



CITY OF ARVADA

SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD JULY 7, 2008

AGENDA REVIEW SESSION – 5:30 p.m.

1. Call to Order by Mayor Bob Frie
2. Agenda Review
Craig Kocian, City Manager, briefly reviewed the agenda.
3. City Council Reports
 - A. Councilmember Williams said he was approached by the Chamber and they have asked that we delay the public hearing on the Land Development Code amendments. Christine Jensen was present and said the Chamber will be asking for an eight week delay tonight. She said the short term lending facilities are a concern, as well as the recycling facilities and the drive-up banking facility amendments.
4. City Council Appointee Reports
 - A. Council Budget Review Process
Craig Kocian, City Manager, discussed the City Council budget review process. Councilmember Azari said he would prefer that the City Manager give the overall environmental scan for the city, provide City Council with the written environmental scans and have the department heads talk about any new requests and the top two issues in their scans. Mayor Frie said he would prefer a more detailed approach by the department heads.

Mr. Kocian said as departments get their scans completed, he will send them to City Council. Council also asked that Mr. Kocian send them copies of the environmental scans that were prepared for the last budget cycle.

City Council agreed to Councilmember's Azari's proposal and that it should be on a separate day from a City Council meeting.
5. Study Sessions
 - A. Metro Denver Economic Development Corporation Updates – Tom Clark
Hazel Hartbarger, Economic Development Director, introduced Tom Clark. Mr. Clark discussed ballot initiatives coming up this fall and talked about the Labor Peace Act which has been in place for 50 years in Colorado. He talked about the "Right to Work" initiative, the "Fair Share Colorado", "Criminal & Civil Liability of Businesses and Individuals for Business Activities", "Just Cause", and "Safe Workplace". For 2009, Mr. Clark said 50% of the prospectors in the door today are manufacturers in alternative energy.
 - B. China Sister City

Bruce Nickerson presented this study session. He said this is a continuation of a discussion held earlier with City Council. Mr. Nickerson talked about the economic development benefits of establishing a Sister City. Ms. Bernie Burgmaier said a trip is planned in October for 10 days. She said Nancy Bentzen is putting everything together and they don't know a definite cost figure yet for the trip. She said the least it will be is around \$1800 with \$2500 at the most. October 4 is probably the travel date, with the schedule to arrive in Beijing late Saturday and then go on to be in Jinzhou ready to start meetings on Monday. She said there would be meetings with government officials and business officials. She said eighteen people have already signed up to go. She said the purpose of this trip will be to sign the documents to make this an official sister city, to meet with their mayor and council and to meet with their business people.

City Council directed staff to prepare a Resolution for July 21 establishing the protocol.

I. **CITY COUNCIL MEETING: CALL TO ORDER:** Mayor Frie called the meeting to order at 6:30 p.m.

II. **MOMENT OF REFLECTION AND PLEDGE OF ALLEGIANCE**

III. **ROLL CALL OF MEMBERS:**

Those Present: Mayor Bob Frie, Mayor Pro Tem Lorraine Anderson, Councilmember Don Allard, Councilmember Aaron Azari, Councilmember Bob Dyer, Councilmember Mark McGoff, Councilmember Marc Williams

Also present were: Craig Kocian, City Manager; Bill Ray, Deputy City Manager; Nora Buchanan, Assistant City Attorney; Mike Elms, Community Development; Jim Root, Director of Public Works; Maria Vanderkolk, City Manager's Office; and Christine Koch, City Clerk.

IV. **APPROVAL OF MINUTES OF THE JUNE 23, 2008 CITY COUNCIL MEETING**

The minutes stand approved as submitted.

V. **PETITIONS RECOGNITIONS AND COMMUNICATIONS**

A. Recognition of Carla Bennett, Liquor Licensing Control Administrator with the Arvada Police Department – presented by Councilmember Williams

Councilmember Williams introduced Carla Bennett, Liquor Licensing Control Administrator with the Police Department who is retiring after 26 years with the City. City Council presented Ms. Bennett with a Proclamation and wished her well on her retirement.

B. Recognition of Brianna Sanelli, Girl Scout Gold Award – presented by Councilmember Dyer

Councilmember Dyer introduced Brianna Sanelli who received the Gold Award in Girl Scouts, which is the highest honor achieved by a Girl Scout. City Council presented Ms. Sanelli with a Certificate of Recognition.

