

MINUTES

Regular Meeting – Aurora City Council Monday, April 7, 2008

CALL TO ORDER – EXECUTIVE SESSION

Mayor Tauer convened the Executive Session of City Council at 4:06 p.m.

ROLL CALL

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

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

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION

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

Voting Aye: Mayor Tauer, Broom, FitzGerald, Hogan, Pierce, Wallace

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

1. **RECONVENE REGULAR MEETING OF APRIL 7, 2008 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, Pierce, Wallace
COUNCIL MEMBER ABSENT:	Peterson, Sandstrom
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 MARCH 17, 2008**

Motion by Markert, second by Wallace, to approve the minutes of March 17, 2008 as presented.

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

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6. **CEREMONY**

a. Presentation of Assistance to Firefighters Grant - Congressman Ed Perlmutter

Mayor Tauer invited Congressman Ed Perlmutter and Fire Chief Mike Garcia to join him up front. He noted this grant is connected to Homeland Security, of which we all highly support. Congressman Perlmutter was able to obtain this grant in the amount of \$47,903 for the Aurora Fire Department. Mayor Tauer thanked the Congressman for coming this evening.

Chief Garcia thanked Congressman Perlmutter for his part in obtaining the grant, and stated the funds will allow the Fire Department to receive advanced training in order for fire officers to become certified fire officer inspectors. It is better to mitigate problems before they have to respond to an incident, and this training will provide a pro-active solution. Hazardous materials are often transported on roadways and Interstates, making it a regional concern as well as local. This training will also give the department knowledge of operations and awareness of problems concerning hazardous materials.

Congressman Perlmutter thanked the Mayor and Council for allowing this presentation tonight. He stated providing funds to Firefighters is one of the best parts of his job. He is on the Homeland Security Committee, and \$700M in safety and training grants went to Fire Departments across the country. This training will allow the department to be safer, thereby making the citizens of the entire City safer. He stated it is his pleasure to present the check to Chief Garcia, Mayor Tauer and the City. The Aurora Fire Department is one of the best around, and this training will just make it better.

b. Swearing in of newly appointed Boards and Commission members – Presiding Judge Richard Weinberg

<u>Name</u>	<u>Board or Commission</u>
E. Dwight Taylor	Business Advisory Board & Judicial Performance Commission
Virginia Butler	Library Board
Dan Mikesell	Metropolitan Wastewater Reclamation District Board

Presiding Judge Richard Weinberg administered the oath of office to the board and commission members. Mayor Tauer and City Council congratulated the members and thanked them for their service to Aurora.

c. Swearing in of Andrea Wood as a newly appointed Assistant City Attorney - Presiding Judge Richard Weinberg

Charles Richardson, City Attorney, introduced Andrea Wood and her husband Trevor, noting Ms. Wood has spent most of her life in Colorado, and has a Bachelor's Degree from Metro State University and a Master's Degree and Juris Doctorate from the University of Denver. She has done two separate internships with the City of Aurora, in both the civil and criminal divisions. She passed the bar on her first try, and he is pleased to present Ms. Wood to the City Council.

Presiding Judge Richard Weinberg administered the oath of office to Ms. Wood. Mayor Tauer and City Council congratulated her and thanked her for her service to Aurora.

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

Adam Mitchell, Aurora, Colorado, asked City Council to re-evaluate the breed specific ordinance. He understands the need to protect citizens against vicious dogs, but feels there is one dog on the prohibited list that doesn't need to be there, the American Bulldog. He has an older dog that will soon be gone, and wants to get another one to replace him. He has two small children and would not pick a dog that would not be good with kids. He has research and information from

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veterinarians that he would be happy to share with Council. He would like a dog that can protect his children, but not harm anybody who enters his house.

Ann Rossert, Aurora, Colorado, is the Goodwill Ambassador and Board Member of Aurora's ARC (Association for Retarded Citizens) Chapter. She came to invite the Mayor and Council to their Springfest Basket Bonanza on Saturday, April 12th at McCarthy's Sports Bar & Grill, from 6:30 p.m. to 8:30 p.m. Baskets, including one made by Mayor Tauer and his family, will be auctioned off to raise money for the organization. John Dutton, Quarterback of the Colorado Crush, will be the special guest. She noted as a piece of history trivia, that Council Member Markert's home was a former office for the Aurora ARC chapter, and her telephone number also was originally ARC's. She thanked the Mayor and Council for their support.

Council Member Markert noted 30+ years ago, she lived in a small farmhouse at 6th Avenue and Chambers Road. A program was started there called Citizen's Advocacy, where volunteers worked with citizens one-on-one. Mayor Tauer's mother was very active on the Advisory Committee.

8. **ADOPTION OF THE AGENDA**

The agenda was adopted as presented with item 13a deferred to the May 5, 2008 City Council meeting.

