

MINUTES

Regular Meeting – Aurora City Council Monday, February 25, 2008

CALL TO ORDER – EXECUTIVE SESSION

Mayor Tauer convened the Executive Session of City Council at 4:04 p.m.

ROLL CALL

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

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

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

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

CALL TO ORDER – EXECUTIVE SESSION

Mayor Tauer convened the Executive Session of City Council at 7:01 p.m.

ROLL CALL

PRESIDING:	Mayor Tauer
COUNCIL MEMBERS PRESENT:	Beer, Broom, FitzGerald, Frazier, Hogan, Markert, Peterson, Pierce, Sandstrom, Wallace
OFFICIALS PRESENT:	City Manager Miller, Deputy City Attorney Rogers, City Clerk Johnson

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

Motion by Sandstrom, second by Markert, to recess to Executive Session.

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

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

1. **RECONVENE REGULAR MEETING OF FEBRUARY 25, 2008 AND CALL TO ORDER**

Mayor Tauer reconvened the regular meeting of City Council at 7:38 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, Deputy City Attorney Rogers, City Clerk Johnson

3. **MOMENT OF SILENCE**

4. **PLEDGE OF ALLEGIANCE TO THE FLAG**

5. **APPROVAL OF THE MINUTES OF THE MEETING OF FEBRUARY 11, 2008**

Motion by Markert, second by Peterson, to approve the minutes of February 11, 2008, as presented.

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

6. **CEREMONY**

- a. Presentation to City of Aurora from Wal-Mart Stores to Spirit of Aurora/Teen Court - Mayor Edward J. Tauer

Mayor Tauer invited Josh Phair, Sr., Manager of Public Affairs, Wal-Mart Stores and Trace Tope, Coordinator Teen Court, to come forward. Ms. Tope gave a description of Teen Court and Mr. Phair presented the City of Aurora with a \$5,200 donation to benefit Teen Court on behalf of Wal-Mart. Mayor Tauer expressed his appreciation to Wal-Mart for their generous support.

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

Joseph Stuis, Aurora, Colorado, expressed concerns related to his recent attendance at a Safety Committee meeting held by Council Member Sandstrom, where he was not given the opportunity to speak. Additionally, he expressed opposition to Council Member Fitzgerald's ban on smoking in personal vehicles, stating it would not benefit child safety as suggested because most parents who are smoking in their vehicle are also smoking in their homes. He then concluded his comments by expressing his appreciation to City Attorney Richardson for his enduring efforts on behalf of the City of Aurora. He asked if the quality of life has declined in the City due to growth.

Council Member Sandstrom responded to Mr. Stuis by explaining Committee meeting procedures, noting they are not intended to take public comments.

Mayor Tauer recommended other ways in which Mr. Stuis could better communicate his opinions in the future.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented with item 14a removed from the agenda at the request of the applicant.

- ◆ *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.*

9. **CONSENT CALENDAR - 9a-9i**

General Business

- a. Consideration to AWARD A SOLE SOURCE CONTRACT to Applied Knowledge Inc. (AKI), Santa Ana, California in the amount of \$143,937.50 for software maintenance for the Tax and Licensing (T&L) computer system through December 31, 2008.
- b. Consideration to EXTEND A SINGLE SOURCE CONTRACT to Waste Management of Colorado, Incorporated, Englewood, Colorado in an amount not to exceed \$120,000.00 for refuse collection services through December 31, 2008.
- c. Consideration to AWARD CHANGE ORDER NUMBER ONE TO A SINGLE SOURCE CONTRACT to Waste Management of Colorado, Incorporated, Englewood, Colorado in an amount not to exceed \$81,000.00 for landfill dumping fees through December 31, 2008.
- d. Consideration to APPROVE AN AGREEMENT between the City of Aurora, Colorado, acting by and through its Utility Enterprise, and the High Line Canal Company relative to periodic leasing of company stock, in an amount not to exceed \$710,000.00.

Motion by Markert, second by Pierce, to approve items 9a-d.

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

- e. Consideration to AWARD A COMPETITIVELY BID CONTRACT to Garney Construction, Littleton, Colorado in the amount of \$53,350,972.50 for the construction of the North Campus Facilities of the Prairie Waters Project, Bid Package J1, Project Number 1121 J1.
- f. Consideration to AMEND AN OPENLY SOLICITED CONTRACT to HDR Engineering, Inc., Denver, Colorado in an amount not to exceed \$3,991,803.00 to provide construction management services associated with Bid Packages J1 and J2 of the Prairie Waters Project, R1309.
- g. Consideration to AMEND A SINGLE SOURCE CONTRACT to CH2M Hill, Inc., Englewood, Colorado in an amount not to exceed \$4,236,089.00 to provide design engineering services during construction for Bid Packages J1 and J2 of the Prairie Waters Project.