VI. **PUBLIC COMMENT ON ISSUES NOT SCHEDULED ON AGENDA**

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- A. Rachel Zenzinger and members from the Arts Council were present and thanked City Council for their support for the Wine & Arts Classic.
- B. Jane Schnabel and Danielle Hastings, representing Historical Olde Town Arvada, addressed City Council. Ms. Schnabel introduced Danielle as the new Executive Director.

VII. NEW BUSINESS

A. Consent Agenda

- 1. R08-084 A Resolution Approving an Agreement By and Between the City of Arvada and Tetra Tech RMC, Inc. for Consultant Services for the Review, Solicitation and Implementation of the Water Transmission and Distribution SCADA and Monitoring System, in the Amount of \$58,281.00
- 2. R08-085 A Resolution Authorizing an Agreement By and Between the City of Arvada and Colon-Collawn, LLC, in the Amount of \$329,175.00, Including the Base Bid and Alternate Bid #1, for the Churches Ranch Barn and Silo Restoration Project, Project No. 94634
- 3. R08-086 A Resolution Authorizing a Construction Contract Agreement By and Between the City of Arvada and Diamond Contracting Corporation in the Amount of \$253,640.00 for 59th Avenue Townhomes Water Metering, Project No. 08-WA-06
- 4. R08-087 A Resolution Authorizing a Third Amendment to the Agreement By and Between the City of Arvada and PB Americas, Inc. (Formerly Doing Business as Parsons Brinckerhoff Quade & Douglas, Inc.) for Design Work and Associated Public Involvement for Project Enhancements to the Wadsworth Bypass Grade Separation Project in the Amount of \$66,800.00

Mayor Pro Tem Anderson moved that R08-084, A Resolution Approving an Agreement By and Between the City of Arvada and Tetra Tech RMC, Inc. for Consultant Services for the Review, Solicitation and Implementation of the Water Transmission and Distribution SCADA and Monitoring System, in the Amount of \$58,281.00; R08-085, A Resolution Authorizing an Agreement By and Between the City of Arvada and Colon-Collawn, LLC, in the Amount of \$329,175.00, Including the Base Bid and Alternate Bid #1, for the Churches Ranch Barn and Silo Restoration Project, Project No. 94634; R08-086, A Resolution Authorizing a Construction Contract Agreement By and Between the City of Arvada and Diamond Contracting Corporation in the Amount of \$253,640.00 for 59th Avenue Townhomes Water Metering, Project No. 08-WA-06; R08-087, A Resolution Authorizing a Third Amendment to the Agreement By and Between the City of Arvada and PB Americas, Inc. (Formerly Doing Business as Parsons Brinckerhoff Quade & Douglas, Inc.) for Design Work and Associated Public Involvement for Project Enhancements to the Wadsworth Bypass Grade Separation Project in the Amount of \$66,800.00, be approved.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams
The Motion was approved.

B. Resolutions

- 1. R08-088 A Resolution Authorizing the 3rd Amendment to the 2007-2008

Revised Biennial Operating and Capital Budget and Amending
the 2008 Pay Plan to Add a Position to the Public Safety
Department

Craig Kocian, City Manager, introduced this item. He said it is unusual for us to present City Council with a resolution adding a position in the middle of the year. He said this position is for a grant writer for the Ralston House and that the full expense associated with the position will be funded by Ralston House.

Councilmember Azari moved that R08-088, A Resolution Authorizing the 3rd Amendment to the 2007-2008 Revised Biennial Operating and Capital Budget and Amending the 2008 Pay Plan to Add a Position to the Public Safety Department, be approved.

Councilmember Azari said this is the first time he can remember that an FTE has been added outside of the budget process. He reviewed the mission of the Ralston House and the importance of this position.

Mayor Frie stated that he would not be supporting the motion because of budgetary reasons. Mr. Kocian said the Ralston House could reimburse the city if the funds did not come through for the position. Mr. Moseley stated that Ralston House could reimburse the city for five years.

The following votes were cast on the Motion:

Those voting Yes: Anderson, Allard, Azari, McGoff, Williams

Those voting No: Frie, Dyer

The Motion was approved.

