



CITY OF ARVADA

**SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD
APRIL 1, 2013**

1. Executive Session – 3rd Floor Conference Room

Mayor Williams called the meeting to order at 5:30 p.m. for the purpose of holding an executive session for Legal Advice, Pursuant to CRS 24-6-402(4)(b).

Councilmember Allard moved to go into executive session for the purpose stated above.

The following votes were cast on the Motion:

Those voting Yes: Williams, Zenzinger, Allard, Cook, Dyer, Fifer, McGoff

The Motion was Approved.

2. Call to Order – 6:00 p.m. – Council Chamber

3. Moment of Reflection and Pledge of Allegiance

4. Roll Call of Councilmembers

Those Present: Mayor Marc Williams, Mayor Pro Tem Rachel Zenzinger, Councilmember Don Allard, Councilmember Shelley Cook, Councilmember Bob Dyer, Councilmember Bob Fifer, Councilmember Mark McGoff

Also present were: Mark Deven, City Manager; Bill Ray, Deputy City Manager; Michele Hovet, Deputy City Manager; Chris Daly, City Attorney; Bob Manwaring, Director of Public Works; Jim Sullivan, Director of Utilities; Mike Elms, Director of Community Development; Vicky Reier, City Manager's Office and Christine Koch, City Clerk.

5. Approval of Minutes of the March 18, 2013 City Council Minutes

The Minutes stand approved as amended.

6. Petitions, Recognitions and Communications

A. Recognition of Amanda Douglass, Special Olympian – presented by Councilmember Fifer

Councilmember Fifer introduced Amanda Douglass who competed in the Special Olympics World Winter Games held in PyeongChang, South Korea. Mr. Fifer presented Amanda with a Certificate of Recognition.

B. Recognition of AURA Commissioner David Kribs – presented by Councilmember McGoff

Councilmember McGoff introduced David Kribs who has served on the Arvada Urban Renewal Authority Board from February 2002 to April 2013. City Council thanked Mr. Kribs for his service and presented him with a Certificate of Recognition.

C. Proclamation for National Service Recognition Day – presented by Councilmember Cook

Councilmember Cook introduced Kaitlin Fischer, an AmeriCorps VISTA member who was present for this recognition. Ms. Cook said April 9 marks the first ever Mayors Day of Recognition for National Service. She said the Corporation for National and Community Service and the U.S. Conference of Mayors feel a coordinated day of recognition presents a unique opportunity to spotlight the key role that national service plays in solving local problems and challenges. Ms. Cook said the Jefferson Conservation District is offering a Junior Master Gardener Summer Camp in Arvada for the first time and is designed to engage 3rd through 8th graders in hands-on learning about water conservation, insects and plant disease, soil types, and nutrition and that the camp will be held at Star Acre Farms.

Councilmember Cook presented Ms. Fischer, who co-teaches the Junior Master Gardener Summer Camp, with a Proclamation recognizing National Service Recognition Day.

D. Recognition of Pomona High School Wrestling Team – presented by Councilmember Allard

Councilmember Allard introduced the members of the Pomona High School Wrestling team who qualified 10 wrestlers for the recent State Championships. He said by the end of the tournament Pomona captured their first team title in twelve years. Mr. Allard presented a Certificate of Recognition to the team.

E. Proclamation for Child Abuse Prevention Month – presented by Councilmember Cook

Mayor Pro Tem Zenzinger said that April is National Child Abuse Prevention Month and that Ralston House will be planting gardens of pinwheels throughout the community to recognize and support abused children. Ms. Zenzinger presented a Proclamation designating April 2013 as Child Abuse Prevention Month to Don Moseley, Executive Director of Ralston House.

7. Public Comment on Issues not Scheduled on Agenda – Three Minute Limit

- A. Jody Weiland, Festivals Commission, addressed City Council and invited them and the public to the annual Kite Festival on April 13 from 10:00am – 4:00pm at Robby Ferrufino Park, 74th & Carr.
- B. Nancy Young, Arvada, addressed City Council regarding McIlvoy Park.
- C. Greg Thomason, Arvada, addressed City Council regarding fire protection.

