

City of Arvada

City Council Agenda

SEPTEMBER 16, 2024
CITY COUNCIL CHAMBERS
Regular Business

Councilmembers:

Lauren Simpson, Mayor
Randy Moorman, Mayor Pro-Tem
Shawna Ambrose, District 2
Sharon Davis, At large
Lisa Feret, At large
Bob Fifer, District 4
John Marriott, District 3

Staff Members Usually Present:

Linda Haley, Acting City Manager
Don Wick, Deputy City Manager
Rachel Morris, City Attorney
Jacqueline Rhoades, Director of Public Works
Sharon Israel, Director of Utilities
Jessica Garner, Director of Community & Econ. Dev.
Bryan Archer, Director of Finance
Gabriella Bommer, Director of Human Resources
Rachael Kuroiwa, Director of Communications & Engagement
Kristen Rush, City Clerk

Info: 720-898-7550

THIRD FLOOR CONFERENCE ROOM
EXECUTIVE SESSION
5:00 P.M.

Legal Advice, Pursuant to CRS 24-6-402(4)(b) Relating to Broomfield's Withdrawal from JPPHA

CITY COUNCIL MEETING – CITY COUNCIL CHAMBERS

6:00 PM

1. Call to Order - 6:00 PM
2. Moment of Reflection and Pledge of Allegiance - Councilmember Davis
3. Roll Call of Councilmembers
4. Approval of Minutes - None
5. Recognitions and Communications
 - A. Proclamation for Hispanic Heritage Month - Presented by Councilmember Feret
 - B. Proclamation for National Emergency Preparedness Month - Presented by Councilmember Marriott
6. Presentations
 - A. 2023 Year End Financial Statement & Audit Presentation
7. Public Comment on Issues not Scheduled on Agenda - Three Minute Limit
8. New Business
 - A. Consent Agenda

1. R24-093, A Resolution Accepting a Special Warranty Deed from the Urban Drainage and Flood Control District (d/b/a Mile High Flood District) Conveying a Parcel of Land at 6000 Secrest Drive, Arvada, Colorado 80003-5444
2. R24-094, A Resolution Authorizing a Grant Application to the Land and Water Conservation Fund (LWCF) State and Local Assistance Program in support of the Gold Strike Park Redevelopment
3. R24-095, A Resolution Authorizing a Grant Application to the State Board of the Great Outdoors Colorado Trust Fund in support of the Gold Strike Park Redevelopment
- B. Resolutions - None
- C. Ordinances (First Reading)
 1. CB24-012, An Ordinance Repealing and Reenacting Various Sections of Chapter 14, Animals, of the Arvada City Code that Relate to the Impoundment of Animals (Public Hearing to be set for October 7, 2024 at 6:15 p.m.)
9. Other
10. Public Hearings - 6:15 PM - None
11. Workshops
 - A. Council Workshop on Climate Action and Sustainability Plan Strategies
12. Public Comment - Five Minute Limit
13. Reports from City Council
 - A. Council Committee Reports
14. Reports from City Manager
 - A. Review of Future Workshops and Presentations
15. Reports from City Attorney
16. Adjournment



REPORT TO CITY COUNCIL

AGENDA ITEM
5.A.

TO: THE HONORABLE CITY COUNCIL

DATE: September 16, 2024

SUBJECT: Proclamation for Hispanic Heritage Month - Presented by Councilmember Feret

Report in Brief

City Council will proclaim September 15th - October 15th as National Hispanic Heritage Month.

Prepared by:

Chris Koch, CCO Admin

Reviewed by:

Toni Riebschlager, Law Office Administrator 8/23/2024

Laura Hemler, Assistant City Attorney 8/23/2024

Approved by:

Rachel Morris, City Attorney 8/23/2024

Linda Haley, Acting City Manager 8/26/2024

Enclosure, exhibits & attachments required to support the report

WHEREAS, National Hispanic Heritage Month is celebrated from September 15th through October 15th each year. The observation started in 1968 as Hispanic Heritage Week and was expanded by President Ronald Reagan in 1988, to cover the month at which it is celebrated today. We recognize that September 15 is significant because it is the anniversary of independence for Latin American countries Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. In addition, Mexico and Chile celebrate their independence days on September 16 and 18, respectively; and

WHEREAS, the City of Arvada looks forward to, with the greater community, highlighting the rich heritage, arts, histories, food, music and traditions of all 26+ Latin-American nations. While recognizing that these nations are not homogeneous and this month celebrates, honors and pays tribute to all for their contributions to our city and our society; and

WHEREAS, Latinos are individuals that are descendants from Latin American countries and may speak a variety of different languages. Hispanics are individuals that speak Spanish and are descendants from Spanish speaking countries, including Spain. Latinx is a gender neutral or non binary term for people of Latin American descent, and we recognize the Latinx identity also encompasses people in Black/African, Asian, Indigenous, and Queer communities; and

WHEREAS, the City of Arvada is committed to recognizing Hispanic/Latino and Latinx culture and heritage as an important part of the city and its strong, inclusive community; and

WHEREAS, Foster Dual Language Pre-K through 8 School serves as a hub of multicultural community in Arvada and continuously educates and inspires individuals to become responsible, compassionate, creative, bilingual citizens of the world.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and City Council of the City of Arvada, Colorado, that September 15th – October 15th be designated as National Hispanic Heritage Month and call its observance to all Arvada residents.

Dated this 16th day of September 2024.

Lauren Simpson, Mayor

Randy Moorman, Mayor Pro Tem

Shawna Ambrose, Councilmember

Sharon Davis, Councilmember

Lisa Feret, Councilmember

Bob Fifer, Councilmember

John Marriott, Councilmember



REPORT TO CITY COUNCIL

AGENDA ITEM
5.B.

TO: THE HONORABLE CITY COUNCIL

DATE: September 16, 2024

SUBJECT: Proclamation for National Emergency Preparedness Month - Presented by Councilmember Marriott

Report in Brief

City Council will proclaim September 2024 as National Preparedness Month. Jason and Ashley Pietz, Arvada CERT, along with other CERT members will be present to accept the Proclamation.

