

MINUTES

Regular Meeting – Aurora City Council Monday, December 17, 2007

CALL TO ORDER – EXECUTIVE SESSION

Mayor Tauer convened the Executive Session of City Council at 4:48 p.m.

ROLL CALL

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

Assistant City Manager Janice Napper announced the proposed items for discussion at Executive Session.

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

Motion by FitzGerald, second by Pierce, to recess to Executive Session.

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

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

1. RECONVENE REGULAR MEETING OF DECEMBER 17, 2007 AND CALL TO ORDER

Mayor Tauer reconvened the regular meeting of City Council at 7:33 p.m.

2. ROLL CALL

PRESIDING: Mayor Tauer
COUNCIL MEMBERS PRESENT: Beer, Broom, FitzGerald, Frazier, Hogan, Markert,
Peterson, Pierce, Sandstrom, Wallace
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 10, 2007

Council Member Pierce noted a misspelling of the applicant's last name for agenda item 12b.

Motion by Markert, second by Sandstrom, to approve the minutes of December 10, 2007 as corrected

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

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6. **CEREMONY**

- a. Great Outdoors Colorado Award Presentation - Mayor Edward J. Tauer

Mayor Tauer stated that Great Outdoors Colorado is an organization that does wonderful things with open space and parks in the state. Jack Cooper, Director of Parks and Open Space for the City of Aurora introduced the following members of his staff for their work at the Morrison Nature Center at Star K Ranch: Mary Ann Bonnell, Lead Interpreter and Manager of Programs at the Morrison Nature Center; Pat Schuler, Open Space and Natural Resources Manager; and Jenna Baker, Special Projects Coordinator, Parks and Open Space.

Matt Robbins, Community Relations Specialist for Colorado Lottery, presented the 2007 Starburst Conservation Award for excellence in use of lottery funds for land management of an open space property to Mayor Tauer. More than \$70,000 in lottery funds helped to pay for the Morrison Nature Center project, which teaches visitors about the area's rich history and various natural resources. Mayor Tauer presented the award to Ms. Bonnell, Ms. Schuler, and Ms. Baker to take back to the Morrison Nature Center.

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

Brett Lehl, representing the American Cancer Society, came before Council to announce the Relay for Life event that will take place June 6-7, 2008 at Rangeview High School and Eaglecrest High School. The event is held to raise money for the fight against cancer and to honor those who have won and lost their battles. She stated anyone interested in participating in or sponsoring the event can contact www.cancer.org or call 720-524-5410.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented.

9. **CONSENT CALENDAR - 9a-9g**

General Business

- b. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Gray Oil, Fort Lupton, Colorado in the not-to-exceed amount of \$2,400,000.00 to cover the cost of motor vehicle fuel as required for 2008.
- d. Consideration to AWARD CHANGE ORDER NUMBER ONE TO A COMPETITIVELY BID CONTRACT to Kiewit Western Co., Littleton, Colorado in the not-to-exceed amount of \$1,020,000.00 to cover the cost of asphalt mixes as required through July 2008 (Bid #B-3801).
- e. Consideration to AWARD A SINGLE SOURCE CONTRACT to Waste Management of Colorado, Inc., Englewood, Colorado in an amount not to exceed \$75,000.00 for landfill dumping fees through December 31, 2008.

Motion by FitzGerald, second by Broom, to approve items 9b, d, e.

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

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- a. Consideration to APPROVE THE RENEWAL of property and liability insurance policies and surety bonds due for renewal January 1, 2008 paid through insurance broker Arthur J. Gallagher & Co. of Denver, Colorado in the amount of \$1,506,806.00.

Council Member FitzGerald thanked staff and the City Attorney for their hard work, noting that the premium went down which is a great thing for the City.

Motion by FitzGerald, second by Markert, to approve item 9a.

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

- c. Consideration to AWARD CHANGE ORDER NUMBER 1 TO A COMPETITIVELY BID CONTRACT to Tierdael Construction Company, Denver, Colorado in the not-to-exceed amount of \$112,345.50 for additional work necessary for completing the Zone 7 Waterline Project, Project No. 5124A.

