Fulton Irrigation Ditch Company Stock, by the City of Aurora acting by and through its Utility Enterprise.

◆ ***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 Wallace, second by Broom, to approve items 9b, c.

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

- a. Consideration to EXTEND A COMPETITIVELY BID CONTRACT to A-1 Chip Seal Co., Broomfield, Colorado in the amount of \$1,020,500.88 for the 2007 Surface Treatment Program, Project Number 05002B.

Council Member Wallace asked if references on A-1 Chip Seal Company's past performance over the last year or two were available. Chris Carnahan stated the company has done a good job for the City over the last two years. Council Member Wallace noted she received several calls from Hoffman Heights residents expressing concerns over this company's product. She visited the area, spoke with the neighbors, and determined the work in terms of notification, prep work, and clean up was not adequate

Mr. Carnahan agreed problems did occur in Hoffman Heights last year. He has received assurances from the company that would not happen again.

Council Member Wallace asked Mr. Carnahan what assurances, other than verbal, have been made in that regard. She noted this was put out to bid two years ago. She expressed concerns about the low caliber of work demonstrated by this company and whether this was the best use of City funding. She would not support the item.

Council Member Frazier asked if any evaluation of this business' past performance was done. Mr. Carnahan stated no complaints, other than those from the Hoffman Heights neighborhood, were reported in the City. Council Member Frazier asked how performance was evaluated and rated to ensure contracts were awarded to businesses with a good record of accomplishment. Mr. Carnahan stated this was currently the only business doing this type of work in the City. He noted others would be starting up next year and the year after that so a comparison could be done at that time.

Council Member Beer was previously unaware of the quality issue with this vendor. He will also vote against the item.

Council Member FitzGerald asked Mr. Carnahan to speak to the fact that this was a competitive bid contract with only one bidder. Mr. Carnahan clarified this company was the only company that put in a bid two years ago, noting that should change next year. Council Member FitzGerald stated the bid was approximately \$700,000 two years ago, \$900,000 last year and currently exceeds \$1M this year. Mr. Carnahan concurred.

Council Member Hogan stated this was a practical matter. The contract extends to September 2007 and no one else does this work, therefore if the contract was not approved, no Chip/Seal Program would happen in Aurora in 2007. He agreed this company and any new bidders for next year should be closely reviewed but encouraged the Council to support the contract at this time.

Council Member Beer noted not approving the contract this evening would provide the opportunity to create more stringent quality control and evaluation measures, possibly with financial incentives for good performance. He suggested these new measures could be renegotiated in a timely manner and then brought back to Council.

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Mayor Tauer asked Mr. Carnahan if the contract contained any clauses related to incentives for good performance or penalties for bad performance. Mr. Carnahan stated none were present in the contract but the City reserves the right to terminate the contract if the company performs unsatisfactorily. Mayor Tauer expressed his opinion that this contract was not brought to the Council in a timely manner and if approved tonight, Council would expect to see the next one much earlier. The late date puts the City in a difficult situation.

Council Member Peterson asked Mr. Carnahan the timeframe for the contract process. Mr. Carnahan stated approximately 30 days. Council Member Peterson asked if it was feasible to consider negotiating a new contract with another bidder once the chip and seal was completed. Mr. Carnahan stated there was currently only one bidder but suggested renegotiating was an option.

Council Member FitzGerald concurred with Council Member Hogan. He noted oftentimes a sole source entity could become lazy and it was important to send the message that the City does not want to see that occur.

Council Member Markert concurred. She pointed out providing the vendor with the message that their performance this year would factor greatly in Council's review of a contract renewal for next year would be prudent.

Mr. Carnahan stated this contract was ending and it was a good time to discuss adding language related to penalties and incentives based on performance into the next contract.

Council Member Pierce noted more than two dozen areas of the City are being covered by this contract. It appeared there was a previous problem in only one area and the rest of the City should not be penalized because of that.

Motion by Broom, second by Hogan, to approve item 9a.

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

Voting Nay: Beer, Wallace

Mayor Tauer cautioned Mr. Carnahan not to misread the 9-2 vote. He clarified it translated to nine members who did not see any option for the citizens this summer and eleven who were dissatisfied.

Final Ordinances

- ◆ d. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, amending Section 146-1003 of the City Code of the City of Aurora, Colorado, related to permitted and conditional uses in the employment subareas of the Northeast Plains Zone District.

MAIN MOTION:

Motion by Hogan, second by FitzGerald, to approve item 9d.

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AMENDMENT #1:

Motion by Hogan, second by Broom, to amend the ordinance as follows:

Uses #3 Medical and Dental Clinics, #94 Educational Institutions, and #95 Hospitals to be permitted in NE Plains General Subarea.

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

AMENDMENT #2:

Motion by Hogan, second by Broom, to amend the ordinance as follows:

Uses # 73 Leather and Hide Tanning, # 81 Pulp and Paper Mills, and # 86 Sawmills and Wood Preservation to be Not Permitted in the Northeast Plains Zone District.

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

VOTE ON ORIGINAL MOTION, AS AMENDED:

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

10. **ORDINANCES FOR INTRODUCTION**

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION of the City of Aurora, appropriating sums of money in addition to those appropriated in Ordinance Nos. 2005-80, 2006-02, 2006-17, 2006-27, 2006-39, 2007-04 and 2007-12 for the 2006 Fiscal Year and Ordinance No. 2006-57 and 2007-04 for the 2007 Fiscal Year.

Motion by Peterson, second by Sandstrom, to introduce item 10a.

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

11. **PLANNING MATTERS**

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, vacating a portion of a 16-foot wide alley along the West property line of a parcel generally located West of Sable Boulevard and South of 28th Avenue, City of Aurora, County of Adams, State of Colorado.

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

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

12. **RECONSIDERATIONS AND CALL-UPS**

None.

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13. **GENERAL BUSINESS**

- a. Consideration to appoint one new member to a three-year term on the Library Board.

Motion by Hogan, second by Peterson, to appoint Gregory Hopkins to the Library Board.

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

14. **REPORTS**

- a. Report by the Mayor
b. Reports by the Council

Council Member Pierce related he, Mayor Tauer, and Council Member Broom attended the Second Annual Community College of Aurora Foundation Scholarship Recognition Luncheon where scholarships were awarded to local Aurora Public School High School students. These individuals were very deserving and it was wonderful too see good things happening with students in Aurora.

Council Member Broom invited all those interested to his Ward VI Town meeting which will take place on Wednesday, May 10, 2007 in the Tallyn's Reach Library at 7:00 p.m.

Council Member Beer announced a Community Conversation about Libraries hosted by Karen Middleton, Colorado Congressional District 7, State Board of Education, would take place Saturday, May 12, 2007 from 10:00 a.m. to 11:30 a.m. in Council Chambers. He invited all those interested to attend.

15. **PUBLIC INVITED TO BE HEARD**

None.

16. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 8:00 p.m.

EDWARD J. TAUER, Mayor

ATTEST:

DEBRA JOHNSON, City Clerk

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