Prepared by:
Chris Koch, CCO Admin

Reviewed by:
Toni Riebschlager, Law Office Administrator 8/23/2024
Laura Hemler, Assistant City Attorney 8/23/2024

Approved by:

Rachel Morris, City Attorney 8/23/2024
Linda Haley, Acting City Manager 8/26/2024

Enclosure, exhibits & attachments required to support the report

- WHEREAS,** National Preparedness Month, occurring annually in September, creates an ideal opportunity for every resident of Arvada to join individuals across the United States in preparing their homes, businesses, and communities for any type of emergency, including natural, technological, and human-caused; and
- WHEREAS,** the Federal Emergency Management Agency (FEMA) announced the 2024 Emergency Preparedness Month theme of empowering Asian American, Native Hawaiian and Pacific Islander communities to act today to prepare for future risks and disasters; and
- WHEREAS,** we commit, as a community, to equitable resident participation in planning for and responding to disasters and when residents working together with the government take responsibility for preparing their families and their communities, the chance of survival and return to normalcy following a disaster is greatly increased; and
- WHEREAS,** the City of Arvada partners with federal, state, local, tribal, territorial, private, nonprofit, and community agencies and organizations to educate communities on local hazards and natural disasters and how to prepare for them, and the City of Arvada is committed to the equitable disaster relief and recovery services and nondiscrimination to all communities in the event of an emergency or disaster; and
- WHEREAS,** the City of Arvada informs residents on how to take action and receive services through its annual Preparedness Month campaign and all residents of Arvada are urged to plan ahead for disasters and encourage their family and friends to do so by visiting the National Preparedness Month website at Ready.gov for essential preparedness tips and information; and
- WHEREAS,** all individuals who live, work, or play in Arvada are urged to register for Lookout Alert so that we can all be notified in the event of emergency, keeping ourselves, our families and our communities safe.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and City Council of the City of Arvada, Colorado, that September 2024 be designated as National Preparedness Month and encourage the community to observe this month by preparing for emergencies before they occur.

Dated this 16th day of September 2024.

Lauren Simpson, Mayor

Randy Moorman, Mayor Pro Tem

Shawna Ambrose, Councilmember

Sharon Davis, Councilmember

Lisa Feret, Councilmember

Bob Fifer, Councilmember

John Marriott, Councilmember



**REGISTER AT
LOOKOUTALERT.CO**



Emergency notifications are sent based on the type and location of each emergency.



WHAT

Receive immediate emergency notifications for:

- Natural or manmade disasters
- Severe weather
- Evacuation or shelter-in-place orders



WHERE

LookoutAlert Emergency Notification System serves:

- Jefferson County
- City & County of Broomfield
- City of Westminster (both Adams & Jefferson Counties)



WHO



Residents, workers & frequent visitors should register

HOW

Users can register to receive alerts through:

- Text Message
- Email
- Voice Message





REPORT TO CITY COUNCIL

AGENDA ITEM
6.A.

TO: THE HONORABLE CITY COUNCIL

DATE: September 16, 2024

SUBJECT: 2023 Year End Financial Statement & Audit Presentation

Report in Brief

PRESENTER: Deb Nielson, Deputy Finance Director

The independent annual audit required by the City Charter (Chapter X, section 10.9) was performed by Forvis Mazars, LLP (formally BKD, LLP) for the year ending December 31, 2023. Forvis is an independent national CPA with a local office. A detailed report of the audit and any findings was prepared and presented to the Audit Committee. In 2023, the audit committee included Council members Randy Moorman and Shawna Ambrose, Acting City Manager Linda Haley, Deputy City Manager Don Wick, Director of Finance Bryan Archer, Deputy Finance Director Debra Nielson and Controller Vesta Kruk.

Prepared by:
Bryan Archer, Director of Finance

Reviewed by:

Approved by:

Enclosure, exhibits & attachments required to support the report



REPORT TO CITY COUNCIL

AGENDA ITEM
8.A.

TO: THE HONORABLE CITY COUNCIL

DATE: September 16, 2024

SUBJECT: Consent Agenda

Report in Brief

1. R24-093, A Resolution Accepting a Special Warranty Deed from the Urban Drainage and Flood Control District (d/b/a Mile High Flood District) Conveying a Parcel of Land at 6000 Secrest Drive, Arvada, Colorado 80003-5444

2. R24-094, A Resolution Authorizing a Grant Application to the Land and Water Conservation Fund (LWCF) State and Local Assistance Program in support of the Gold Strike Park Redevelopment

3. R24-095, A Resolution Authorizing a Grant Application to the State Board of the Great Outdoors Colorado Trust Fund in support of the Gold Strike Park Redevelopment

Suggested Motion: Moved by: _____ I move that the Consent Item(s),
Number(s) _____

be
(Removed from the Consent Agenda and Heard Upon Item _____) (Referred to a Workshop) (Postponed
Indefinitely).

YES _____ NO _____ ABSENT _____

That All/Remaining Consent Items be (Approved) (Rejected).

YES _____ NO _____ ABSENT _____

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Enclosure, exhibits & attachments required to support the report



REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM
8.A.1.

TO: THE HONORABLE CITY COUNCIL

DATE: September 16, 2024

SUBJECT: R24-093, A Resolution Accepting a Special Warranty Deed from the Urban Drainage and Flood Control District (d/b/a Mile High Flood District) Conveying a Parcel of Land at 6000 Secrest Drive, Arvada, Colorado 80003-5444

Report in Brief

The City of Arvada secured a Federal Emergency Management Agency (FEMA) grant in 2022 to study the feasibility of property acquisitions within a reach of Ralston Creek between Vance Street and Wadsworth Bypass. One of the homeowners within the study area at 6000 Secrest Drive made the City aware that he was moving to another state and his home was up for sale. Urban Drainage and Flood Control District (doing business as Mile High Flood District) offered to purchase the home and now wants to deed it to the City with the understanding that the property would be demolished and turned into open space or other non-residential type use.

The Arvada team recommends that the City Council approve R24-093, A Resolution to accept the Special Warranty Deed for the property located at 6000 Secrest Drive.

Financial Impact

The financial impact to the City is the cost of the demolition of the home and the restoration of the property to open space, or other similar uses. Estimates for similar demolitions were provided by Mile High Flood District to be in the range of \$150,000.

