

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, OCTOBER 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. – 4:40 p.m.

AURA EXECUTIVE SESSION
(Closed to the Public)
5th Floor Mt. Elbert Room
4:40 p.m. – 5:15 p.m.

STUDY SESSION
(Open to the Public)
1st Floor Aurora Room
5:15 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

REGULAR MEETING OF THE BOARD OF DIRECTORS
OF GENERAL IMPROVEMENT DISTRICT 1-2007 (CHERRY CREEK RACQUET CLUB)

(Open to the Public)

To be held concurrently with the Regular Meeting of the Aurora City Council for the purpose of considering Item 11d

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.

AGENDA

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

1. Legal Advice concerning Water Litigation C. Richardson 40 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, October 12, 2009
4:40 p.m.**

1. Negotiations concerning Development A. Amonick 25 min.

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

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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, October 12, 2009
5:15 p.m.**

1. ITEMS FROM THE CITY COUNCIL

- a. Issue Update
- b. Colorado Municipal League (**CML**) / National League of Cities (**NLC**) - Council Member Pierce
- c. Denver Regional Council of Governments (**DRCOG**) - Council Member Beer
- d. **Personnel Policies and Procedures** – Management and Finance Policy Committee – Council Member Beer
- e. **Aurora Healthy Baby Initiative** – Community Partnership Policy Committee – Council Member Wallace
- f. **NAACP 100th Year** Commemoration – Council Member Frazier/Wallace
- g. **Foreclosures** in Aurora Update – Council Member FitzGerald

2. CONSENT CALENDAR

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

- a. Consideration to appoint one member to a three-year term on the Local Licensing Authority – J. Napper
- b. Consideration to reappoint one member to a six-year term on the Career Service Commission. – J. Napper
- c. Amended agreement for Irrigation and Golf Course Water at Blackstone Country Club. – J. Wingert
- d. Certified Local Government Resolution – J. Ramsay

3. ITEMS FROM THE POLICY COMMITTEES

(No Formal Action required at Regular Meeting Item 3a)

- a. 2010 **Administrative Fees** – Management and Finance Policy Committee – J. Batchelor (5/20)

(Formal Action required at Regular Meeting Item 3b-d)

- b. **Residential Occupancy** Standards – Neighborhood Services Policy Committee – R. Moore (10/10)
- c. **Fitzsimons-Colfax and 13th Avenue** Station Area Plan – Planning, Economic Development and Redevelopment Policy Committee – L. Daniel (10)
- d. **Peoria-Smith** Station Area Plan – Planning, Economic Development and Redevelopment Policy Committee – L. Daniel (10)

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, October 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 OCTOBER 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 SEPTEMBER 28, 2009**

6. **CEREMONY**

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

<u>Name</u>	<u>Board or Commission</u>
Stetson Mathias	Aurora Youth Commission
Ryan Schilling	Aurora Youth Commission
Sabrina Hooper	Aurora Youth Commission
Susan Bruce	Library Board
Tanya Osley	Aurora Fox Arts Center Board
Sherrie Eloise Love	Cultural Affairs Commission
Grace Cox	Cultural Affairs Commission

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

8. **ADOPTION OF THE AGENDA**

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

General Business

- a. Consideration to EXTEND AN OPENLY SOLICITED CONTRACT to Kleen Tech, Denver, Colorado in the not to exceed amount of \$402,000.00 for custodial cleaning services for the Aurora Municipal Center campus facilities. STAFF SOURCE: Chris Carnahan, Operations Manager, Public Works
- b. Consideration to AWARD A SINGLE SOURCE CONTRACT to Factory Surplus Distributors, Denver, Colorado in the not to exceed amount of \$92,000.00 for miscellaneous hardware supplies through October 2010. STAFF SOURCE: Dan Mikesell, Manager of Water Operations, Aurora Water

10/9/2009

- ◆ *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.*

- c. Consideration to AWARD A SOLE SOURCE CONTRACT to Harris Corporation, Englewood, Colorado, in the amount of \$219,765.00 to purchase hardware for upgrade of the M/A-COM Public Safety Radio System. STAFF SOURCE: Dave Lawless, Public Safety Systems Manager, Information Technology
- d. Consideration to AWARD A SOLE SOURCE CONTRACT to Everbridge Inc., Glendale, CA in the amount of \$156,000.00 for the annual renewal of services for the Citizen Emergency Notification System through September 2010. STAFF SOURCE: Dave Lawless, Public Safety Systems Manager, Information Technology
- e. Consideration to APPROVE AMENDMENT 1 OF THE SOLAR SERVICES AGREEMENT with EyeOn Solar Aurora 1, LLC, 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. **Staff requests a Waiver of Reconsideration.** STAFF SOURCE: Russell Grant, Facilities Engineering, Public Works
- f. Consideration to APPROVE AMENDMENT 1 OF THE SOLAR SERVICES AGREEMENT with EyeOn Solar Aurora 1, LLC, Boulder, Colorado, for the installation and operation of a 100 kW photovoltaic solar power system on the City of Aurora Municipal Justice Center Building. **Staff requests a Waiver of Reconsideration.** STAFF SOURCE: Russell Grant, Facilities Engineering, Public Works
- g. Consideration to APPROVE AMENDMENT 1 OF THE SOLAR SERVICES AGREEMENT with EyeOn Solar Aurora 1, LLC, Boulder, Colorado, for the installation and operation of a 100 kW photovoltaic solar power system on the City of Aurora North Satellite Main Workshop Building. **Staff requests a Waiver of Reconsideration.** STAFF SOURCE: Russell Grant, Facilities Engineering, Public Works

