



## CITY OF ARVADA

### SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD DECEMBER 1, 2008

#### AGENDA REVIEW SESSION – 5:30 p.m.

1. Call to Order by Mayor Bob Frie.
2. City Council reviewed this evening's agenda.  
Craig Kocian, City Manager, said there is a memorandum in City Council's mail folders that explains a change to an ordinance up for public hearing this evening regarding the additional appropriation. He said it relates to the North Clear Creek drainage line. He said money was appropriated for this but the amount the pipeline had deteriorated was more significant than originally thought and additional money needs to be appropriated. He said the ordinance is being amended on second reading tonight.
3. City Council Reports
  - A. City Council Retreat Discussion  
Craig Kocian said some council members have indicated that sustainability would be a good subject for a retreat, along with foreclosures and neighborhood preservation and creative ideas the staff may have in relation to those. He said he would like to get something scheduled in the first quarter of 2009. Ms. Anderson said she would like to discuss democratic governance, i.e. more inclusive and finding more effective ways to interact with our citizens. Mayor Frie said he wants council members to come up with topics to discuss. Mr. Dyer said he would like to talk about whether there are things we can do to help the retailers. He said HOTA has been doing that for Olde Town, but we need to focus on other areas of the city and that it should also include service businesses. Mayor Frie asked council to get subjects to Mr. Kocian.
  - B. Don Allard discussed the old library which will be leased to the food bank and suggested that the city pay for the repair of the roof. Mr. Kocian said the food bank has agreed already to pay for the improvements in exchange for a favorable lease so he would not recommend the city pay for the roof repair. He said if the city has funds available for the food bank, it should go to their operations.
4. City Attorney Reports:
  - A. Request for directions regarding the Transportation Implementation Committee  
Chris Daly, City Attorney, reviewed the appointments to the Transportation Committee that are on this evening's agenda.
5. Executive Session  
Mayor Frie said he would like to go into an executive session to discuss the Denver Water Board.  
  
Mayor Frie moved for City Council to go into executive session for the purpose of legal advice, pursuant to CRS 24-6-402(4)(b).

The following votes were cast on the Motion:

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

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; Chris Daly, City Attorney; Mike Elms, Community Development; Jim Root, Director of Public Works; Clark Johnson, City Manager's Office; and Christine A. Koch, City Clerk.

IV. **APPROVAL OF MINUTES OF THE NOVEMBER 17, 2008 CITY COUNCIL MEETING**

The minutes stand approved as submitted.

V. **PETITIONS RECOGNITIONS AND COMMUNICATIONS**

A. Presentation of Check to the Arvada Community Food Bank from the Festivals Commission

Nancy Bentzen, Chair of the Arvada Festivals Commission presented a check to the Arvada Community Food Bank in the amount of \$6,875.00. Ms. Bentzen said the money was raised from the 2<sup>nd</sup> annual Wine for the Holidays Wine Tasting Event. Mike Litzau accepted on behalf of the Food Bank.

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

A. Steve Caulk, Vice Chair of the Arvada Council for the Arts and Humanities gave an update on happenings at the Arvada Center.

B. A Boy Scout from Troop 667 was present.

VII. **NEW BUSINESS**

A. Consent Agenda

1. R08-133 A Resolution Renewing the Employment Agreement with George M. Graber as Relief Municipal Judge
2. R08-134 A Resolution Renewing the Employment Agreement with Michael S. Matassa as Relief Municipal Judge
3. R08-135 A Resolution Renewing the Employment Agreement with Ralph C. Turano as Relief Municipal Judge
4. R08-136 A Resolution Authorizing a Revised City of Arvada Retirement Plan Trust Agreement

5. R08-137 A Resolution Regarding Triennial Determination for the Continuation of the Rocky Flats Stewardship Council
6. R08-138 A Resolution Changing the Name of the Transportation Implementation Committee to the Transportation Committee, Clarifying that the Mayor Shall Make One Appointment and Amending the Number of Members of the Transportation Committee

Mayor Pro Tem Anderson moved that R08-133, A Resolution Renewing the Employment Agreement with George M. Graber as Relief Municipal Judge; R08-134, A Resolution Renewing the Employment Agreement with Michael S. Matassa as Relief Municipal Judge; R08-135, A Resolution Renewing the Employment Agreement with Ralph C. Turano as Relief Municipal Judge; R08-136, A Resolution Authorizing a Revised City of Arvada Retirement Plan Trust Agreement; R08-137, A Resolution Regarding Triennial Determination for the Continuation of the Rocky Flats Stewardship Council; R08-138, A Resolution Changing the Name of the Transportation Implementation Committee to the Transportation Committee, Clarifying that the Mayor Shall Make One Appointment and Amending the Number of Members of the Transportation Committee, 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 (Staff Presentations May Precede Resolutions)

1. R08-139 A Resolution Adopting the 2009-2013 Capital Improvement Fund Budget and Allocating for Specific Projects in 2009 and 2010

Vik Runkle, Director of Finance, reviewed this item with City Council.