8. New Business

A. Resolutions (Staff Presentation May Precede Resolution)

- 1. R13-033 A Resolution Authorizing Change Order No. 3 to a Construction Contract By and Between the City of Arvada and APC Construction Co., LLC in the Amount of \$415,444.00 for Milling and Overlay - 2012, Project No. 12-ST-01
- 2. R13-034 A Resolution Authorizing the City of Arvada to Obtain

- Laboratory Services for Utilities Operations Not to Exceed \$92,850 Annually
3. R13-035 A Resolution Authorizing a Construction Contract By and Between the City of Arvada and Martin Marietta Materials Inc., in the Amount of \$3,313,729.73 for Milling and Overlay - 2013, Project No. 13-ST-01

Councilmember Allard moved that R13-033, A Resolution Authorizing Change Order No. 3 to a Construction Contract By and Between the City of Arvada and APC Construction Co., LLC in the Amount of \$415,444.00 for Milling and Overlay - 2012, Project No. 12-ST-01; R13-034, A Resolution Authorizing the City of Arvada to Obtain Laboratory Services for Utilities Operations Not to Exceed \$92,850 Annually; and R13-035, A Resolution Authorizing a Construction Contract By and Between the City of Arvada and Martin Marietta Materials Inc., in the Amount of \$3,313,729.73 for Milling and Overlay - 2013, Project No. 13-ST-01, be approved.

The following votes were cast on the Motion:

Those voting Yes: Williams, Zenzinger, Allard, Cook, Dyer, Fifer, McGoff
The Motion was Approved.

B. Ordinances (First Reading)

1. CB13-015 An Ordinance Amending Chapter 54, Motor Vehicles and Traffic, by Repealing and Reenacting Article II, Model Traffic Code, by Adopting by Reference the 2010 Edition of the Model Traffic Code for Colorado, the 2009 Edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, and the Colorado Supplement to the Federal Manual on Uniform Traffic Control Devices 2009, by Enacting Heretofore Reserved Article IV, Local Parking Regulations, by Enacting Heretofore Reserved Article VI, Authority to Impound and Tow Vehicles, and Repealing, Retitling, Reenacting Section 58-41 of Chapter 58, Municipal Court, and Repealing Section 94-2 of Chapter 94, Streets, Sidewalks, and Certain Other Public Places (Public Hearing to be held April 15, 2013 at 6:30 p.m.)

Councilmember Dyer moved that CB13-015, An Ordinance Amending Chapter 54, Motor Vehicles and Traffic, by Repealing and Reenacting Article II, Model Traffic Code, by Adopting by Reference the 2010 Edition of the Model Traffic Code for Colorado, the 2009 Edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, and the Colorado Supplement to the Federal Manual on Uniform Traffic Control Devices 2009, by Enacting Heretofore Reserved Article IV, Local Parking Regulations, by Enacting Heretofore Reserved Article VI, Authority to Impound and Tow Vehicles, and Repealing, Retitling, Reenacting Section 58-41 of Chapter 58, Municipal Court, and Repealing Section 94-2 of Chapter 94, Streets, Sidewalks, and Certain Other Public Places be approved on first reading, ordered published in full and a Public Hearing date be held April 15, 2013 at 6:30 p.m.

The following votes were cast on the Motion:

Those voting Yes: Williams, Zenzinger, Allard, Cook, Dyer, Fifer, McGoff
The Motion was Approved.

9. Presentations

A. Sister Cities Update

Gordon Reusink, Director of Parks, Golf & Hospitality Services, gave a presentation to City Council about the proposed upcoming trip to Jinzhou, China. He said Jinzhou, China Mayor Fenghai Liu has formally invited Mayor Williams and the Arvada City Council to attend the opening ceremony of the 2013 World Landscape Art Exposition, an event that is expected to be visited by more than 10,000,000 visitors over a six month period.

