

NOTE: The City Council has a responsibility to advise its citizens of its meetings and the topics it proposes to discuss. The following agenda shows the proposed format for tonight's set of meetings. The first meeting is held for the sole purpose of determining whether Council will adjourn into executive session, a non-public meeting, at which only permissible topics can be discussed. After this decision is made, Council will adjourn its regular Council meeting until 7:30 p.m. Council will consider the business listed on the agendas below at the times indicated. *In the event that a City Council meeting is cancelled, items from this agenda may be postponed to the next City Council meeting or a future City Council meeting. You may contact the City Clerk's Office for further details or visit our web site at www.auroragov.org.*

REVISED AGENDA
City of Aurora, Colorado
MONDAY, JANUARY 12, 2009

REGULAR MEETING OF THE AURORA CITY COUNCIL

(Open to the Public)
5th Floor Mt. Elbert Room
4:00 p.m.

CALL TO ORDER: Mayor Edward J. Tauer

ROLL CALL: Debra Johnson, City Clerk

ANNOUNCEMENT OF PROPOSED EXECUTIVE SESSION TOPICS: Janice Napper, Assistant City Manager for Mayor Edward J. Tauer

(Matters subject to consideration in Executive Session per Section 24-6-402(4) C.R.S.)

CONSIDERATION TO RECESS FOR EXECUTIVE SESSION:

EXECUTIVE SESSION
(Closed to the Public)
5th Floor Mt. Elbert Room
4:00 p.m. – 5:00 p.m.

STUDY SESSION
(Open to the Public)
1st Floor Aurora Room
5:00 p.m. - 7:15 p.m.

REGULAR MEETING OF THE AURORA CITY COUNCIL

(Open to the Public)
Reconvene at 7:30 p.m. - Council Chambers

Full agendas available in the City Clerk's Office or at www.auroragov.org.

CITY OF AURORA ACCESSIBILITY STATEMENT: The Aurora Municipal Center is wheelchair accessible with entry ramps and handicapped parking located on the west and east side of the building and on all levels of the parking garage. Ramp access from the parking garage is located on the Ground Floor and the 4th level of the garage. Council Chambers is equipped with a wheelchair lift for access to the front of Council Chambers. Hearing devices may be requested from the City Clerk prior to the Council meeting. Disabled individuals requiring other assistance must make their request known by NOON, the FRIDAY PRECEDING the Monday City Council meetings by contacting the City Clerk's Office at 303-739-7094, or calling the TTY TELEPHONE in ACCESS AURORA at 303-739-7469.

1/12/2009

- ◆ *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.*

REVISED AGENDA

**City Council Executive Session
(5th Floor Mt. Elbert Room - Closed to the Public)
Monday, January 12, 2009
4:00 p.m.**

- 1. Negotiations concerning Intergovernmental Agreement – Mayor Tauer 15 min.
- 2. Negotiations concerning Transportation Intergovernmental Agreement - Mayor Tauer 15 min.
- 3. Personnel Matters – Judge Weinberg 15 min.
- 4. Legal Advice – Richardson 30 min.

Note: Matters subject to consideration in Executive Session may include the following:

- a. Property Transactions, to wit: *The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except for the purpose of concealing the fact that a member of the [City Council] has a personal interest in such purchase, acquisition, lease, transfer, or sale. C.R.S. §24-6-402(4)(a).*
- b. Legal Advice, to wit: *Conferences with an attorney for the [City Council] for the purposes of receiving legal advice on specific legal questions. C.R.S. §24-6-402(4)(b).*
- c. Confidential Matters, to wit: *Matters required to be kept confidential by a federal or state law, rule, or regulation. The specific statute or rule or regulation that is the basis for such confidentiality must be cited prior to the executive session. C.R.S. §24-6-402(4)(c).*
- d. Security Issues, to wit: *Specialized details of security arrangements or investigations. C.R.S. §24-6-402(d).*
- e. Negotiations, to wit: *Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators. C.R.S. §24-6-402(e).*
- f. Personnel Matters (except if the employee who is the subject of the session has requested an open meeting, or, if the personnel matter involves more than one employee, all of the employees have requested an open meeting). C.R.S. §24-6-402(4)(f).
- g. Confidential Documents, to wit: *Consideration of any documents protected by the mandatory nondisclosure provisions of the Open Records Act. C.R.S. §24-6-402(4)(g).*

As the Mayor (or Mayor Pro Tem) of the City of Aurora, Colorado, and the Chair of this Regular Meeting of the Aurora City Council, I hereby certify that the discussion which took place in this executive session was limited to the topic or topics that are set forth hereinabove.