The funds for the demolition and restoration, as well as other outcome projects from the feasibility study, has been requested for the 2025/2026 budget cycle.

Background

The Hazard Mitigation Grant Program (HMGP) offered by FEMA provides funding for municipalities to develop hazard mitigation plans to protect those community members in high risk areas. The particular HMGP grant the City received was in response to the federally declared disaster of the 2013 flood.

There are 22 homes identified in a very high-risk flood zone, known as a floodway, adjacent to Ralston Creek between Vance and Wadsworth Bypass. The feasibility study currently underway will be offering alternatives to remove these homes from the floodway with either a capital project, property acquisition, or a combination of the two. They will be offering alternatives with a corresponding Benefit/Cost Ratio (BCR) of each alternative. Any BCR above 1.0 is considered favorable and will be considered for future grant opportunities. The individual BCR for acquisition of this property was calculated at 4.0 and is in alignment with the ongoing HMGP.

Discussion

The opportunity presented itself to purchase a property that was deemed in a very high risk flood zone. Through a partnership with Mile High Flood District, we were able to remove this particular property out of this high risk zone, and will continue to pursue other properties in this same area.

Public Contact

SUBJECT: R24-093, A Resolution Accepting a Special Warranty Deed from the Urban Drainage and Flood Control District (d/b/a Mile High Flood District) Conveying a Parcel of Land at 6000 Secrest Drive, Arvada, Colorado 80003-5444

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ITEM: 8.A.1.

Posting of the City Council agenda

Commission Recommendation

N/A

Strategic Alignment

This action aligns with the Physical and Technology Systems Strategic Result by ensuring the physical assets support emergency preparedness, and City and community resilience. It also aligns with the Quality of Life Strategic Result by strengthening community resilience and well-being by proactively collaborating in emergency management initiatives and ensuring preparedness.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve R24-093, A Resolution Accepting a Special Warranty Deed from the Urban Drainage and Flood Control District (d/b/a Mile High Flood District) Conveying a Parcel of Land at 6000 Secrest Drive, Arvada, Colorado 80003-5444.

Suggested Motion:

I move that R24-093, A Resolution Accepting a Special Warranty Deed from the Urban Drainage and Flood Control District (d/b/a Mile High Flood District) Conveying a Parcel of Land at 6000 Secrest Drive, Arvada, Colorado 80003-5444, be (approved) (rejected).

Prepared by:
Melanie Walter, Engineering Manager

Reviewed by:

Approved by:

Chris Lisberg, Assistant City Engineer	8/27/2024
Jacqueline Rhoades, Public Works Director	8/29/2024
Bryan Archer, Director of Finance	8/29/2024
Tammy Hedlund, Legal Specialist	8/29/2024
Jessica Morales, Assistant City Attorney	8/29/2024
Don Wick, Deputy City Manager	9/4/2024
Rachel Morris, City Attorney	9/5/2024
Linda Haley, Acting City Manager	9/5/2024

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R24-093

A RESOLUTION ACCEPTING A SPECIAL WARRANTY DEED FROM THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT (D/B/A MILE HIGH FLOOD DISTRICT) CONVEYING A PARCEL OF LAND AT 6000 SECREST DRIVE, ARVADA, COLORADO 80003-5444

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The Mayor or Mayor Pro Tem is authorized to sign and the City Clerk to attest this Resolution accepting a Special Warranty Deed, a copy of which is attached hereto, from the Urban Drainage and Flood Control District (d/b/a Mile High Flood District) conveying a parcel of land located at 6000 Secrest Drive, Arvada, Colorado 80003-5444.

Section 2. This resolution shall be effective upon its approval by the City Council.

APPROVED AND ADOPTED this 16th day of September, 2024.

Lauren Simpson, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney:

BY: _____

SPECIAL WARRANTY DEED

THIS DEED, made this _____ day of September, 2024, between the URBAN DRAINAGE AND FLOOD CONTROL DISTRICT d/b/a MILE HIGH FLOOD DISTRICT, a body corporate and a politic subdivision of the State of Colorado and a municipal corporation, of the County of Jefferson, State of Colorado, Grantor and The City of Arvada, a Colorado municipal corporation, State of Colorado whose legal address is City of Arvada City Hall, 8101 Ralston Road, Arvada, CO 80002, Grantee;

WITNESSETH, That Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, convey, and confirm, unto Grantee, and Grantee's successors and assigns forever, all the real property, together with all improvements, if any, situate, lying and being in the County of Jefferson, State of Colorado, described as follows:

THAT PART OF LOT 12, BLOCK 4, LOBERG SUBDIVISION, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 12;
THENCE WEST 126.5 FEET; THENCE IN A NORTHWESTERY DIRECTION 50 FEET TO A POINT WHICH IS 40 FEET EAST AND 10 FEET SOUTHEAST OF THE SOUTHWEST CORNER OF SAID LOT 12;
THEN NORTHEASTERLY TO A POINT ON THE EAST LINE OF SAID LOT 12, SAID POINT BEING 70 FEET NORTHWESTERLY FROM THE POINT OF BEGINNING;
THENCE SOUTHEASTERLY ALONG THE SAID EAST LINE TO THE POINT OF BEGINNING,
COUNTY OF JEFFERSON, STATE OF COLORADO

also known by street and number as: 6000 Secrest Drive, Arvada, Colorado 80003-5444

GRANTEE BY ACCEPTING AND RECORDING THIS SPECIAL WARRANTY DEED AGREES THAT THE ABOVE-DESCRIBED REAL PROPERTY SHALL NOT BE USED FOR ANY PURPOSE THAT WILL DIMINISH OR PRECLUDE ITS USE FOR DRAINAGE AND FLOOD CONTROL MITIGATION PURPOSES NOR SHALL IT DISPOSE OF OR CHANGE ITS USE WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTOR. FURTHER, THE ABOVE-DESCRIBED REAL PROPERTY SHALL NOT BE USED FOR PERMANENT OR TEMPORARY STRUCTURES DESIGNED FOR HUMAN HABITATION.