Mr. Reusink reviewed the roles and responsibilities of the City, Arvada Sister Cities and the Chinese Chamber, as well as the background relationship between Arvada and Jinzhou. He also talked about the expected outcomes.

Mr. Reusink said the Sister Cities Board has made three recommendations: That the invitation be accepted and an official delegation be formed; that we accept their offer to coordinate the visit of the delegation and undertake tasks; and that members be comprised of the Chinese Chamber of Commerce, the City and Arvada Sister Cities.

Ms. Bernie Burgmaier said she has been given some information about economic development companies locating in Arvada in the next two years but that she cannot say anything further. She said economic development is coming but it takes a long time to establish those relationships.

Councilmember Dyer moved to accept the recommendations of the Sister Cities organization and send a delegation to Jinzhou.

Mayor Williams said he struggles with this because this group of volunteers do so much for the community and he is perfectly comfortable with the highest elected official of the City going based upon what has happened in the past and he understands that outside money has been raised or they have paid their own way. He said he is very uncomfortable with city dollars being used to send additional members of the delegation and for that reason, since he understands the motion includes sending delegation members from the city at city expense, he cannot support it. Mayor Williams said if the motion is to accept Mayor Pro Tem Zenzinger going as a representative with her way being paid outside of city dollars, then he is a thousand percent for that. He said he struggles, and has struggled for a long time, spending any city dollars.

The following votes were cast on the Motion:

Those voting Yes; Zenzinger, Dyer, McGoff

Those voting No: Williams, Allard, Cook, Fifer

The Motion Failed.

Mayor Pro Tem Zenzinger moved to officially accept the Mayor's invitation and that the official invitation and acceptance on the part of staff, we would need to work out.

Councilmember Dyer said we aren't accepting the invitation to send an official delegation if we don't have somebody from the administration and if we are only going to send an elected official without somebody from the administration, then we aren't doing an official visit. Mayor Pro Tem Zenzinger said they could go but the funding would be determined by other than city funding and we would have to talk to Sister Cities to see if they would be willing to send a staff person.

Mr. Reusink said it is more important to have an elected official than staff. On clarification he stated that the definition of an "official delegation" does mean an elected official plus a member of our administration.

Councilmember Cook asked if Ms. Zenzinger is suggesting that no city costs be used in the delegation and Mayor Pro Tem Zenzinger said yes, and whether the feasibility of sending an elected official can be worked out on the part of sending a staff member.

Mayor Pro Tem Zenzinger clarified before rereading her motion that it is with the understanding that if Sister Cities is unable to fund them, then we would come back and decline the invitation.

Mayor Pro Tem Zenzinger said her motion is that we would accept the Mayor of Jinzhou, China's invitation to send an official delegation and that the highest ranking Elected Official would be paid for by the Sister Cities Organization and the consideration of a staff member would be appointed to the delegation, but that no hard costs on the part of the city be used to fund that individual.

The following votes were cast on the Motion:

Those voting Yes: Williams, Zenzinger, Allard, Cook, Fifer

Those voting No: Dyer, McGoff

The Motion was Approved.

City Council asked that Sister Cities get back to City Council with revised proposals.

10. **Public Hearings – 6:30 p.m.**

- A. CB13-013 An Ordinance Authorizing the First Amendment to the 2013 Operating and Capital Budget and Authorizing Expenditures in 2013 (Ordinance No. 4382)

Mayor Williams opened the public hearing on CB13-013.

Lisa Yagi, Interim Director of Finance said this is the annual carryover ordinance for unfinished projects from the prior year. She reviewed the carryover amounts for the General Fund, the Tax Increment Fund, CIP Fund, Water, Wastewater and Stormwater funds, the Golf Course Fund, Insurance Fund, Computer Fund and Building Fund.