Final Ordinances

- ◆ h. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, amending the Comprehensive Plan by appending the "Iliff Station Area Plan" to the Comprehensive Plan. STAFF SOURCE: Loretta Daniel, Principal Planner, Planning
- ◆ i. Consideration of an ORDINANCE FOR FINAL of the City Council of the City of Aurora, Colorado, amending the Comprehensive Plan by appending the "Abilene Station Area Plan" to the Comprehensive Plan. STAFF SOURCE: Loretta Daniel, Principal Planner, Planning

10. **RESOLUTIONS**

- ◆ a. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, approving the Intergovernmental Agreement between the City and Saddle Rock South Metropolitan District regarding the Piney Creek Trail. STAFF SOURCE: Tracy Young, Manager, Planning, Design and Construction, Parks and Open Space
- ◆ b. Consideration to APPROVE A RESOLUTION of the City Council of the City of Aurora, Colorado, authorizing the Execution of a Sales and Use Tax Waiver Agreement between the City and Metropolitan Medical Care, Inc. STAFF SOURCE: Andrea Amonick, Development Services Manager

10/9/2009

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11. **ORDINANCES FOR INTRODUCTION**

- ◆ a. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Sections 138-327 and 138-397 of the City Code of the City of Aurora, Colorado, regarding sewer and storm drainage rates. STAFF SOURCE: Mark Pifher, Director, Aurora Water and Greg Baird, Chief Financial Officer, Aurora Water
- ◆ b. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Section 138-221 of the City Code of the City of Aurora, Colorado, regarding water service connection fees. STAFF SOURCE: Mark Pifher, Director, Aurora Water and Greg Baird, Chief Financial Officer, Aurora Water
- ◆ c. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, amending Sections 138-442 and 138-443 of the City Code of the City of Aurora, Colorado, Regarding Stormwater Permits. STAFF SOURCE: Sean Lieske, Environmental Permitting Manager and Joe Wingert, Water Engineering Manager, Aurora Water

For purposes of considering the following item 11d, the City Council will be acting ex officio as the Board of Directors of General Improvement District 1-2007.

- ◆ d. Consideration of an ORDINANCE FOR INTRODUCTION of the Board of Directors of the General Improvement District 1-2007 (Cherry Creek Racquet Club) creating a district fund, adopting an operating budget and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2009, and ending December 31, 2009, and adopting an operating budget, establishing the tax levy, and appropriating sums of money to defray expenses and liabilities for the fiscal year beginning January 1, 2010, and ending December 31, 2010. STAFF SOURCE: Mike Shannon, Debt and Financing Administrator, Finance
- ◆ e. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, adopting an Operating and Capital Improvements Projects budget for the fiscal year beginning January 1, 2010, and ending December 31, 2010. STAFF SOURCE: Jason Batchelor, Budget Officer, Finance
- ◆ f. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, establishing the tax levy on all taxable property within the corporate limits of the City of Aurora, Colorado, for the tax collection year beginning January 1, 2010, and ending December 31, 2010. STAFF SOURCE: Jason Batchelor, Budget Officer, Finance
- ◆ g. Consideration of an ORDINANCE FOR INTRODUCTION of the City Council of the City of Aurora, Colorado, appropriating sums of money to defray Expenses and Liabilities for the fiscal year beginning January 1, 2010 and ending December 31, 2010. STAFF SOURCE: Jason Batchelor, Budget Officer, Finance

12. **PLANNING MATTERS**

- a. PUBLIC HEARING to consider an APPEAL of the Planning Commission's decision to approve a Site Plan for a 2,644-square-foot, fast food restaurant with drive-through, which is generally located at the southeast corner of S Havana St and S Parker Rd. (Burger King at 2560 S Havana St). (Case Number 2009-6009-00). ***Approved (Dodds, Jones, and Witt voting no) at the August 26, 2009 Planning Commission meeting.***

10/9/2009

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Called-up by City Council at the August 31, 2009 Council Meeting. STAFF SOURCE:
Elizabeth "Libby" Tart - Senior Planner I, Planning

13. **RECONSIDERATIONS AND CALL-UPS**

14. **GENERAL BUSINESS**

- a. Consideration to appoint one member to a three-year term on the Parks & Recreation Advisory Board. STAFF SOURCE: Janice Napper, Assistant City Manager
- b. Consideration to reappoint one member to a three-year term on the Board of Adjustment and Appeals. STAFF SOURCE: Janice Napper, Assistant City Manager

15. **REPORTS**

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

16. **PUBLIC INVITED TO BE HEARD**

17. **ADJOURNMENT**

10/9/2009

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