Mayor Pro Tem Anderson moved that R08-139, A Resolution Adopting the 2009-2013 Capital Improvement Fund Budget and Allocating for Specific Projects in 2009 and 2010, 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. R08-140 A Resolution Authorizing the Submission of a Development Joint Venture Grant Application for the Arvada Skatepark at the O'Kane Site for Jefferson County Matching Attributable Share Open Space Funds

Mayor Pro Tem Anderson moved that R08-140, A Resolution Authorizing the Submission of a Development Joint Venture Grant Application for the Arvada Skatepark at the O'Kane Site for Jefferson County Matching Attributable Share Open Space Funds, 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. CB08-052 An Ordinance Approving a First Amendment to the City of Arvada Retirement Plan Regarding Distributions, Contributions and Forfeitures (Public Hearing to be set for December 15, 2008 at 7:00 p.m.)
2. CB08-053 An Ordinance Authorizing a Partial Assignment, Assumption, and Modification to Agreement for Potable Water Service, By and Among Arvada Residential Partners, LLC, Jefferson Center Metropolitan District No. 2, and the City of Arvada (Public Hearing to be set for December 15, 2008 at 7:00 P.M.)
3. CB08-054 An Ordinance Amending Division 2, Wood Burning Stoves of Article VII, Air Pollution, of Chapter 38, Environment, of the Arvada City Code, By Adding Definitions for Wood Burning Devices and Visible Emissions and Amending Section 38-282, Woodburning Restriction; When Declared (Public Hearing to be set for December 15, 2008 at 7:00 P.M.)
4. CB08-055 An Ordinance Rezoning Certain Land Within the City of Arvada, Stocke-Walter Neighborhood, from R-1 (One and Two-Family Residential) District, and R-SL (Residential-Small Lot, Low Density) District, to PUD-R (Planned Unit Development-Residential), 2.5 du/ac, and from R-1, to R-M (Residential-Multi-Family) (Public Hearing to be set for December 15, 2008 at 7:00 P.M.)

Councilmember Williams moved that CB08-052, An Ordinance Approving a First Amendment to the City of Arvada Retirement Plan Regarding Distributions, Contributions and Forfeitures; CB08-053, An Ordinance Authorizing a Partial Assignment, Assumption, and Modification to Agreement for Potable Water Service, By and Among Arvada Residential Partners, LLC, Jefferson Center Metropolitan District No. 2, and the City of Arvada; CB08-054, An Ordinance Amending Division 2, Wood Burning Stoves of Article VII, Air Pollution, of Chapter 38, Environment, of the Arvada City Code, By Adding Definitions for Wood Burning Devices and Visible Emissions and Amending Section 38-282, Woodburning Restriction; When Declared; CB08-055, An Ordinance Rezoning Certain Land Within the City of Arvada, Stocke-Walter Neighborhood, from R-1 (One and Two-Family Residential) District, and R-SL (Residential-Small Lot, Low Density) District, to PUD-R (Planned Unit Development-Residential), 2.5 du/ac, and from R-1, to R-M (Residential-Multi-Family) be approved on first reading, ordered published in full and a Public Hearing date be set for December 15, 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.

VIII. OTHER

A. Appointments to the Transportation Committee

Mayor Pro Tem Anderson moved to appoint Brian Culhane to an unexpired term ending April 30, 2010, Vincent Davis to a 3-year term ending April 30, 2012, William Knott to an unexpired term

ending April 30, 2011, Chris Sveum to a 3-year term ending April 30, 2012; Ralph Owens as an alternate to an unexpired term ending April 30, 2010, Peter McNutt as an alternate to an unexpired term ending April 30, 2011 and to reappoint Scott Benefield and David Maxwell to 3-year terms expiring April 30, 2011 and to reappoint Judi Mitchell to a 3-year term expiring April 30, 2012.

The following votes were cast on the Motion:

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

Mayor Frie appointed Rachel Zenzinger to a 3-year term ending April 30, 2012.

IX. CITY MANAGER REPORTS

A. Craig Kocian asked that City Council cancel the December 22, 2008 meeting.

Mayor Pro Tem Anderson moved to cancel the December 22, 2008 City Council meeting.

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. CITY COUNCIL REPORTS

A. Councilmember Dyer reported on a joint men and women's golf tournament at West Woods to benefit the Susan G. Komen charity. He said this year they raised over \$6,000.