Council Member Markert asked for a financial breakdown for J1 and J2, including the project, construction management and design engineering.

Peter Binney, Director, Aurora Water, stated J1 relates to the well fields, the piping and the aquifer recharge areas, and J2 is coupled with J1 and relates to land management services. The request this evening was for approval of J1. J2 received two contracts which ended up not meeting engineer specifications, therefore J2 was withdrawn and would eventually be re-advertized. J1 and J2 would occur sequentially and J2 would come back before Council when a viable contract was available. Items 9f – g were structured as two packages and nothing under those items would be authorized for J2 until a contract was realized.

Council Member Markert expressed her concern that accountability to the citizens is realized. Mr. Binney concurred.

Council Member Frazier commended the Aurora Water staff on their efforts.

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Motion by Hogan, second by Broom, to approve items 9e-f.

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

Final Ordinances

- ◆ h. Consideration of an ORDINANCE FOR FINAL adopting a revised General Aviation Compatible Use Zone Map for Centennial Airport and amending the boundaries and definition of the General Aviation Use Zone, as established in Section 813 of Chapter 146, to conform to the revised map.
- ◆ i. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, vacating a portion of Kenton Way between East Arizona Place and East Arkansas Avenue, City of Aurora, County of Arapahoe, State of Colorado (The Gardens on Havana).

Motion by Sandstrom, second by Markert, to approve items 9h-i.

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

10. **RESOLUTIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, assigning and transferring to the City and County of Denver, Colorado, a portion of Aurora's 2008 allocation from the state ceiling for private activity bonds to finance residential housing facilities for low- and middle-income persons and families within Aurora and certain other cities and counties in the State of Colorado; authorizing the delegation to the City and County of Denver, Colorado of the authority of Aurora with respect to the issuance of single family home mortgage revenue bonds to finance residential housing facilities for low- and middle-income persons and families within Aurora and certain other cities and counties in the State of Colorado; approving such bonds and the Single Family Mortgage Loan Program; and authorizing the execution and delivery of a Delegation and Participation Agreement, an Assignment Agreement, and other documents in connection therewith.

Council Member Wallace asked how this resolution would impact the average person.

Paul Andrus, Community Development Planner, explained this program was available to income eligible families looking to purchase their first home.

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

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

11. **PUBLIC HEARING WITHOUT RELATED ORDINANCE**

- ◆ PUBLIC HEARING and consideration to APPROVE THE RESOLUTIONS listed in the agenda as items 11a and 11b concerning the approval of various new 2008 Title 32 Metro District Service Plans and authorizing the execution of various new Intergovernmental Agreements between the City and said Special Districts.
- ◆ *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 to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plan for The Gardens on Havana Metropolitan District Nos. 1-3 and authorizing the execution of an Intergovernmental Agreement between the City and the Districts.

Motion by FitzGerald, second by Markert, to approve item 11a.

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

- ◆ b. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Service Plan for Aurora Crossroads Metropolitan District Nos. 1-3 and authorizing the execution of an Intergovernmental Agreement between the City and the Districts.

Mark Geyer, Project Manager, Development Assistance, gave a brief introduction of the item, noting staff has reviewed these districts and finds them in compliance with the City's Model Service Plan.

Motion by Wallace, second by Sandstrom, to approve item 11b.

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

12. **ORDINANCES FOR INTRODUCTION**

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION of the City of Aurora, Colorado, declaring the organization of General Improvement District 1-2007 (Cherry Creek Racquet Club).

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

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

13. **ORDINANCES FOR FINAL**

- ◆ a. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, amending certain sections in Chapter 22 of the City Code of the City of Aurora, Colorado regarding administrative fees.

Motion by Peterson, second by Pierce, to approve item 13a.

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

Voting Nay: Beer, FitzGerald

- ◆ b. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, amending Articles 9, 10 and 20 of Chapter 146 of the City Code of the City of Aurora, Colorado, relating to establishing Sustainable Use Neighborhoods in the E-470 and Northeast Plains Zone Districts.

Council Member Hogan referenced Pages 245(f-1-f) and 254, noting this ordinance limits building heights to 100 feet. He pointed out there has been discussion overtime related to the

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creation of a high-end office product district along parts of the E-470 Corridor. Other major cities do not limit their building heights especially along an interstate highway. He asked staff why Aurora was doing so.