Council Member Hogan noted this contract was approved four months ago. The change order is being requested due to road work being done on Orchard Road before the contractor had the opportunity to complete this waterline. He wondered why we didn't know the schedule for construction on Orchard Road when the contract was approved that might have impacted bids from other firms. Larry Catalano, Manager, Capital Projects Division, Aurora Water, stated the original bids came in well below the engineer's estimate for the project. Staff did know about the construction, and the intention was for this waterline to be completed prior to that work, but unforeseen easement issues occurred after the bid was awarded which caused a delay. The road construction started before the issues were resolved. Council Member Hogan stated he understood that, but we still should have known about the easement issues prior to awarding the contract and then needing this change order.

Mayor Tauer asked what can be done in the future to take things like this into account up front. Mr. Catalano stated staff has close coordination with all the review processes, and makes sure to follow through with them. He noted this waterline is needed for the Blackstone Pump Station which was expedited due to water pressure problems in zone 8. This has been moved along rather quickly to make sure there is water for that zone and pump station for next year. It was intended to be coordinated with other projects, but was delayed until the easement was secured.

Council Member Hogan asked if any additional work will need to be done through this contract, and if yes, is there money still available or will another change order be requested. Mr. Catalano stated no additional work or changes are anticipated under this contract, and staff fully anticipates completing this work as currently designed.

Motion by Wallace, second by Pierce, to approve items 9c.

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

Final Ordinances

- ◆ f. Consideration of an ORDINANCE FOR FINAL amending Sections 94-73, 94-78 and Subsections 94-74(a), 94-74(d), 94-74(e) and 94-76(b) of the City Code of the City of Aurora, Colorado relating to Criminal Offenses.
- ◆ g. Consideration of an ORDINANCE FOR FINAL amending Subsection 134-106(a) and enacting Subsection 134-2(j) of the City Code of the City of Aurora, Colorado relating to Traffic and Vehicles.
- ◆ *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 Sandstrom, second by Pierce, to approve items 9f, g.

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

10. **RESOLUTIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION approving amendments to the Amended and Restated Fire and Police "New Hire" Money Purchase Pension Plans dated February 22, 2002.

Council Member Broom noted he opposed this item during budget considerations on the basis that the cost should have been taken into consideration during the next set of negotiations, but since Council approved it and it is in the budget, he will go ahead and support it.

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

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

- ◆ b. Consideration to APPROVE A RESOLUTION to amend the 2008 Personnel Policies and Procedures Manual of the City of Aurora, Colorado.

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

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

- ◆ c. Consideration to APPROVE A RESOLUTION establishing the 2008 Pay Plan for the City of Aurora, Colorado Career Service Employees.

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

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

- ◆ d. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plans for Velocity Metropolitan District Nos. 1-9 and authorizing the execution of Intergovernmental Agreements between the City and each of the Districts.

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

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

- ◆ e. Consideration to APPROVE A RESOLUTION approving an Intergovernmental Agreement between the City of Aurora, Colorado, and the Town of Foxfield, Colorado, for the grant of a Utility Easement by the Town of Foxfield.

Motion by Broom, second by FitzGerald, to approve item 10e.

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

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- ◆ f. Consideration to APPROVE A RESOLUTION ratifying, affirming and declaring the City of Aurora's intent to act by and through its Utility Enterprise to appropriate and put to beneficial use an appropriative Right of Exchange in the South Platte River Basin.

Motion by FitzGerald, second by Beer, to approve item 10f with a waiver of reconsideration.

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

- ◆ g. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, ratifying the submission of an invoice by the City Manager to the Aurora Urban Renewal Authority for an amount not to exceed \$1,000,000 in expenses incurred or expected to be incurred by the City with regard to the Municipal Office Building Project.

Motion by Wallace, second by Peterson, to approve item 10g.

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

Mayor Tauer noted that most items brought to Council as resolutions are things that are relatively straight forward, or have been discussed at previous budget meetings or Study Sessions. City Council has usually seen the item before, so they go through the formal approval process fairly smoothly.

11. ORDINANCES FOR INTRODUCTION

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION amending Chapter 138 regarding stormwater.

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

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

12. PLANNING MATTERS

- ◆ a. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, initially zoning a parcel of land generally located on the southeast corner of Quincy Avenue and Powhaton Road to O (Open District) and amending the Aurora Zoning Map accordingly (Aurora Reservoir Gateway), 145.84 acres more or less.

