



CITY OF ARVADA

SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD JULY 21, 2008

AGENDA REVIEW SESSION – 5:30 p.m.

1. Call to Order by Mayor Bob Frie

2. City Manager Reports:

Craig Kocian said the budget retreat is being set for Monday, Sept. 8 and will begin at noon. The council meeting will be cancelled that evening.

3. City Attorney Reports:

Chris Daly asked City Council for permission to hire the outside attorney for the case he talked to them about last week. City Council concurred.

4. City Council Reports:

Mayor Frie asked for a brief update on the City's financial situation. Vik Runkle, Director of Finance, gave City Council a financial update. She said restaurants are up about 6%, both sit down and fast food. She said retail, such as Target, K-Mart and Kohl's is about even with where they were last year at this time. Ms. Runkle said grocery is up 6 or 7%. She said the city budgeted \$29 million in sales tax for the general fund and we will end up the year about \$1.3 million over that figure. Mr. Kocian said also that the King Soopers at both 80th & Sheridan and 64th & Sheridan are holding their own even with the new Walmart opening and they are very pleased about that. Ms. Runkle said in property tax we will probably end up with about \$300,000 more than we budgeted. The HUTF will probably be lower by \$125,000 to \$135,000. She said building permits are down dramatically from last year, but reminded City Council that we budget conservatively for building permits. Ms. Runkle said foreclosures are also down from this same period last year, at least for Jefferson County. Auto use tax is just slightly down. She said home improvement stores are also doing well and are up from last year.

Councilmember McGoff reviewed the resolution he asked be put on the agenda tonight regarding the memorandum of understanding with the Metro Denver's Cities and Counties to promote health and wellness.

Councilmember Dyer asked about the connectivity of the bike trail system and whether street and road projects take bike trails into consideration. There was also discussion about bike parking at the new light rail stations.

Mayor Pro Tem Anderson discussed the City's sprinkler system and the commercial business sprinkler system. She mentioned several places in the City where the sprinklers go into parking lots or streets instead of the grassy areas.

Mrs. Anderson gave an update on Beyond the Fences.

Councilmember Azari gave City Council a DRCOG update.

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 JULY 14, 2008 CITY COUNCIL MEETING**

The minutes stand approved as submitted.

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

A. Alethea Smock, Arts Council, gave City Council an update on happenings at the Arvada Center.

B. Alex Shtern addressed City Council regarding DRCOG's Urban Growth Boundaries.

C. Boy Scouts from Troop 667 were present.

VI. **NEW BUSINESS**

A. **Consent Agenda**

1. R08-089 A Resolution Authorizing the Finance Director of the City of Arvada to Refer and Certify Payment Delinquencies Under City Code Provisions Relating to Special Improvement Districts to the County Treasurer
2. R08-090 A Resolution Approving an Intergovernmental Agreement By and Between the Jefferson County Department of Health and Environment and the City of Arvada Relating to the Cooperative Mosquito Management Program
3. R08-091 A Resolution Approving a Pipeline Crossing Agreement Between the City of Arvada and the Union Pacific Railroad Company for an 8 Inch Pipeline to Convey Water Located Approximately ½ Mile North of CSH 72 and 2 Miles West of CSH 93 (UP Mile Marker 23.8 Moffat Tunnel Subdivision)
4. R08-092 A Resolution Authorizing an Intergovernmental Agreement By and Between the City of Arvada and the City and County of Denver for the Provision of Services and Aid in Preparation for and During the Democratic National Convention

Mayor Pro Tem Anderson moved that R08-089, A Resolution Authorizing the Finance Director

of the City of Arvada to Refer and Certify Payment Delinquencies Under City Code Provisions Relating to Special Improvement Districts to the County Treasurer; R08-090, A Resolution Approving an Intergovernmental Agreement By and Between the Jefferson County Department of Health and Environment and the City of Arvada Relating to the Cooperative Mosquito Management Program; R08-091, A Resolution Approving a Pipeline Crossing Agreement Between the City of Arvada and the Union Pacific Railroad Company for an 8 Inch Pipeline to Convey Water Located Approximately ½ Mile North of CSH 72 and 2 Miles West of CSH 93 (UP Mile Marker 23.8 Moffat Tunnel Subdivision); R08-092, A Resolution Authorizing an Intergovernmental Agreement By and Between the City of Arvada and the City and County of Denver for the Provision of Services and Aid in Preparation for and During the Democratic National Convention, 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. R08-093 A Resolution Approving a Memorandum of Understanding Between the City of Arvada and Metro Denver's Cities and Counties and Approving an Implementation Plan for Promoting Community Health and Wellness Among City Employees and Residents

Councilmember McGoff reviewed this resolution with City Council.

Councilmember McGoff moved that R08-093, A Resolution Approving a Memorandum of Understanding Between the City of Arvada and Metro Denver's Cities and Counties and Approving an Implementation Plan for Promoting Community Health and Wellness Among City Employees and Residents, be approved.

The following votes were cast on the Motion:

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

2. R08-094 A Resolution Authorizing the Development of Protocol Documents to Create a Sister City Relationship Between the City of Arvada and Jinzhou, China

Bruce Nickerson, representing Arvada Sister Cities, asked for City Council's support by approving this resolution.

Brook Branbury addressed City Council and related his experience in working with China in business relationships for the past twenty years.