Edward J. Tauer, Mayor

Date

As the City Attorney (or Deputy City Attorney) of the City of Aurora I was in attendance at this executive session, and it is my opinion that those portions of the discussion which were not recorded, if any, constitute privileged attorney-client communications under applicable law.

City Attorney

Date

AGENDA

**City Council Study Session
(1st Floor Aurora Room)
Monday, January 12, 2009
5:00 p.m.**

ITEMS FROM THE CITY COUNCIL

1. **Issue Update**
2. Colorado Municipal League/National League of Cities - Council Member Pierce
3. **Legislative Update** - Council Member Peterson
4. Denver Regional Council of Governments (**DRCOG**) - Council Member Broom

CONSENT CALENDAR

(Formal Action required at Regular Meeting Item 5-6)

5. Consideration to reappoint one member to a three-year term on the Art in Public Places Commission - Napper
6. Consideration to appoint one member to a three-year term on the Planning and Zoning Commission - Napper

ITEMS FROM THE POLICY COMMITTEES

(Formal Action required at Regular Meeting Item 7-10)

7. Registration and Maintenance of **Vacant Residential Properties** – Code Enforcement Policy Committee – Sheffield (10/15)
8. **2009 Personnel Policies and Procedures** Manual Revisions – Management & Finance Policy Committee – Shuman (5/10)
9. **Arapahoe County IGA** for Management Services of Developed Park Sites – Operations & Environmental Affairs Policy Committee – Barrett (5/10)
10. **Waiver of an Investment Policy** mandated sale of an Investment – Management & Finance Policy Committee (***This item also appears on the January 12, 2009 Regular agenda***) – Gross (5/10)

(No Formal Action required Item 11-13)

11. Outsourcing of **Aurora Business Development Center** - Planning, Economic Development, & Redevelopment Policy Committee – Webster-McKinney (5/15)
12. **Neighborhood Stabilization Program** - Code Enforcement Policy Committee - Sheffield (5/10)
13. **Lowry Vista Referral** from the City and County of Denver – Planning, Economic Development & Redevelopment Policy Committee – Parnes (5/15)

ITEMS FROM THE MANAGER

(Formal Action required at Regular Meeting Item 14-17)

14. **Peoria Park Neighborhood** GID Resolution – Cannon
15. **Meadow Hills Townhomes** GID Resolution – Cannon
16. **Peoria Park Fence** Resolution –Shannon
17. **Meadows Hills Townhomes Fence** Resolution – Shannon (5/5)

CALL-UPS OF COUNCIL POLICY COMMITTEE ITEMS

MISCELLANEOUS ITEMS

ITEMS REMOVED FROM THE AGENDA, IF ANY

AGENDA

**Regular Meeting of the Aurora City Council
City Council Chambers
Monday, January 12, 2009
7:30 p.m.**

NOTE: Interested citizens wishing to address City Council should complete a SPEAKER SLIP and present it to the City Clerk stationed near the Council dais. Speaker Slips are located on the table by the Council Chambers entrance. Speakers on items not related to the agenda are allowed three minutes to speak. Council does not engage in discussion during this time.