C. Ordinances (First Reading)

1. CB08-021 An Ordinance of the City of Arvada, Adams and Jefferson Counties, Colorado, Granting by Franchise to Public Service Company of Colorado, Its Affiliates, Successors and Assigns, the Right to Use the Streets Within the City to Furnish, Sell, Transport and Distribute Gas and Electricity to the City and to All Residents of the City, Granting the Right to Acquire, Construct, Install, Locate, Maintain, Operate and Extend Into, Within and Through the City All Facilities Reasonably Necessary to Furnish, Sell, Transport and Distribute Gas and Electricity Within and Through the City, and Granting the Right to Provide Street Lighting Service to the City; and Fixing the Terms and Conditions Thereof (Public Hearing to be set for July 21, 2008 at 7:00 p.m.)
2. CB08-022 An Ordinance Repealing and Reenacting Section 54-247, Removal of Designation as Restricted Parking Area, of Chapter 54, Motor Vehicles and Traffic, of the Arvada City Code (Public Hearing to be set for July 21, 2008 at 7:00 p.m.)
3. CB08-023 An Ordinance Repealing and Reenacting Article IX, National Electrical Code, of Chapter 18, Buildings and Building Regulations of the Arvada City Code, Through the Adoption by Reference of the 2008 National Electrical Code (Public Hearing to be set for July 21, 2008 at 7:00 p.m.)

4. CB08-024 An Ordinance Repealing the Arvada Land Development Code (2005) (Part III of the Code of the City of Arvada, Colorado [“City Code”]), Adopting a New Arvada Land Development Code (2008) as Part III of the City Code, and Specifying the Penalty Provisions Thereof (Public Hearing to be set for July 21, 2008 at 7:00 p.m.)

Councilmember Williams moved that CB08-021, An Ordinance of the City of Arvada, Adams and Jefferson Counties, Colorado, Granting by Franchise to Public Service Company of Colorado, Its Affiliates, Successors and Assigns, the Right to Use the Streets Within the City to Furnish, Sell, Transport and Distribute Gas and Electricity to the City and to All Residents of the City, Granting the Right to Acquire, Construct, Install, Locate, Maintain, Operate and Extend Into, Within and Through the City All Facilities Reasonably Necessary to Furnish, Sell, Transport and Distribute Gas and Electricity Within and Through the City, and Granting the Right to Provide Street Lighting Service to the City; and Fixing the Terms and Conditions Thereof ; CB08-022, An Ordinance Repealing and Reenacting Section 54-247, Removal of Designation as Restricted Parking Area, of Chapter 54, Motor Vehicles and Traffic, of the Arvada City Code; CB08-023, An Ordinance Repealing and Reenacting Article IX, National Electrical Code, of Chapter 18, Buildings and Building Regulations of the Arvada City Code, Through the Adoption by Reference of the 2008 National Electrical Code; all be approved on first reading, ordered published in full and a public hearing date be set for July 21, 2008 at 7:00 p.m., and that CB08-024, An Ordinance Repealing the Arvada Land Development Code (2005) (Part III of the Code of the City of Arvada, Colorado [“City Code”]), Adopting a New Arvada Land Development Code (2008) as Part III of the City Code, and Specifying the Penalty Provisions Thereof, be pulled at this time.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams
The Motion was approved.

VIII. PUBLIC HEARINGS

- A. CB08-019 An Ordinance Amending Chapter 14, Animals, by Amending Certain Definitions and Certain Provisions Relating to the Keeping and Accumulation of Animals (Ordinance No. 4118)

Mayor Frie opened the public hearing on CB08-019.

Ed Brady, a Commander in the Arvada Police Department, was present and reviewed this ordinance with City Council. He said this ordinance does two things: First, it amends certain definitions in Chapter 14, Animals, of the City Code. Chickens and turkeys have been moved from the domestic fowl category to the livestock category and domesticated rabbits have been moved from the rabbits, poultry, and domestic fowl category to the pet/domesticated animal category. The ordinance also notes that certain birds and rodents may be kept as pets, but clarifies that wild and game birds, and rodent pests, are wild animals. The rabbits, poultry, and domestic fowl category has been renamed domestic fowl and consists of domesticated doves, ducks, geese, peacocks, and pigeons. The wild animal category has been amended by adding raptors, furbearers, and all game animals to be more consistent with the Colorado Revised Statutes.

Secondly, Mr. Brady said that now, as livestock, chickens and turkeys would be banned in many zoning districts and that this ordinance creates an exception so that a household would be allowed

to keep no more than two female chickens and no more than two turkeys.

Randy Robertson, Arvada, spoke in opposition to the ordinance.

Janice Lynge, Arvada, did not wish to speak but asked that her comments in favor of the issue be entered into the record.

Mayor Frie closed the public comment portion of the public hearing.

Mayor Pro Tem Anderson gave her reasons for supporting the adoption of this ordinance and talked about the complaints she has received.