IN ADDITION, GRANTEE SHALL REGULATE AND CONTROL ANY DEFINED FLOODPLAINS ON RALSTON CREEK IN ACCORDANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS AS A MINIMUM; GRANTEE AGREES TO MAINTAIN THE ABOVE-DESCRIBED REAL PROPERTY IN A MANNER ACCEPTABLE TO THE GRANTOR; AND GRANTEE GRANTS THE

TOGETHER WITH all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, claim, and demand whatsoever of the Grantor, either in law or equity, of, in, and to the above bargained premises, with the hereditaments and appurtenances.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

Laura A. Kroeger, as Executive Director of
Urban Drainage and Flood Control District
d/b/a Mile High Flood District

The foregoing instrument was acknowledged before me this _____ day of September, 2024, by Laura A. Kroeger, as Executive Director of Urban Drainage and Flood Control District d/b/a Mile High Flood District.

My commission expires: _____.

2

CITY OF ARVADA, a Colorado home rule municipal corporation

Lauren Simpson, Mayor
8101 Ralston Road
Arvada, CO 80002

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By: _____



REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM
8.A.2.

TO: THE HONORABLE CITY COUNCIL

DATE: September 16, 2024

SUBJECT: R24-094, A Resolution Authorizing a Grant Application to the Land and Water Conservation Fund (LWCF) State and Local Assistance Program in support of the Gold Strike Park Redevelopment

Report in Brief

The City Council is being asked to approve a grant application to the Land and Water Conservation Fund (LWCF) State and Local Assistance Program ("LWCF Stateside") in support of the continued revitalization of Gold Strike Park and the surrounding areas.

The Arvada team recommends that the City Council approve R24-094, A Resolution Authorizing a Grant Application to the Land and Water Conservation Fund (LWCF) State and Local Assistance Program in support of the Gold Strike Park Redevelopment.

Financial Impact

The City is requesting \$800,000 in grant funds from LWCF. The matching funds required are \$6,028,827, which are available in Project 94632.

Background

Gold Strike Park sits at the confluence of Clear Creek and Ralston Creek in Arvada and is listed on the State Registrar of Historical Places as the site where gold was first documented in Colorado. Efforts to turn the 14-acre site into a community space for historical and ecological exploration began over 45 years ago. With the goal of finally fulfilling Gold Strike Park's full potential, the City has launched a park design effort to create a commemorative and special place for outdoor enjoyment and sharing the rich history of Arvada at what is considered the eastern entrance to the City.

The park design effort builds on: the 2000 Gold Strike Park Master Plan, where it's first acknowledged as the "Gateway to the City"; the 2016 Parks, Trails, and Open Space Master Plan, where it's designated as a Historical Site, a Park Improvement Priority Project, a Ralston Creek Trail Regional Trail Connection, and a Potential Clear Creek Regional Trail Connection; and the 2019 Clear Creek Corridor Plan (CCCP), where the park is called out as Opportunity Site #2.

Discussion

This project is the realization of decades of city planning, and close collaboration with multiple outside agencies including the Mile High Flood District (MHFD), CDOT, Jefferson County, Adams County, the Arvada Historic Society, educational institutions, and others. Parks and Urban Design (P+UD) department has already identified funding for the design, public engagement, and a phase 1 of construction. P+UD has also identified potential grant opportunities, including the one identified herein.

Public Contact

Posting of the City Council agenda

Commission Recommendation

N/A

Strategic Alignment

This resolution aligns with City Council's **Quality of Life Strategic Result** to:

5. Provide equitable access to the natural environment citywide and preserve these amenities for future generations

Alternative Courses of Action

1. Approve
2. Reject the City team's request to apply for the grant

Recommendation for Action

The Arvada team recommends that the City Council approve Alternative No. 1

Suggested Motion:

I move that R24-094, A Resolution Authorizing a Grant Application to the Land and Water Conservation Fund (LWCF) State and Local Assistance Program in support of the Gold Strike Park Redevelopment, be (approved)(rejected).

Prepared by:
Bryan Archer, Director of Finance

Reviewed by:

Approved by:

Gail Walker, Legal Specialist-Contracts	8/30/2024
Janelle Miller, Assistant City Attorney	8/30/2024
Laura Hemler, Assistant City Attorney	8/30/2024
Rachel Morris, City Attorney	9/3/2024
Linda Haley, Acting City Manager	9/3/2024

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R24-094

A RESOLUTION AUTHORIZING A GRANT APPLICATION TO THE LAND AND WATER
CONSERVATION FUND (LWCF) STATE AND LOCAL ASSISTANCE PROGRAM IN
SUPPORT OF THE GOLD STRIKE PARK REDEVELOPMENT

WHEREAS, the National Park Service administers the Land and Water Conservation Fund (LWCF) State and Local Assistance Program (“LWCF Stateside”) that provides matching grants to state, local, and tribal governments to create and expand parks, develop recreation facilities, and further local recreation plans; and

WHEREAS, the City of Arvada has identified a redevelopment project in and around Gold Strike Park that is consistent with the goals and requirements of LWCF Stateside; and

WHEREAS, if awarded grant money under LWCF Stateside, the City of Arvada commits to meeting all requirements of the program, per the Federal Financial Assistance Manual, and to enter into a contract with the State of Colorado; and

WHEREAS, if awarded grant money under LWCF Stateside, the City of Arvada commits to postponing any ground-disturbing activities related to the project funded in part by LWCF Stateside grant money until after the grant award and finalization of the contract with the State of Colorado; and

WHEREAS, if awarded grant money under LWCF Stateside, the City of Arvada commits to providing matching grant funds, understanding that failure to do so will result in reduction of grant funds; and

WHEREAS, if awarded grant money under LWCF Stateside, the City of Arvada acknowledges that the full project cost must be incurred prior to requesting reimbursement as per the project budget and contract period; and

WHEREAS, if awarded grant money under LWCF Stateside, the City of Arvada commits to complying with all applicable local, state, and federal laws and regulations, including Building America Buy Again (BABA); and

WHEREAS, if awarded grant money under LWCF Stateside, the City of Arvada agrees to protect and maintain the site in and around Gold Strike Park that is funded in part by LWCF Stateside grant money in perpetuity for outdoor recreation, recorded on the real property title before final reimbursement; and

WHEREAS, if awarded grant money under LWCF Stateside, the City of Arvada agrees to permit inspections of the site in and around Gold Strike Park that is funded in part by LWCF Stateside grant money once every five years after project completion and to address any compliance issues promptly.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF

ARVADA, COLORADO:

Section 1. Appropriate city staff is authorized to develop and submit to the National Park Service an application for the Land and Water Conservation Fund (LWCF) State and Local Assistance Program.