Michael Smyth, Planning, gave a brief introduction of the item, noting this parcel was annexed into the City in 2006, and is a collaborative effort between the Aurora Water Department and Aurora Parks and Open Space Department. The parcel will be used as a campus for utility facilities for the Aurora Water Department with a great deal of open space included. Short-term use will include a staging area by Aurora Water for nearby Prairie Water projects. No neighborhood opposition was received, the Planning Commission unanimously approved the item, and staff recommends approval of the zoning.

Motion by Beer, second by Peterson, to introduce item 12a.

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

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13. **ANNEXATIONS**

- ◆ a. 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 northeast quarter of Section 29, Township 5 South, Range 66 West of the 6th Principal Meridian, County of Arapahoe, State of Colorado (Kremer), 2.496 acres.

Scott Vangenderen, Project Manager, Development Services, gave a brief presentation on items 13a through c. He noted this is one of two last parcels for annexation and zoning to come before Council regarding the CornerStar development. This parcel is a small 2 acre site fronting Parker Road that will be a small retail pad site. The Tree Farm parcel on the west side will be coming before Council after the first of the year.

Reiner Kremer, P.O. Box 2, Franktown, CO 80116, the applicant for this item, was present to answer any questions.

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

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

- ◆ b. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, annexing certain lands located in the northeast quarter of Section 29, Township 5 South, Range 66 West of the 6th Principal Meridian, County of Arapahoe, State of Colorado (Kremer), 2.496 acres.

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

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

- ◆ c. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, initially zoning a parcel of land generally located on the west side of Parker Road, approximately 1,800 feet south of Arapahoe Road to B-4 (Business and Commercial District), and amending the Aurora Zoning Map accordingly (Kremer Property), 2.5 acres more or less.

Motion by Wallace, second by Peterson, to introduce item 13c.

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

Dr. Kremer expressed his thanks to Council and the great staff here at the City, who were a pleasure to work with.

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.

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Motion by Sandstrom, second by Beer, to reappoint Helen DiBartolomeo to the General Employees' Retirement Board.

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

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

Motion by Markert, second by Pierce, to appoint Mason Finks to the Aurora Commission for Seniors.

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

16. **REPORTS**

a. Report by the Mayor

Mayor Tauer congratulated Council Member Peterson for her son Kyle's upcoming high school and college graduations. He wished everyone a great Christmas and Holiday season and Happy New Year, and asked for patience with fellow shoppers during these final shopping days.

b. Reports by the Council

Council Member Peterson wished students and teachers a safe winter break and everyone a Happy Holiday.

Council Member FitzGerald also wished Happy Holidays to all.

Council Member Markert welcomed college students home for the holidays. She reported that volunteers participated in the annual cleanup of equipment and materials at the Bicentennial Art Center.

Council Member Pierce wished everyone Happy Holidays and Happy New Year. He announced Christmas tree recycling will take place starting December 26th until January 13th at Del Mar Park, Olympic Park, Murphy Creek Golf Course, and Saddlerock Golf Course. Mulch can be picked up between January 2nd and 13th.

Council Member Frazier announced his appointment of Jill Eden to the Visitors Promotion Advisory Board. He wished Merry Christmas, Happy Holidays and Happy New Year to all, and Happy Birthday to his wife.

Council Member Wallace announced her December 20th Ward I Town Meeting is cancelled. She extended thanks to Pam Wilson of the North Aurora Business Association for sponsoring a wonderful holiday party for about 360 kids in the neighborhoods. She announced a new partnership between Linda Bowman, President of Community College of Aurora and John Berry, Superintendent for Aurora Public Schools for post-secondary opportunities, where high school students can attend college at the same time. She congratulated Kyle Peterson, son of Council Member Peterson who will be graduating from Hinckley High School and T.H. Pickens Tech in May. This is a wonderful opportunity for these kids and their parents. She reminded everyone to safeguard homes and vehicles during this holiday season by keeping doors and windows locked, and to shovel sidewalks.

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Council Member Beer announced his Ward III Town Meeting will be tomorrow at 7:00 p.m. in the Aurora Room with Colonel Wayne McGee from Buckley Air Force Base as the featured speaker. He wished all a Merry Christmas, Happy New Year and to drive safely.

17. **PUBLIC INVITED TO BE HEARD**

None.

18. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 8:15 p.m.

EDWARD J. TAUER, Mayor

ATTEST:

DEBRA JOHNSON, City Clerk