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

General Business

- d. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Loomis, Denver, Colorado for armored car services as required through April 30, 2009 in the not-to-exceed amount of \$70,448.00, RFP Number R-1339.
- e. Consideration to AWARD A SOLE SOURCE CONTRACT to Gades Sales Company Inc., Denver, Colorado in the not-to-exceed amount of \$108,000.00 to purchase traffic signal controllers through March 31, 2009.

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

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

- a. Consideration to AWARD A NO COST SINGLE SOURCE CONTRACT to EyeOn Solar Energy Ltd, Boulder, Colorado for the installation and operation of a 100 KW Photovoltaic Solar Power System on the City of Aurora Police District 2/History Museum Buildings.
- b. Consideration to AWARD A NO COST SINGLE SOURCE CONTRACT to EyeOn Solar Energy Ltd, Boulder, Colorado for the installation and operation of a 100 KW Photovoltaic Solar Power System on the City of Aurora Municipal Justice Center Building.
- c. Consideration to AWARD A NO COST SINGLE SOURCE CONTRACT to EyeOn Solar Energy Ltd, Boulder, Colorado for the installation and operation of a 100 KW Photovoltaic Solar Power System on the City of Aurora North Satellite Main Workshop/Garage Building.

Council Member Pierce asked for a brief explanation of these three contracts. Jim Schrack, Environmental Program Supervisor, stated these are 100 kilowatt photovoltaic panels that will be installed on the identified City buildings. This is proven technology, which provides a unique opportunity for some public/private partnerships between the City of Aurora, EyeOn Solar Energy and Xcel Energy. EyeOn brings investors to the table and they benefit by receiving tax credits

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that the City isn't able to take. They also get an accelerated equipment depreciation, and get to sell renewable energy credits to Xcel Energy. Xcel benefits as this helps them with their business plan filings with the Public Utility Commission, and in meeting their renewable portfolio standards. The City benefits because this is a cost-neutral project with potential cost savings, and demonstrates our commitment in supporting sustainable energy and "green" power.

Council Member Pierce stated this is a great partnership that will benefit all parties. He thanked staff for their work.

Motion by Pierce, second by FitzGerald, to approve items 9a-c.

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

- f. Consideration to EXTEND AWARD OF A COMPETITIVELY BID CONTRACT to Lafarge West, Inc., Denver, Colorado in the amount of \$8,835,108.99 for the 2008 Street Overlay Program, Project Number 06001B.

Council Member Markert asked if this was the same contract that had problems last year and Council wanted specific assurances they would not occur in the future.

Council Member Wallace stated that was two years ago. Staff worked through the issues with A-1, and last year she did not have any complaints in her Ward.

Council Member Broom stated it was the seal and chip program that had the problems.

Mayor Tauer asked if this is the same vendor that did the overlay project last year and not the chip and seal project. Chris Carnahan, Operations Manager, Public Works, verified that Lafarge does the street overlay projects, which is the item before Council tonight. It was the chip seal program that had problems last year, and a contract for that will be brought to Council in four to six weeks.

Mayor Tauer asked for confirmation that the work at Mississippi Avenue and Moline Street was not done by this vendor. Mr. Carnahan stated this is not the same vendor. Mayor Tauer asked that when that contract comes up, staff makes sure the hole in the road at that site gets fixed. We should be inspecting the work, and the hole has existed since the first day of work last year. Mr. Carnahan stated they would not wait for the contract, and would check into it right away.

Council Member FitzGerald asked for a brief description of how the recycling portion of this contract is used given the fact that the materials are becoming more expensive each year. Mr. Carnahan stated this year the City is increasing the amount of recycled product in the asphalt used on residential and collector streets. That amount has slowly been increased over the last three years, and the City has had very good results in doing so. Two things are realized by using recycled product: a financial savings to the city, and an ecological use of the material rather than going to a landfill.

Motion by Markert, second by Wallace, to approve item 9f.

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

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Final Ordinances

- ◆ g. Consideration of an ORDINANCE FOR FINAL approving a Purchase and Sale Agreement between the City of Aurora, Colorado, acting by and through its Utility Enterprise and Lafarge West, Inc. (at a total cost of \$1,150,000.00).

Motion by Hogan, second by Beer, to approve items 9g.

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

10. **RESOLUTIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Aurora Water 2008 Water Management Plan.

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

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

11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. Consideration for an ORDINANCE FOR INTRODUCTION amending Section 146-1614 of the City Code of the City of Aurora, Colorado, regarding off-site development directional signs.

Motion by Broom, second by Beer, to introduce item 11a.

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

12. **PLANNING MATTERS**

- ◆ a. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, amending various subsections of Section 146-1252 of the City Code of the City of Aurora, Colorado, relating to after-hours operation of specified uses.

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

Voting Aye: Beer, FitzGerald, Frazier, Markert, Pierce, Wallace

Voting No: Broom, Hogan

13. **PLANNING MATTERS**

The Applicant requests deferral of Item 13a to the May 5, 2008 City Council Meeting.