Section 2. The city affirms its commitment to fulfilling all obligations outlined under this resolution, contingent upon the application being selected and awarded, and a contract between Arvada and the State of Colorado being fully executed.

Section 3. This resolution shall be effective upon its approval by the City Council.

APPROVED AND ADOPTED this 16th day of September, 2024.

Lauren Simpson, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney:

BY: _____



REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM
8.A.3.

TO: THE HONORABLE CITY COUNCIL

DATE: September 16, 2024

SUBJECT: R24-095, A Resolution Authorizing a Grant Application to the State Board of the Great Outdoors Colorado Trust Fund in support of the Gold Strike Park Redevelopment

Report in Brief

The City Council is being asked to approve a grant application to the State Board of the Great Outdoors Colorado (GOCO) Trust Fund in support of the continued revitalization of Gold Strike Park and the surrounding areas.

The Arvada team recommends that the City Council approve R24-095, A Resolution Authorizing a Grant Application to the State Board of the Great Outdoors Colorado Trust Fund in support of the Gold Strike Park Redevelopment.

Financial Impact

The City is requesting \$825,000 in grant funds from GOCO. The matching funds required are \$6,028,827, which are available in Project 94632.

Background

Gold Strike Park sits at the confluence of Clear Creek and Ralston Creek in Arvada and is listed on the State Registrar of Historical Places as the site where gold was first documented in Colorado. Efforts to turn the 14-acre site into a community space for historical and ecological exploration began over 45 years ago. With the goal of finally fulfilling Gold Strike Park's full potential, the City has launched a park design effort to create a commemorative and special place for outdoor enjoyment and sharing the rich history of Arvada at what is considered the eastern entrance to the City.

The park design effort builds on: the 2000 Gold Strike Park Master Plan, where it's first acknowledged as the "Gateway to the City"; the 2016 Parks, Trails, and Open Space Master Plan, where it's designated as a Historical Site, a Park Improvement Priority Project, a Ralston Creek Trail Regional Trail Connection, and a Potential Clear Creek Regional Trail Connection; and the 2019 Clear Creek Corridor Plan (CCCP), where the park is called out as Opportunity Site #2.

Discussion

This project is the realization of decades of city planning, and close collaboration with multiple outside agencies including the Mile High Flood District (MHFD), CDOT, Jefferson County, Adams County, the Arvada Historic Society, educational institutions, and others. Parks and Urban Design (P+UD) department has already identified funding for the design, public engagement, and a phase 1 of construction. P+UD has also identified potential grant opportunities, including the one identified herein.

Public Contact

Posting of the City Council agenda

Commission Recommendation

N/A

Strategic Alignment

This resolution aligns with City Council's **Quality of Life Strategic Result** to:

5. *Provide equitable access to the natural environment citywide and preserve these amenities for future generations*

Alternative Courses of Action

1. Approve
2. Reject the City team's request to apply for the grant

Recommendation for Action

The Arvada team recommends that the City Council approve Alternative No. 1

Suggested Motion:

I move that R24-095, A Resolution Authorizing a Grant Application to the State Board of the Great Outdoors Colorado Trust Fund in support of the Gold Strike Park Redevelopment, be (approved)(rejected).

Prepared by:
Bryan Archer, Director of Finance

Reviewed by:

Approved by:

Gail Walker, Legal Specialist-Contracts	8/30/2024
Janelle Miller, Assistant City Attorney	8/30/2024
Laura Hemler, Assistant City Attorney	8/30/2024
Rachel Morris, City Attorney	9/3/2024
Linda Haley, Acting City Manager	9/3/2024

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R24-095

A RESOLUTION AUTHORIZING A GRANT APPLICATION TO THE STATE BOARD OF
THE GREAT OUTDOORS COLORADO TRUST FUND IN SUPPORT OF THE GOLD
STRIKE PARK REDEVELOPMENT

WHEREAS, Great Outdoors Colorado (GOCO) is statewide organization that helps support conservation, recreation, and stewardship needs; and

WHEREAS, GOCO administers the Community Impact Grant that is to be used to develop and revitalize parks, trails, schoolyards, fairgrounds, environmental education facilities, and other outdoor projects; and

WHEREAS, the City of Arvada has identified a restoration and redevelopment project in and around Gold Strike Park that is consistent with the goals and requirements of the Community Impact Grant; and

WHEREAS, the City of Arvada is requesting \$825,000 to assist in the restoration and redevelopment of Gold Strike Park; and

WHEREAS, City Council supports the GOCO Community Impact Grant application for the restoration and redevelopment of Gold Strike Park; and

WHEREAS, if the grant money is awarded, City Council supports the completion of the project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. Appropriate city staff is authorized to develop and submit to the State Board of the Great Outdoors Colorado an application for the Community Impact Grant.

Section 2. If the grant is awarded, City Council strongly supports the completion of the project.

Section 3. If the grant is awarded, City Council hereby authorizes the Mayor or Mayor Pro Tem to sign the grant agreement with Great Outdoors Colorado.

Section 4. If the grant is awarded, City Council authorizes the expenditure of funds necessary to meet the terms and obligations of the grant agreement.

Section 5. This resolution shall be effective upon its approval by the City Council.

APPROVED AND ADOPTED this 16th day of September, 2024.

Lauren Simpson, Mayor

ATTEST:

Kristen Rush, City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By: _____



REPORT TO CITY COUNCIL ORDINANCE FIRST READING

AGENDA ITEM
8.C.1.

TO: THE HONORABLE CITY COUNCIL

DATE: September 16, 2024

SUBJECT: CB24-012, An Ordinance Repealing and Reenacting Various Sections of Chapter 14, Animals, of the Arvada City Code that Relate to the Impoundment of Animals (Public Hearing to be set for October 7, 2024 at 6:15 p.m.)

