

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.*

AGENDA
City of Aurora, Colorado
MONDAY, FEBRUARY 23, 2009

REGULAR MEETING OF THE AURORA CITY COUNCIL

(Open to the Public)
5th Floor Mt. Elbert Room
4:30 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
4:30 p.m. – 5:00 p.m.

AURORA URBAN RENEWAL AUTHORITY EXECUTIVE SESSION

(Closed to the Public)
5th Floor Mt. Elbert Room
5:00 p.m. – 5:30 p.m.

STUDY SESSION
(Open to the Public)
1st Floor Aurora Room
5:30 p.m. – 7:00 p.m.

REGULAR MEETING OF THE AURORA URBAN RENEWAL AUTHORITY

(Open to the Public)
1st Floor Aurora Room
7:00 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.

AGENDA

**City Council Executive Session
(5th Floor Mt. Elbert Room - Closed to the Public)
Monday, February 23, 2009
4:30 p.m.**

1. Legal Advice regarding Litigation – Mayor Tauer 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

**Aurora Urban Renewal Authority Executive Session
(5th Floor Mt. Elbert Room - Closed to the Public)
Monday, February 23, 2009
5:00 p.m.**

1. Negotiations concerning Development - Amonick 20 min.

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- 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).*
- f. 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, Chairman

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.

Attorney

Date

AGENDA

**City Council Study Session
(1st Floor Aurora Room)
Monday, February 23, 2009
5:30 p.m.**

1. ITEMS FROM THE CITY COUNCIL

- a. **Issue Update**
- b. Colorado Municipal League/National League of Cities - Council Member Pierce
- c. **Legislative Update** - Council Member Hogan
- d. Denver Regional Council of Governments (**DRCOG**) - Council Member Broom

2. CONSENT CALENDAR

(Formal Action required at Regular Meeting Item 2a-b)

- a. Water Lease Agreement with Nestle Waters North America Inc. – Aurora Water Policy Committee – Stibrich
- b. Amending of Trespass Ordinance – Sheffield

3. ITEMS FROM THE POLICY COMMITTEES

(Formal Action required at Regular Meeting Item 3a-c)

- a. **Old Hire Police Pension Board** Composition and Quorum – Management & Finance Policy Committee – Gross (5/5)
- b. **Revision to Street Requirements and Urban Street Standards** for Transit Oriented Developments & Urban Centers – Operations & Environmental Affairs Policy Committee – Degenhart (10/10)
- c. **Xeriscape Amendments** to Landscape Code – Aurora Water Policy Committee – Fecko (5/10)

(No Formal Action required Item 3d)

- d. **Intelligent Transportation Systems (ITS)** Strategic Plan– Operations & Environmental Affairs Policy Committee – Bunce (5/5)

4. CALL-UPS OF COUNCIL POLICY COMMITTEE ITEMS

5. MISCELLANEOUS ITEMS

6. ITEMS REMOVED FROM THE AGENDA, IF ANY

AGENDA

MEETING OF THE AURORA URBAN RENEWAL AUTHORITY

Aurora Room

Monday, February 23, 2009

7:00 p.m.

1. **CALL TO ORDER**: Chairman Edward J. Tauer
2. **ROLL CALL**: Debra Johnson, City Clerk
3. **APPROVAL OF THE MINUTES OF THE MEETING OF DECEMBER 15, 2008 & JANUARY 26, 2009**
4. **BILLS AND COMMUNICATIONS**
 - a. Consideration to APPROVE A RESOLUTION of the Board of Commissioners of the Aurora Urban Renewal Authority authorizing the execution of a Loan Agreement with the City of Aurora, Colorado, and a Promissory Note evidencing a loan in the amount of \$415,000 from the Aurora Brownfields Revolving Loan Fund. STAFF SOURCE: Moira Dungan, Urban Renewal Office
5. **ADJOURNMENT**

2/20/2009

- ◆ *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.*

AGENDA

**Regular Meeting of the Aurora City Council
City Council Chambers
Monday, February 23, 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 FEBRUARY 23, 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 FEBRUARY 2, 2009**
6. **CEREMONY**
7. **PUBLIC INVITED TO BE HEARD (non-agenda related issues only)**
8. **ADOPTION OF THE AGENDA**
9. **CONSENT CALENDAR - 9a-c**