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

Councilmember Dyer moved that CB13-013, An Ordinance Authorizing the First Amendment to the 2013 Operating and Capital Budget and Authorizing Expenditures in 2013, be approved on final reading, numbered 4382 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Williams, Zenzinger, Allard, Cook, Dyer, Fifer, McGoff

The Motion was Approved.

- B. CB13-014 An Ordinance Amending Subsection 7.11.4 of Article 7 ("Subdivision Regulations and Improvements") of the Land Development Code, Pertaining to Public Park and Trail Dedications and Fees (Ordinance No. 4383)

Mayor Williams opened the public hearing on CB13-014.

Mike Elms, Community Development, reviewed this ordinance with City Council. He talked about the Transit Oriented Development Plan adopted several years ago and the higher costs for developers to build in urban areas with the current park and trail dedication fees. Mr. Elms said the proposal is for an exemption for residential development within ½ mile within a TOD district from the park land dedications, payment in-lieu, and park development fees, provided certain requirements are met. He said the Community Development Director would have the option to waive entirely, or if some of the criteria are not met, to waive a portion of these fees. He said it is important to get the high density, mixed use developments that staff wants to see in the transit oriented areas.

Nancy Young, Arvada, spoke in opposition to the issue.

The following asked that their names be entered into the record in opposition:

Jo A. Termentozzi
Donald Konrad
Stan Stewart
Cindy Nesladek
Robert F Nesladek
Heidi Nesladek
Greg Thomason

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

In response to questions from Ms. Young, Mr. Elms said there is no proposal from the developer that takes over any portion of McIlvay Park. He said the plaza areas and open gathering spaces within a development are not meant to be public gathering places.

In response to questions from City Council, Mr. Elms talked about this proposal applying to all three of the transit stations in Arvada and the higher cost and need for more design in urban areas. Councilmember Cook asked if staff would mind if the language was changed to show that it is specifying transit oriented development and urban mixed use and pedestrian oriented living. She said she would rather have it codified than just be a judgment on the part of the Community Development Director. She said she doesn't mind moving forward with this now but would like to look at something less subjective in the future.

Mayor Pro Tem Zenzinger said this would make certain areas within the half mile eligible for the waiver but doesn't really determine if they would receive the waiver and that would be at the discretion of the Community Development Director. She said she is unclear as to the guidelines that would be implemented to direct that decision.

Mr. Elms said at this point we don't know what those designs will be. We have laid out the criteria, and all of these are going to have design standards that go along with them, but there will be things that the developer may not want to do, like the plazas or they might not have as much connection to the station. In that case, they would be hard pressed to get a full waiver. He said right now we can't enumerate what that might be. It is based on the design and layout and urban

design of the project. He said we can work on something and as we go through the comprehensive plan update and look at our Land Development Code, not a full re-write, but look at those areas and do more research and bring it back to City Council that gives more certainty than what these words do right now.

Mayor Pro Tem Zenzinger said she is concerned that if a development is given a waiver, then the City has a proportional cost that we would have to pick up to provide the same environment, and she is reluctant to just give it away, or waive it. She said she is more inclined to work with the developer on a partial waiver.

Councilmember Dyer said if we want to have a park within a ten minute walk from every resident in Arvada and if we start envisioning three TOD's with a lot of density, where will the parks be and where will the money come from for those parks in the future. Mr. Deven said we would have to start accessing alternative funding sources, such as open space and grant funding and we would need to have the capital funds put into place to do that.

Councilmember McGoff reviewed the three criteria and said it seems to suggest that if all of these criteria were met, then 100% of the fees would be forgiven. He said he questions whether it should be a number less than 100%.

Councilmember Allard said if you are going to encourage high density, then you aren't going to have land available for a park.