Report in Brief

PRESENTER: Nora Steenson, Deputy City Attorney, and Nicole Miller, Neighborhood Services Supervisor

The City's animal impoundment ordinance is outdated. Most provisions in the current ordinance have not been updated since the 1990's. Since that time, Colorado modernized its animal impoundment statute to provide more guidance to courts and animal owners about when and how animals may be impounded and redeemed. The proposed ordinance tracks more closely with the state impoundment and redemption processes and provides detailed information about how City impoundment and redemption processes work.

The Arvada team recommends that the City Council approve CB24-012, An Ordinance Repealing and Reenacting Various Sections of Chapter 14, Animals of the Arvada City Code that Relate to the Impoundment of Animals.

Financial Impact

There is no financial impact.

Background

See the discussion below.

Discussion

The proposed ordinance largely codifies existing practices of the City's Animal Management Unit, but it does represent an extensive revision to the existing ordinance. These changes provide information about the impoundment and redemption processes to the public and City team members. The proposed ordinance:

- Notes that an animal owner must be provided with notice of an impoundment as well as specific information about the actions the owner must take to prevent disposition of the animal. This brings the ordinance into alignment with existing Arvada Animal Management practices
- Outlines a process by which an animal owner may contest probable cause for the impoundment of an animal as well as costs assessed for the impoundment and the care of and provision for an impounded animal. This brings more structure to municipal court processes relating to the impoundment of animals. This process includes an administrative hearing that protects the interests of both the animal owner and taxpayers;
- Sets forth the powers of the Municipal Court around the return or disposition of impounded animals; and
- Clarifies unlawful acts around impoundment processes to provide better notice of what actions violate the law. This ordinance does not change the penalties for violations of Chapter 14 – these penalties are set in accordance with sec. 1-5 of the City Code.

A housekeeping note: This ordinance also clarifies that the possession of or trafficking in “venomous” snakes is prohibited, except by those otherwise licensed by the Colorado Division of Wildlife. In other words, the proposed ordinance allows for the impoundment of venomous snakes.

Finally, nothing in this ordinance impacts the Foothills Animal Shelter (FAS) Intergovernmental Agreement (IGA). This IGA focuses on Arvada's relationship with the other FAS parties. It also recognizes the authority of IGA members to impound animals but does not address the processes by which members impound animals. Each FAS member agency may adopt an impoundment ordinance (or follow the one set out in state law).

Both the Presiding Municipal Court Judge, Kathryn Kurtz, and the Chief of Police, Ed Brady, support the adoption of this ordinance.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

Adoption of this ordinance supports two City Council’s Strategic Results:

Physical & Technology Systems:

Strategic Goal 3: This ordinance improves internal and external accessibility to information, programs, systems, and services.

Quality of Life:

Strategic Goal 1: This ordinance helps create a safe community for all to enjoy through education and while also ensuring compliance with laws and ordinances relating to the impoundment of animals.

Strategic Goal 4: This ordinance elevates and prioritizes policies and practices that protect and sustain a high quality of life for residents.

Strategic Goal 7: This ordinance helps provide exceptional customer service to all residents and visitors to the City.

Alternative Courses of Action

1. Approve this ordinance.
2. Reject this ordinance and leave the current Code in place.

Recommendation for Action

The Arvada team recommends that the City Council follow Alternative No. 1.

Suggested Motion:

I move that CB24-012, An Ordinance Repealing and Reenacting Various Sections of Chapter 14, Animals of the Arvada City Code that Relate to the Impoundment of Animals, be (approved on first reading, ordered published in full, and a public hearing set for October 7, 2024, at 6:15 p.m.) (rejected).

Prepared by:

SUBJECT: CB24-012, An Ordinance Repealing and Reenacting Various Sections of Chapter 14, Animals, of the Arvada City Code that Relate to the Impoundment of Animals (Public Hearing to be set for October 7, 2024 at 6:15 p.m.)

PAGE: 3
ITEM: 8.C.1.

Toni Riebschlager, Law Office Administrator

Reviewed by:

Approved by:

Nicole Miller, Neighborhood Services Supervisor	8/27/2024
Edward Brady, Police Chief	8/27/2024
Kathryn Kurtz, Municipal Judge	8/27/2024
Nora Steenson, Deputy City Attorney	8/27/2024
Rachel Morris, City Attorney	9/3/2024
Linda Haley, Acting City Manager	9/3/2024

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 24-012
ORDINANCE NO. _____

AN ORDINANCE REPEALING AND REENACTING VARIOUS SECTIONS OF CHAPTER
14, ANIMALS, OF THE ARVADA CITY CODE THAT RELATE TO
THE IMPOUNDMENT OF ANIMALS

WHEREAS, Colorado Revised Statutes §31-15-401(1)(m)(I) gives cities the power to regulate and prohibit the running at large and keeping of animals within the municipality and to otherwise provide for the regulation and control of animals within our city limits including but not limited to the impoundment and disposition of impounded animals; and

WHEREAS, Arvada is empowered as a Home Rule municipality to pass and enforce all police ordinances; and

WHEREAS, the current Arvada Animals Ordinance was adopted in 1998; it has been revised only occasionally since that time; and

WHEREAS, the City Council finds that clear regulations relating to the impoundment of animals helps ensure that animals are properly cared for; and

WHEREAS, the City Council also finds that clear regulations relating to the care and keeping of impounded animals are necessary to balance the interests of animal owners and custodians with the interests of other citizens; and

WHEREAS, the City Council finds that this ordinance is necessary to protect the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. Section 14-3, Definitions, of Chapter 14, Animals, of the Arvada City Code is hereby amended by adding a definition of the word “day” to read as follows:

“Sec. 14-3. Definitions.

As used in this chapter, unless the context otherwise requires:

....

Day means a calendar day.

...”

All other definitions will remain unchanged.

Section 2. Subsection (c) of section 14-4, Powers and duties of animal management officers, of Chapter 14, Animals, of the Arvada City Code is hereby repealed and reenacted in its entirety to read as follows:

“Sec. 14-4. Powers and duties of animal management officers.