General Business

- a. Consideration to APPROVE LAND PURCHASE AND SALE AGREEMENT(S) totaling \$1,163,700 for a parcel of land situated in the SW 1/4 of Section 4, Township 5 South, Range 65 West of the 6th Principal Meridian, Arapahoe County, Colorado containing 38.79 acres, more or less (Murphy). ***Deferred from the February 2, 2009 City Council meeting. Staff requests a Waiver of Reconsideration.*** STAFF SOURCE: Lyman Ho, Land Acquisition Manager, Prairie Waters Project

Final Ordinances

- ◆ b. Consideration of an ORDINANCE OF FINAL of the City Council of the City of Aurora, Colorado, amending various provisions of the City Code of the City of Aurora, Colorado, regarding the establishment of fees for alcoholic beverage, cabaret, and massage therapy licenses. STAFF SOURCE: Robin Peterson, Finance Department
 - ◆ c. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, initially zoning of a parcel of land generally located north of the Aurora Reservoir, astride Quincy Avenue, and to the east of Robertsedale Road to Open District ("O"), and amending the Aurora Zoning Map accordingly (Pronghorn Natural Area and Open Space) 1073.02 acres more or less (Case Number 2007-2016-00). STAFF SOURCE: Elizabeth Tart, Planning Department
10. **RESOLUTIONS**
- ◆ a. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the execution of a Loan Agreement with the Aurora Urban Renewal Authority evidencing a loan from the Aurora Brownfields Revolving Loan Fund for \$415,000. STAFF SOURCE: Moira Dungan, Development Services

2/20/2009

- ◆ ***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.***

- ◆ b Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing a Grant in the amount of \$350,000 to Aurora Economic Development Council, Inc. STAFF SOURCE: Andrea Amonick, Interim Development Services Director
- ◆ c Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, to amend the 2009 Personnel Policies and Procedures Manual of the City of Aurora, Colorado. **Deferred from the January 26, 2009 City Council meeting.** STAFF SOURCE: Kin Shuman, Human Resource Director
- ◆ d Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Intergovernmental Agreement between the city and the Regents of the University of Colorado at Denver for professional services for \$6,000. STAFF SOURCE: John Fernandez, Comprehensive/Physical – Planning Manager

11. ORDINANCES FOR INTRODUCTION

- ◆ a Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora amending Section 137 of Chapter 102 of the City Code of the City of Aurora, Colorado relating to the interest rate paid on contribution accumulations under the General Employees' Retirement Plan. STAFF SOURCE: Tom Connell, GERP Pension Administrator

12. 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. Deferred from the January 12, 2009 City Council meeting. Deferred from the February 2, 2009 City Council meeting.** STAFF SOURCE: Debra Johnson, City Clerk
- ◆ b Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, amending Chapter 22 of the City Code of the City of Aurora, Colorado, regarding registration of Abandoned Residential properties. **Ordinance 2009-08, Introduced 5-3 (Markert, Frazier, Peterson voting no) at the January 26, 2009 City Council meeting.** STAFF SOURCE: Nancy Sheffield, Director of Neighborhood Services

13. PLANNING MATTERS

- a PUBLIC HEARING to consider a SITE PLAN AMENDMENT for a 2,771-square-foot restaurant with a drive-through, generally located at the northeast corner of Ironton Street and Colfax Avenue (10707 E. Colfax Avenue). (Jack-In-The-Box at Colfax Square) (Case Number 1977-6034-07) **Approved with conditions 4-2 (Dodds, Singer voting no) at the December 10, 2008 Planning Commission Meeting. Called-up by City Council at the December 15, 2008 Council Meeting. Public Hearing was continued at the January 26, 2009 City Council meeting.** STAFF SOURCE: Kim Kreimeyer, Planning Department

14. RECONSIDERATIONS AND CALL-UPS

2/20/2009

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15. **GENERAL BUSINESS**

- a. Consideration to appoint one member to a three-year term on the Public Defender Commission. STAFF SOURCE: Janice Napper, Assistant City Manager

16. **REPORTS**

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

18. **PUBLIC INVITED TO BE HEARD**

19. **ADJOURNMENT**

2/20/2009

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