B. Councilmember Williams reported on a meeting of the elected officials in Jefferson County and what a good job the County Clerk & Recorder did in the recent election. He said he would like to pass a resolution acknowledging and supporting the work of the Jefferson County Clerk & Recorder's office. City Council asked that our state legislators also get a copy of the adopted resolution.

XII. PUBLIC HEARINGS

A. CB08-050 An Ordinance Amending the Arvada City Code by Adding Section 54-60.1, Article I, Section 1409, Compulsory Insurance-Penalty of the Model Traffic Code for Colorado Municipalities as Adopted in Section 54-31 of the Arvada City Code (Ordinance No. 4145)

Mayor Frie opened the public hearing on CB08-050. No one present to speak for or against, the public hearing was closed.

Councilmember McGoff moved that CB08-050, An Ordinance Amending the Arvada City Code by Adding Section 54-60.1, Article I, Section 1409, Compulsory Insurance-Penalty of the Model Traffic Code for Colorado Municipalities as Adopted in Section 54-31 of the Arvada City Code, be approved on final reading, numbered 4145 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. CB08-051 An Ordinance Authorizing an Additional Appropriation for Fiscal Year 2008 (Ordinance No. 4146)

Mayor Frie opened the public hearing on CB08-051. No one present wishing to speak for or against, the public comment portion of the public hearing was closed.

Councilmember McGoff moved that CB08-051, An Ordinance Authorizing an Additional Appropriation for Fiscal Year 2008 be approved as amended on second reading, numbered 4146 and ordered published in full.

The following votes were cast on the Motion:

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

- C. R08-141 A Resolution Setting Forth Certain Findings of Fact and Conclusions as to the Annexation of Certain Land Into the City of Arvada, Colorado, Valley Farms (Spano), W. 52<sup>nd</sup> & Jay Street
- D. CB08-048 An Ordinance Annexing Certain Land Into the City of Arvada, Colorado, Valley Farms (Spano), W. 52<sup>nd</sup> & Jay Street (Ordinance No. 4147)
- E. CB08-049 An Ordinance Rezoning Certain Land Within the City of Arvada, Valley Farms (Spano), from Jefferson County R-2 (Residential) to City of Arvada CC-A (Clear Creek Sub-district A), and Amending the Official Zoning Maps of the City of Arvada, Colorado, W. 52<sup>nd</sup> & Jay Street (Ordinance No. 4148)

Mayor Frie opened the public hearings on R08-141; CB08-048 and CB08-049.

Mike Elms, Director of Community Development, reviewed this project with City Council. Mr. Elms stated that the posting logs and mailing affidavit have been received and are in order. Mayor Frie made them a part of the official record. He said Planning Commission recommends approval.

Mayor Frie swore those in wishing to speak.

Mr. Doug Reed, representing the applicants, briefly reviewed this project with City Council.

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

Mayor Pro Tem Anderson moved that R08-141, A Resolution Setting Forth Certain Findings of Fact and Conclusions as to the Annexation of Certain Land Into the City of Arvada, Colorado, Valley Farms (Spano), W. 52<sup>nd</sup> & Jay Street, be approved.

The following votes were cast on the Motion:

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

Mayor Pro Tem Anderson moved that CB08-048, An Ordinance Annexing Certain Land Into the City of Arvada, Colorado, Valley Farms (Spano), W. 52<sup>nd</sup> & Jay Street be approved subject to the

attached updated conditions of approval, on final reading, numbered 4147 and ordered published by title only. This motion is based on the findings of fact adopted by the Planning Commission.

The following votes were cast on the Motion:

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

Mayor Pro Tem Anderson moved that CB08-049, An Ordinance Rezoning Certain Land Within the City of Arvada, Valley Farms (Spano), from Jefferson County R-2 (Residential) to City of Arvada CC-A (Clear Creek Sub-District A), and Amending the Official Zoning Maps of the City of Arvada, Colorado, W. 52<sup>nd</sup> & Jay Street be approved on final reading, numbered 4148, and ordered published by title only. This motion is based on the findings of fact adopted by the Planning Commission.

The following votes were cast on the Motion:

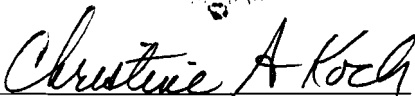
Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams  
The Motion was approved.

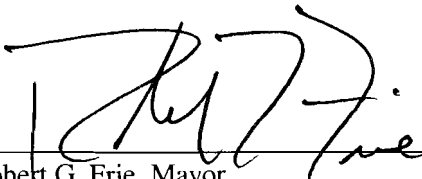
XIII. PUBLIC COMMENT LONGER THAN THREE MINUTES - None

XIV. ADJOURNMENT at 7:12 p.m.



SEAL:

  
Christine Koch, City Clerk

  
Robert G. Frie, Mayor