....

(c) Animal management officers are authorized to take into custody and impound animals by order of a court or as otherwise set forth in article VII of this chapter. The animal management supervisor or designee thereof will keep accurate and detailed records of the impoundment and disposition of each impounded animal as well as of each animal bite reported to animal management.

....”

The other provisions of section 14-4 will remain unchanged.

Section 3. Subsection (c) of section 14-5, Interference with animal management officer unlawful, of Chapter 14, Animals, of the Arvada City Code is hereby added to read as follows:

“Sec. 14-5. Interference with animal management officer unlawful.

....

(c) It shall be unlawful for an owner or custodian to fail to produce an animal that must be made available to an animal management officer within 24 hours of the issuance of a summons and complaint under sec. 14-202 (c). Failure to produce the animal will be considered interference with an officer.

....”

The other provisions of section 14-5 will remain unchanged.

Section 4. Section 14-9, Destruction or seizure on court’s order, of Chapter 14, Animals, of the Arvada City Code is hereby repealed, retitled, and reenacted in its entirety to read as follows:

“Sec. 14-9. Seizure of animal on court's order.

(a) *Procedure.* If an affidavit has been submitted to a municipal court judge which satisfies the judge that an animal located within the city is the subject of a violation of this chapter, and that the animal either poses a clear and present danger to the health, safety, or

welfare of other persons or animals or is suffering extreme neglect or cruelty, the municipal court judge may order the animal seized by an animal management officer pursuant to Rule 241 of the Colorado Municipal Court Rules. Whenever an animal is seized by order of the municipal court, the animal shelter may not adopt, donate, or destroy the animal unless such action is permitted by a subsequent order of the municipal court or is otherwise deemed necessary by the shelter based on the shelter's assessment of the severity of the animal's illness or injury. The animal owner or custodian will be liable for all expenses arising from the impoundment and care and provision for an animal under a seizure order until the animal is released or otherwise disposed of.

(b) *Expedited proceedings.* Court proceedings involving charges resulting in animal seizures will be given priority on the municipal court docket to minimize the expense to animal owners or custodians related to the impoundment, care of, and provision for the seized animal."

Section 5. Subsection (c) of section 14-51, Dangerous animals, of Chapter 14, Animals, of the Arvada City Code is hereby repealed.

The other provisions of section 14-51 will remain unchanged.

Section 6. Subsections (c), (d), and (e) of section 14-54, Running at large, of Chapter 14, Animals, of the Arvada City Code are hereby repealed.

The other provisions of section 14-54 will remain unchanged.

Section 7. Subsection (a) of section 14-55, Animals prohibited from causing damage, of Chapter 14, Animals, of the Arvada City Code is hereby repealed and reenacted in its entirety to read as follows:

(a) It shall be unlawful for the owner or custodian of any animal to permit or allow the animal, with or without direct knowledge of the owner or custodian, to destroy, damage or injure any shrubbery, plants, flowers, grass, lawn, fence, structure or part thereof, other domestic animal, or anything whatsoever upon any private property owned or occupied by a person other than the owner or custodian of such animal or to permit or allow said animal to come into contact with a motor vehicle owned by someone other than the owner or custodian of the animal in such a way so as to cause damage to the motor vehicle, when the motor vehicle is on property other than that of the animal owner or custodian.

The other provisions of section 14-55 will remain unchanged.

Section 8. Section 14-91, Certain prohibited animals, of Chapter 14, Animals, of the Arvada City Code is hereby retitled, and subsection (a)(1) of that section is repealed and reenacted in its entirety to read as follows:

“Sec. 14-91. Certain animals prohibited.

(a) It shall be unlawful for any person to own, have custody of, sell, or in any other manner traffic in the following species of animals:

(1) All poisonous reptiles, all venomous and poisonous snakes, and all snakes longer than six feet;

....”

The other provisions of section 14-91 will remain unchanged.

Section 9. Article VII, Impoundment, of Chapter 14, Animals, of the Arvada City Code is hereby repealed, retitled, and reenacted in its entirety to read as follows:

“ARTICLE VII. IMPOUNDMENT AND DISPOSITION

Sec. 14-201. Applicability; definitions.

(a) *Applicability.* Except as otherwise noted herein, this article governs the impoundment and disposition by the city of animals including those seized under sec. 14-9 of this Code.

(b) *Definitions.* As used in this article, unless the context otherwise requires:

Care or *care and provision* mean those actions and activities reasonably necessary to provide adequate food, shelter, and socialization to an animal during its impoundment and includes veterinary care reasonably necessary to assess and stabilize an animal and to otherwise provide reasonable veterinary care, if any, to the animal throughout the term of its impoundment.

Sec. 14-202. Impoundment generally.

(a) *Impoundment.* The filing of charges is not a prerequisite for the impoundment of an animal.

(1) Generally. An animal management officer may impound an animal when:

- (i) There is probable cause to believe that the animal or its owner or custodian is in violation of a provision of this chapter or in violation of a state statute or regulation related to the care, custody, or treatment of animals; or
- (ii) An animal dies or is found dead on public property or on property other than that of the owner or custodian.

(2) Other circumstances. Subject to the availability of resources needed to properly and humanely impound an animal, an animal management officer must impound an animal when it:

- (i) Presents a clear and present danger to the public's health, safety, or welfare;
- (ii) Is found to be injured on public property or property other than that of the owner or custodian without permission of the property owner;
- (iii) Is owned or kept by a person who has been adjudged a habitual offender under sec. 14-11 when there is probable cause to believe that the animal or its owner or custodian is in violation of a provision of this chapter or in violation of a state statute or regulation related to the care, custody, or treatment of animals;
- (iv) Is found to be running at large and whose owner or custodian is subject to a third or subsequent violation within any one-year period of sec. 14- 54, Running at large, relating to that or another animal;
- (v) Is an animal the keeping of which is prohibited under sec. 14-91, Certain animals prohibited; or
- (vi) Is owned by, or being kept, harbored, or cared for by a person who is or has been detained or arrested if it reasonably appears to the officer that the detainee or arrestee is unable to immediately provide a responsible alternate custodian for the animal.