1. **RECONVENE REGULAR MEETING OF JANUARY 12, 2009 AND CALL TO ORDER**
2. **ROLL CALL** Debra Johnson, City Clerk
3. **MOMENT OF SILENCE**
4. **PLEDGE OF ALLEGIANCE TO THE FLAG** (all standing)
5. **APPROVAL OF THE MINUTES OF THE MEETING OF DECEMBER 15, 2008**
6. **CEREMONY**
 - a. Swearing in of Judges–
 1. Presiding Judge Richard Weinberg – Judge Blair Sylvester
 2. Associate and Relief Judges – Judge Richard Weinberg
 - b. Proclamation declaring January 12-19, 2009 Dr. Martin Luther King Jr. Week - Mayor Edward J. Tauer
7. **PUBLIC INVITED TO BE HEARD (non-agenda related issues only)**
8. **ADOPTION OF THE AGENDA**
9. **CONSENT CALENDAR - 9a-g**

General Business

- a. Consideration of a SPECIAL WARRANTY DEED conveying 2.294 acres to the United States Department of Veterans Affairs for use as Veterans Hospital. (Fitzsimons Pool) **Staff requests a Waiver of Reconsideration.** STAFF SOURCE: Bob Rogers, Deputy City Attorney
- b. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Legacy Communications, Denver, Colorado in the total amount of \$89,680.13 to purchase a Zetron Fire Station Alerting system for the Aurora Fire Department. (R1381). STAFF SOURCE: Dave Lawless, Public Safety Systems Manager, Information Technology
- c. Consideration to AMEND AN OPENLY SOLICITED CONTRACT to EMC Engineers, Incorporated, Lakewood Colorado in the amount not to exceed \$149,000.00 to provide facilities energy and LEED consulting services in accordance with Request for Proposal R-1348. STAFF SOURCE: Russ Grant, Manager of Facilities Management.

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- d. Consideration of an AGREEMENT between the City of Aurora and the Arapahoe Little League Board of Directors regarding the Little League Complex. STAFF SOURCE: Tom Barrett, Director of Parks & Open Space

Final Ordinances

- ◆ e. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, amending the Comprehensive Plan by appending the "Gateway Park East Station Area Plan" to the Comprehensive Plan. STAFF SOURCE: Loretta Daniel, Planning Department
- ◆ f. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, amending Sections 102-181 of the City Code of the City of Aurora, Colorado regarding the "Old Hire" firefighters' pension plan. STAFF SOURCE: John Gross, Finance Director
- ◆ g. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, enacting Division 6, of Article 7, of Chapter 146, of the Aurora City Code which Division 6 shall pertain to Transit-Oriented Development. STAFF SOURCE: John Fernandez, Manager of Comprehensive Planning, Planning Department

10. **RESOLUTIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado authorizing an exception to the City Investment Policy. (Partial Waiver) (***This item also appears on the January 12, 2009 Study Session agenda***) STAFF SOURCE: Ted Frost, Treasury Administrator
- ◆ b. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing an exception to the City Investment Policy. (Full Waiver) (***This item also appears on the January 12, 2009 Study Session agenda***) STAFF SOURCE: Ted Frost, Treasury Administrator
- ◆ c. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving an Intergovernmental Agreement between the City of Aurora and the Colorado Department of Transportation for the design of the I225/Colfax Avenue and 17th Place Interchange. ***This item relates to item 16f. Staff requests a Waiver of Reconsideration.*** STAFF SOURCE: Ronald Degenhart, City Engineer

11. **PUBLIC HEARING WITH RELATED ORDINANCE**

- ◆ a. PUBLIC HEARING and consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, approving a Development Agreement between the City of Aurora, Colorado, and Fitzsimons Redevelopment Authority creating a Vested Property Right pursuant to Article 68 of Title 24, C.R.S for certain lands located in Section 36, Township 3 South, Range 67 West of the 6th Principal Meridian, County of Adams, State of Colorado (184 acres more or less). STAFF SOURCE: Scott VanGenderen, Office of Development Services

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12. **ORDINANCES FOR INTRODUCTION**