Mindy Parnes, Planning Department, explained these standards aligned with the Fitzsimons Boundary Area which was another high density area.

Council Member Hogan requested the Planning Policy Committee revisit the height limitation issue in parts of the City. There has been discussion regarding sustainable communities, environmentally-friendly development and urban sprawl which all relate to encouraging building up as well as building out. Limiting building heights does not encourage building up. There are a few overlay districts in the City that are not height restricted but those boundaries have not been reviewed in some time.

Council Member Broom was not in favor of this item because it allowed a 100 foot building adjacent to a single-family home with no transition. He noted providing better transition should also be addressed by the Policy Committee.

Council Member Peterson was not in favor of the item due to the small lot size.

Mayor Tauer concurred with Council Member Hogan.

Ms. Parnes noted the Fitzsimons Boundary area height restrictions would also be reviewed.

Motion by Beer, second by Pierce, to approve item 13b.

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

Voting Nay: Broom, Peterson, Wallace

- ◆ c. Consideration of an ORDINANCE FOR FINAL amending Section 138-223 of the City Code of the City of Aurora, Colorado, regarding water rates.

Motion by FitzGerald, second by Hogan, to approve item 13c.

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

Voting Nay: Peterson, Wallace

14. **PLANNING MATTERS**

The Applicant has withdrawn their application for a Site Plan Amendment for Item 14a.

- ◆ a. PUBLIC HEARING and consideration an APPEAL of the Planning Commission's decision to approve a Site Plan Amendment for a less than 3,000 square-foot bank with drive-through on 1.25 acres at the Shoppes at Arapahoe Commons (American National Bank at the Shoppes at Arapahoe Commons)

15. **RECONSIDERATIONS AND CALL-UPS**

None.

16. **GENERAL BUSINESS**

- ◆ ***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 to reappoint one incumbent member to a three-year term on the Parks & Recreation Advisory Board.

Motion by Peterson, second by Hogan, to reappoint Kathleen Booker to the Parks & Recreation Advisory Board.

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

- b. Consideration to reappoint one incumbent member to a three-year term on the Library Board.

Motion by Peterson, second by Sandstrom, to reappoint Virginia Butler to the Library Board.

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

17. **REPORTS**

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

Council Member Wallace related her recent visit, along with Council Members Beer and Pierce and Mayor Tauer, to the Ronald McDonald House. She stated it was a wonderful project that would help many people. She then pointed out that the Dutch Mill trailer park had closed and Brent's Place was going into the site. She noted the Dutch Mill would need to be moved and stored until it could be relocated, and an additional \$20,000 – \$50,000 was needed for this endeavor. Therefore anyone interested in preserving the Dutch Mill should help out where they could. In conclusion, she welcomed a new business, Desert Ceramics, to Ward I, and expressed her appreciation to Original Aurora Renewal for dealing with Immigrant Integration, and to staff for their efforts in bringing citizens out to many worthwhile occasions.

Council Member Sandstrom congratulated Rangeview High School staff and students on their recent AARP award for their innovative program, the Math Café.

Council Member Frazier noted his reappointment of Dwight Taylor to the Business Advisory Board.

Council Member Pierce announced the Great Highline Canal Clean-up was scheduled for March 15, 2008 from 7:00 a.m. to noon. Anyone with questions should direct them to Mary Dawson at 303-739-7372.

Council Member Markert announced Liberty Mutual Insurance issued an award in recognition of the City's Prairie Waters Project construction team for completing the access road at the new Aurora Water Purification facility with a spotless safety record. Additionally, the Aurora Public Schools Community Report for 2008 is available. She noted the Ward IV meeting was scheduled for Thursday, February 28, 2007 from 6:30 p.m. to 8:30 p.m. at Fire Station #11.

Council Member FitzGerald commended Debra Johnson and Jim Brown for their superior service to citizens. He then noted the Cherry Creek Water Basin Authority was planning to blow out the system through outlets and Cherry Creek so those who witness the "Jacuzzi" effect should not be concerned.

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Council Member Peterson congratulated her son, Kyle, for making the Principal's List with a 4.0 GPA, and her son, Gregory, for scoring very high on the CSAP test.

18. **PUBLIC INVITED TO BE HEARD**

None.

19. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 8:25 p.m.

EDWARD J. TAUER, Mayor

ATTEST:

DEBRA JOHNSON, City Clerk

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