- ◆ a. PUBLIC HEARING to consider a Conditional Use for After-Hours Operation adjacent to residential for the Mirage at Stockade Shops located at 2648 South Parker Road (Mirage at Stockade Shops).

Council Member Broom asked if the Public Hearing will be reopened at the May 5, 2008 Council meeting.

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Mayor Tauer stated the Public Hearing will remain open until the May 5th meeting so that the notice of public hearing is not lost. Charles Richardson, City Attorney, confirmed this process.

Motion by Hogan, second by Markert, to defer item 13a to the May 5, 2008 City Council meeting.

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

- ◆ b. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, rezoning a parcel of land generally located on the southwest corner of East Hampden Avenue and Tower Road from from PCZD-MF (Planned Community Zone District-Multi-Family) to B-1 (Retail Business District) and amending the Aurora Zoning Map accordingly (Summerfield Ventures LLC), 1.0 acre more or less

Ed Arnold, Planning, gave a brief introduction of the item, noting the rezoning request is for development of a new bank at the location. The Planning Commission will review that application in May. A neighborhood meeting was held on February 13, 2008, and there were no objections to the rezone. The Planning Commission unanimously approved the rezoning request on March 26, 2008. The rezoning is consistent with the intent of the Comprehensive Development Plan and compatible with surrounding businesses. Staff recommends approval of the item.

Stephen Sellenriek, 2953 South Peoria Street, Aurora, CO, representing THK Associates, was present to answer questions.

Council Member Beer stated it is interesting in this case, as many rezoning requests are from commercial to residential, and this is the opposite. Commercial projects are less costly to develop, and generate revenue for the City. He was on the Planning Commission years ago when the applicant first came forward with the site plan approval for the condominiums, and is please to support this item.

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

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

14. **RECONSIDERATIONS AND CALL-UPS**

None.

15. **GENERAL BUSINESS**

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

Motion by Markert, second by FitzGerald, to appoint Dala French Giffin to the Open Space Board.

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

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- b. Consideration to appoint two new members to a three-year term on the Aurora Fox Arts Center Board.

Motion by Hogan, second by FitzGerald, to appoint Donald Armstrong and George Hill to the Aurora Fox Arts Center Board.

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

16. REPORTS

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

Council Member Beer announced his appointment of David Chavez to the Aurora Youth Commission, and thanked him for his service to the City. He also announced his Ward III Town Meeting will be held on April 17th, at 7:00 p.m. in the Aurora Room at the Aurora Municipal Center. The focus will be on the City's budget. He invited all residents of the City to attend.

Council Member Wallace wished Council Member Peterson a speedy recover from her recent surgery. She announced her appointments of Jasmine Grayson and Chaniece Davis to the Aurora Youth Commission, and commended them for volunteering with the City while being full-time students. She reported that the Mayor and Council Member Markert joined her at the Aurora Asian Community Partnership event at Children's Hospital last. She urged everyone to visit and volunteer at the Children's Hospital to see what a wonderful world-class facility it is.

Council Member Frazier reported he just came back from Shanghai, Beijing and Hai'an County in China, where he participated in the Harvard University Alumni Association Global Series Forum in Shanghai. The impact of China on the rest of the world was discussed, specifically public health, environment and economy. He noted that the City of Aurora pales in comparison to China in regard to growth. He went on tours of plants and manufacturing facilities that make many of the products we see in our stores here in Aurora. He obtained valuable information, and will be sharing it at his upcoming Town Meetings and Homeowner Association Meetings.

Council Member Pierce announced the latest production at the Fox Arts Center is *The Emperor Jones*, which is running from April 11th to May 11th. For more information, call (303) 739-1970 or visit aurorafox.org.

Council Member Markert announced the Coalition Of Many Providing After School Success (COMPASS) annual fundraising breakfast will be held on April 10th at the Martin Luther King, Jr. Library. This organization provides quality after school programs in partnership with the City and Aurora Public Schools. She also announced the Aurora Youth Commission's (AYC) annual outreach event will be on April 15th from 6:00 p.m. to 8:00 p.m. at the Central Library. The AYC is looking for youth interested in advising the Commission on issues of importance to youth in the City of Aurora. Youth and their parents are invited to participate.

Council Member FitzGerald congratulated the following youth from the Dam West Community for winning State Championships at the Colorado High School Activities Association Speech and Debate 2008 State Tournament. Justin Friedberg, Cherry Creek High School, was named the State Champion in "Interpretation of Humor". Travis Taggart and Charles Gass, Overland High School, were named State Champions in "Public Forum Debate". He announced the City of Aurora has been named as a finalist in the National Civic League's All-America City Award. The City deserves the honor.

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17. **PUBLIC INVITED TO BE HEARD**

None.

18. **ADJOURNMENT**

Mayor Tauer adjourned the regular meeting of City Council at 8:18 p.m.

EDWARD J. TAUER, Mayor

ATTEST:

DEBRA JOHNSON, City Clerk