Councilmember Azari moved that R08-094, A Resolution Authorizing the Development of Protocol Documents to Create a Sister City Relationship Between the City of Arvada and Jinzhou, China, be approved.

The following votes were cast on the Motion:

Those voting Yes: Anderson, Allard, Azari, Dyer, McGoff, Williams
Those voting No: Frie

The Motion was approved.

C. Ordinances (First Reading)

1. CB08-024 An Ordinance Rezoning Certain Land Within the City of Arvada, 72nd & Kipling, from A-1 (Agricultural) to PUD-BP (Planned Unit Development-Business Professional), and Amending the Official Zoning Maps of the City of Arvada, Colorado, 7240 Kipling Street (Public Hearing to be set for August 18, 2008 at 7:00 p.m.)

Councilmember Williams moved that CB08-024, An Ordinance Rezoning Certain Land Within the City of Arvada, 72nd & Kipling, from A-1 (Agricultural) to PUD-BP (Planned Unit Development-Business Professional), and Amending the Official Zoning Maps of the City of Arvada, Colorado, 7240 Kipling Street be approved on first reading, ordered published in full and a Public Hearing date be set for August 18, 2008 at 7:00 p.m.

The following votes were cast on the Motion:

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

The Motion was approved.

VII. PUBLIC HEARINGS

- A. 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 (Ordinance No. 4120)

Mayor Frie opened the public hearing on CB08-021.

Chris Daly, City Attorney, reviewed this ordinance with City Council. He said this ordinance will extend the franchise with Xcel Energy for another twenty years.

Mayor Pro Tem Anderson disclosed that she is a stockholder in Xcel Energy. Mr. Daly said she is not benefiting any more from the ownership of the stock so she does not need to recuse herself.

Councilmember Azari disclosed that he is also a stockholder in Xcel Energy.

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

Councilmember Dyer 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 be approved on final reading, numbered 4120 and ordered published by title only.

The following votes were cast on the Motion:

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

- B. 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 (Ordinance No. 4121)

Mayor Frie opened the public hearing on CB08-022. Nobody present wishing to speak for or against, the public hearing was closed.

Councilmember Anderson moved that 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, be approved on final reading, numbered 4121 and ordered published by title only.

The following votes were cast on the Motion:

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

- C. 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 (Ordinance No. 4122)

Mayor Frie opened the public hearing on CB08-023.

Noel Vargo, Chief Building Official, reviewed this ordinance with City Council.

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

Councilmember Williams moved that 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 be approved on final reading, numbered 4122 and ordered published by title only.

The following votes were cast on the Motion:

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

VIII. COUNCIL REPORTS

- A. Councilmember Azari said the 12th Annual Peach Project is coming up which supports Sister Cities.

- B. Councilmember Azari briefly reviewed ballot initiatives that are most likely coming forward in November. He said there are four referendums from the State Legislature, lettered L through O. He asked for City Council's patience while he went through the number of amendments which are actively gathering petitions for the November ballot. He asked that all citizens pay attention and look at Referendum O, and vote No on any constitutional amendment this year. He said they should seriously consider referendums which are referred by the state legislature.

Chris Daly stated that under the Fair Campaign Practices Act staff could prepare a resolution to take formal action based on Councilmember Azari's comments. City Council concurred.

- C. Councilmember Allard said regarding Sister Cities, he is very much concerned about using city funds for travel or expenses of city council members or employees and he would ask that any expenditure of funds, other than what we do on a year to year basis, come before City Council. Mr. Kocian said \$10,000 is budgeted annually for Sister Cities activities which have generally been in support of our two Sister City relationships and/or any activities that they have relative to promoting the interest of Sister Cities as a concept. Mr. Kocian said if a delegation were to go to China or Belgium, then that travel as it applied to any City Council member would have to be approved by City Council, and if it applied to city staff, it would have to come out of that department's travel budget or come back to City Council. Mr. Kocian said he knows a group is going to China in October.

City Council concurred that the City manager will prepare for City Council a slate of people traveling to China in October along with proposed expenses before funds are expended and that an accounting after the trip will be given to City Council.

- D. Councilmember Azari suggested that separately staff come back and provide a presentation on Referendum O. He said it was referred by a majority of both parties in the State Legislature and has significant impact on how the State of Colorado governs itself. He said we have a moral obligation to understand the components of Referendum O.

IX. CITY MANAGER REPORTS

- A. Request for Motion to Cancel the July 28, 2008 City Council Meeting

Councilmember Azari moved that the July 28, 2008 City Council meeting be cancelled.


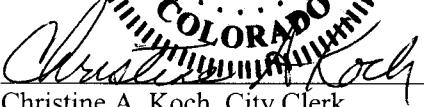
The following votes were cast on the Motion:

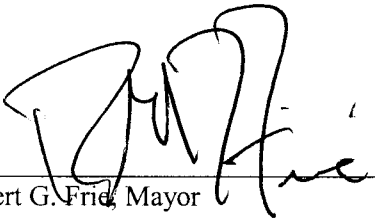
Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams
The Motion was approved.

X. CITY ATTORNEY REPORTS - None

XI. PUBLIC COMMENT LONGER THAN THREE MINUTES - None

XII. ADJOURNMENT at 7:46 p.m.

SEAL: 

Christine A. Koch, City Clerk


Robert G. Fric, Mayor