Councilmember Cook moved that CB13-014, An Ordinance Amending Subsection 7.11.4 of Article 7 ("Subdivision Regulations and Improvements") of the Land Development Code, Pertaining to Public Park and Trail Dedications and Fees, be approved on final reading, numbered 4383 and ordered published in full. This motion is based on the findings of fact adopted by the Planning Commission. She said she would add that we are doing this where we want to promote high quality urban development adjacent to park 'n rides and that we are starting off by giving the Community Development Director considerable judgment as to the amount, whether 0% or 100%. She said she thinks there is some interest in looking at how we do this, maybe through the Comprehensive Plan process or adjusting the zoning ordinance if needed to make it less subjective, and taking into account the infrastructure needs that might be attendant to that, so we are just starting with this.

Councilmember Cook said she would like an amendment to 7.11.4.C.3. so that it would read "On-site plazas, squares, green spaces, small urban parks, or other gathering spaces for residents and visitors which are sufficient in number and character to substantially promote transit-oriented, urban mixed use, pedestrian-oriented living."

Mayor Williams said does it require mixed use within that particular development. Councilmember Cook said she would like it to and that's because the difference between transit-proximate and transit-oriented is you need that mixture to make it truly walkable. Mayor Williams said he is concerned because you may have multiple mixed use developments and one may be doing one very well, and another one does another one very well, but no one development is going to do it all.

Mr. Elms said not every project is going to be mixed use, but they may help promote the mixed use nature of the area. He said he thought Ms. Cook said it had to include mixed use along with the other elements to get that waiver and he said not every project is going to be mixed use.

Councilmember Cook said she is adding to “substantially promote”. Mayor Williams clarified that it is to promote in the area and Councilmember Cook agreed.

The following votes were cast on the Motion:

Those voting Yes: Williams, Zenzinger, Allard, Cook, Dyer, Fifer, McGoff
The Motion was Approved.

11. Public Comment – Five Minute Limit - None

12. Reports from City Council

- A. Councilmember Dyer said he has been a strong supporter of community agriculture in the City. He said he would like to propose to expand our zoning ordinance to allow for backyard livestock. After reading from his document titled “Taking Arvada to the Next Level in the Eat Local Movement”, and his suggestion that we become the new Seafood Capital of the U.S. by possibly growing shrimp in our backyard swimming pools (which was followed by “visible panic and deer in the headlight looks” from certain staff members), Mr. Dyer did acknowledge that it is April Fool’s Day.
- B. Councilmember Fifer thanked the County Commissioners for the tour they provided of the detention facility.
- C. Mayor Pro Tem Zenzinger mentioned Councilor on Your Corner on April 9, 6:30 p.m. at the Indian Tree Golf Club with guest speaker Phillip Sneed.
- D. Mayor Pro Tem Zenzinger said tomorrow evening at Arvada West High School, the German wrestling team will be here participating in an expo with the Arvada West team.
- E. Mayor Pro Tem Zenzinger said this coming Sunday there will be a March of Remembrance, in remembrance of Holocaust Month. There will be March starting at 1:00 p.m. at McIlVoy Park.
- F. Councilmember McGoff said Man of LaMancha at the Arvada Center is very professional and immensely enjoyable.

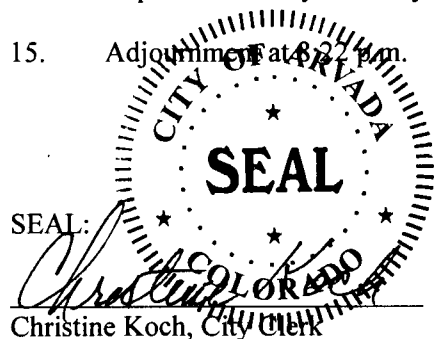
13. Reports from City Manager

- A. Review of Future Workshops and Presentations

Mark Deven, City Manager, reviewed the upcoming workshops and presentations.

14. Reports from City Attorney - None

15. Adjournment at 8:21 p.m.



Marc Williams, Mayor