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, declaring the organization of General Improvement District 1-2008 (Peoria Park). STAFF SOURCE: Margee Cannon, Neighborhood Services
- ◆ b. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, declaring the organization of General Improvement District 3-2008 (Meadow Hills Country Club). STAFF SOURCE: Margee Cannon, Neighborhood Services
- ◆ c. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Chapter 102 of the City Code of the City of Aurora, Colorado relating to 2008 Tax Compliance for the Elected Officials and Executive Personnel Defined Benefit Plan. STAFF SOURCE: Stacie Glass Evans, Assistant City Attorney
- ◆ d. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado amending Sections 142 and 149 of Chapter 102 of the City Code of the City of Aurora, Colorado relating to the General Employees' Retirement Plan. STAFF SOURCE: Stacie Glass Evans, Assistant City Attorney
- ◆ e. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado amending Chapter 102 of the City Code of the City of Aurora, Colorado relating to 2008 Tax Compliance for the "Old Hire" Firefighters' and "Old Hire" Police retirement systems. STAFF SOURCE: Stacie Glass Evans, Assistant City Attorney
- ◆ f. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Section 146-1002 of the City Code of the City of Aurora, Colorado, and adopting new Section 146-1266 for addition to the City Code of the City of Aurora, Colorado relating to Electrical Substations within the Northeast Plains Zoning District. STAFF SOURCE: William Davidson, Planning

13. **ORDINANCES FOR FINAL**

- ◆ a. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, adopting the 2009 Ward Map. ***Ordinance 2008-80, Introduced 5-4 (Hogan, Markert, Peterson, Wallace voting no) at the December 15, 2008 City Council meeting.*** STAFF SOURCE: Debra Johnson, City Clerk

14. **PLANNING MATTERS**

- ◆ a. PUBLIC HEARING to consider a SITE PLAN AMENDMENT for a 50-foot CMRS free-standing pole and 450-square-foot pre-fabricated equipment shelter for communication equipment, generally located on the NE Corner of Dallas Street and E 25th Avenue. (AT&T CMRS at Dayton Industrial Center) (Case Number 1984-6054-03) ***Approved 6 - 0 at the October 22, 2008 Planning Commission meeting. Called up by City Council at the October 27, 2008 Council Meeting.*** STAFF SOURCE: Peter Kernkamp, Planning

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- ◆ b. PUBLIC HEARING to consider AN APPEAL of the Planning Commission's decision to deny a Contextual Site Plan for a 17,850 square foot retail building for furniture sales; generally located at the SE corner of Smoky Hill Road and South Aurora Parkway. (La-Z-Boy at Eagles Nest Village CSP No. 7) (Case Number 2008-6037-00) **Denied 1-5 (Dodds, Harding, Hill, Singer, and Witt voting no) at the December 10, 2008 Planning Commission meeting.** STAFF SOURCE: Michael Smyth, Planning

15. **RECONSIDERATIONS AND CALL-UPS**

16. **GENERAL BUSINESS**

- a. Consideration to reappoint one incumbent member to a three-year term on the General Employees' Retirement Board. STAFF SOURCE: Janice Napper, Assistant City Manager
- b. Consideration to appoint one member to a three-year term on the Board of Adjustment and Appeals. STAFF SOURCE: Janice Napper, Assistant City Manager
- c. Consideration to appoint two members to a three-year term on the Parks & Recreation Advisory Board. One appointment will be fulfilled immediately and the other will take effect on February 6, 2009. STAFF SOURCE: Janice Napper, Assistant City Manager
- d. Consideration to appoint three members to a three-year term on the Golf Course Advisory Committee. STAFF SOURCE: Janice Napper, Assistant City Manager
- e. Consideration to reappoint one member to a three-year term on the Civil Service Commission. STAFF SOURCE: Janice Napper, Assistant City Manager
- f. Consideration to AWARD AN OPENLY SOLICITED CONTRACT to Felsburg, Holt, & Ullevig in the amount of \$2,984,163.00 to provide engineering design services for the design of the I225/Colfax Avenue Interchange. ***This item relates to item 10c. Staff requests a Waiver of Reconsideration*** RFP No. R-1387. STAFF SOURCE: Ronald Degenhart, City Engineer

17. **REPORTS**

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

18. **PUBLIC INVITED TO BE HEARD**

19. **ADJOURNMENT**

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