Councilmember Azari asked what kind of zoning districts would allow more than two turkeys or chickens and Ms. Nora Steenson, Assistant City Attorney, said there are only a couple districts that would allow them and mostly in agricultural districts. Mr. Azari also asked that if a Homeowner's Association precludes livestock, then the HOA rule would trump the city's ordinance and Ms. Steenson said yes. Councilmember Azari said he thinks what we will see is more of a question of how the animals are kept as opposed to the number of animals. He said if a hutch was built right on the property line with chickens, there could be several problems whether from odors or wildlife attacking the chickens. Becky Robison, Animal Control, said there is currently a 35 foot rule limit in place.

Councilmember McGoff asked if there would be some general education and then as complaints come in, the city would work with the owner to come into compliance and Ms. Robison said yes.

Councilmember Dyer clarified that right now he could have 15 chickens in his backyard if his yard is not within 35 feet of another residence and Ms. Robison said correct. He also asked why two chickens and two turkeys as opposed to none. Nora Steenson said staff wanted to come up with a compromise, based somewhat on legal concerns of an outright ban, and the desire to go green with urban farmer activities.

Councilmember Williams asked about the complaints the city receives. Ms. Robison said she has rarely had complaints on chickens. The complaints are mostly on roosters.

Councilmember Azari asked if the ordinance means that animals can not be "housed", in a hutch, closer than thirty-five feet of another residence or is it within thirty-five feet of the boundary line and Ms. Robison said it means that the hutch cannot be closer than thirty-five feet to the neighboring residence.

Councilmember Azari said he would rather see the ordinance read two female chickens "or" two turkeys, instead of "and" and he would like to offer that as a friendly amendment.

Mayor Pro Tem Anderson said she would accept Councilmember Azari's statement as a friendly amendment.

Mayor Pro Tem Anderson moved that CB08-019, An Ordinance Amending Chapter 14, Animals, by Amending Certain Definitions and Certain Provisions Relating to the Keeping and Accumulation of Animals be approved, as amended by Councilmember Azari's friendly amendment, on final reading, numbered 4118 and ordered published in full.

Councilmember Azari clarified that his amendment would change Sec. 14-92 "Exceptions": 1: so that it would read "Except as set forth above, and subject to the limits established in section 14-126, no person or household shall own or have custody of more than two female chickens "OR" two turkeys."

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, McGoff

Those voting No: Dyer, Williams

The Motion was approved.

- B. CB08-020 An Ordinance Amending Section 98-108, Remittance of Tax; Electronic Database; Retailer Held Harmless, of Chapter 98, Taxation, of the Arvada City Code (Ordinance No. 4119)

Mayor Frie opened the public hearing on CB08-020. There being no one present to testify for or against, the public comment portion of the public hearing was closed.

Vik Runkle, Director of Finance, reviewed this ordinance with City Council. Ms. Runkle said this ordinance authorizes retailers to use a State-certified location database for collecting municipal sales taxes and waives penalties for incorrectly remitting the tax if retailers do so. It simplifies tax remittance for retailers who deliver to multiple jurisdictions and improves accuracy of tax collection for the City.

Ms. Runkle said Arvada did adopt an ordinance that was in effect for one year, but it was a beta, or test, ordinance. She said this ordinance will now make the agreement with all of the other cities permanent.

Mayor Pro Tem Anderson moved that CB08-020 An Ordinance Amending Section 98-108, Remittance of Tax; Electronic Database; Retailer Held Harmless, of Chapter 98, Taxation, of the Arvada City Code be approved on final reading, numbered 4119 and ordered published by title only.

Councilmember Dyer stated he would be supporting the motion and that the Chamber has not brought up any concerns.

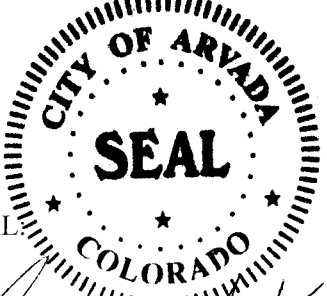
The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams

The Motion was approved.

- IX. COUNCIL REPORTS - None
- X. CITY MANAGER REPORTS - None
- XI. CITY ATTORNEY REPORTS - None
- XII. PUBLIC COMMENT LONGER THAN THREE MINUTES - None

XIII. ADJOURNMENT at 7:52 p.m.


SEAL: *Christine A Koch*
Christine A. Koch, City Clerk

Robert G. Frie
Robert G. Frie, Mayor