(b) *Care and provision; costs.* An animal management officer may consult with a veterinarian as to the disposition of an ill or injured impounded animal if the animal's prognosis cannot be ascertained by the officer with reasonable certainty. The officer may transport an impounded animal to a veterinary care facility for stabilizing veterinary treatment, to an animal care facility designated by the city as its animal shelter, otherwise arrange for the care of and provision for the animal, or otherwise arrange for the animal's disposition. The officer may arrange for a necropsy for an animal with written consent of the owner of the animal, if known, or upon issuance of a warrant signed by a judge. The owner or custodian of the impounded animal will be liable for all impoundment fees, disposal fees, veterinary expenses, and other costs for the care of and provision for the animal as set forth in this article.

(c) *Animal to be made available.* If at the time a determination to impound an animal is made in a case where an owner is cited for a violation of sec. 14-51 – Dangerous animals, sec. 14-52 – Aggressive animals, sec. 14-91 – Certain animals prohibited, sec. 14-171 – Cruelty, sec. 14-171.5 – Neglect, or sec. 14-174 – Care of animals, or in a case where the owner or custodian has been deemed to be a habitual offender under sec. 14-11, the subject animal is not made available to the animal management officer at the time of the issuance of a summons and

complaint, the owner must produce the animal within 24 hours of the issuance of the summons and complaint at a time and place to be designated by the animal management officer.

(d) *Rabies observation.* Impoundment or confinement of an animal for rabies observation will be as set forth elsewhere in this chapter.

(e) *Impoundment of wild animals.* Notwithstanding any other provision of this article, an animal management officer, at their discretion, may apprehend any wild animal that is at large within the city, that is ill or injured such that the most humane course of action is to impound the animal, that is causing damage to property, or that constitutes a hazard to the public. The animal may be impounded, released to appropriate caregivers or keepers, relocated, or destroyed at the sole discretion of the animal management officer, subject to applicable provisions of the laws of the state.

Sec. 14-203. Notice of impoundment and payment.

(a) *Notice of impoundment and payment.* As soon as is practicable after impoundment of an animal, an animal management officer will give the owner notice of impoundment and payment, if the owner is known. The notification may be given by any method reasonably calculated to reach the owner promptly, including but not limited to delivering the notice in- person, by posting at the owner's last known address, or by electronic mail or text message. If the owner is not known to the animal management officer, the animal management officer or designee thereof will make reasonable efforts to determine the owner and give notice of the impoundment.

Exception. An animal management officer is not obligated to determine the owner of any cat deemed in the sole discretion of the officer to be feral. A feral cat may be impounded, transported to the shelter, and may be disposed of in accordance with sec. 14-205 of this article.

- (1) Contents of notice. The notice of impoundment and payment must contain the following:
 - (i) A notice that an animal has been impounded and the location to which the animal has or will be transported;
 - (ii) The process by which the owner or custodian may redeem or prevent disposition of the animal;
 - (iii) The amounts determined by the animal management officer to be sufficient to reimburse the city for the costs related to the impoundment, and by the shelter sufficient to provide for the animal's care and provision for at least 30 days including the day on which the animal was impounded; and

- (iv) A notice that an impounded animal not redeemed as set forth herein will be considered abandoned and disposed of.

Sec. 14-204. Redemption of impounded animal.

(a) *Animal subject to a summons hold.* Any animal impounded by an animal management officer may be subject to a summons hold. An animal subject to a summons hold may be redeemed by and will be released to the owner or custodian if, within five days after the impoundment, the owner or custodian pays to the animal shelter the fees assessed by the shelter for costs related to the impoundment of, care of, and provision for the animal through and including the date of its release, if any, and accepts service of process as determined by the officer.

(b) *Animal subject to a court hold.* An animal that is being held pending municipal court proceedings for a violation of sec. 14-51, Dangerous animals, sec. 14-52, Aggressive animals, a third or subsequent violation within a one-year period by an owner or custodian of sec. 14-54, Running at large, sec. 14-91, Certain animals prohibited, 14-171, Cruelty, 14-171.5. Neglect, sec. 14-174, Care of animals, or an animal belonging to or living within the same household as a person who has been adjudged to be a habitual offender under sec. 14-11 may not be released except on order of a municipal court judge. The owner or custodian of the animal subject to a court hold may prevent disposition of the animal by the shelter if, within ten days after the impoundment, the owner or custodian:

- (1) Files with the court a payment in an amount determined to be sufficient by the animal management officer and the animal shelter to cover the costs of impoundment, care, and provision for the animal for at least 30 days including the day on which the animal was impounded, and continues to file these payments with the court as set forth in sec. 14-206 (e)(1) throughout the pendency of the municipal court case; or

- (2) Files with the court a written petition for an impoundment hearing. The petition must state whether the owner or custodian is disputing probable cause for the impoundment, is disputing whether the costs of impoundment, care, or provision for the animal are fair, reasonable, and necessary, or both. If the owner or custodian does not indicate on the petition that they dispute probable cause for the impoundment, the owner or custodian will be presumed to have agreed that sufficient probable cause existed. If the owner or custodian does not indicate on the petition that they dispute the reasonableness of the costs of impoundment, care, or provision, the owner will be presumed to have accepted the stated costs as reasonable.

- (i) At the time the petition is filed with the court, the owner or custodian must also provide a copy of the petition for an impoundment hearing to the city prosecutor.
 - (ii) If the owner requests a hearing under this section, the court must set the hearing to occur within seven days after the petition is filed.

Sec. 14-205. Disposition of impounded animal.

(a) *Failure by owner to prevent disposition – animal subject to a summons hold.* An animal subject to a summons hold which has not been claimed by its owner or custodian or whose owner or custodian has not been located within five days after its impoundment will be considered abandoned as of the sixth day after its impoundment and deemed by the court to be the property of the animal shelter. The shelter may then place the animal for adoption or otherwise dispose of the animal at the shelter's sole discretion.

(b) *Failure by owner to prevent disposition – animal subject to a court hold.* An animal subject to a court hold whose owner or custodian does not file with the court either a payment or a petition as set forth in sec. 14-204 (b) within 10 days after its impoundment will be considered abandoned as of the eleventh day after its impoundment and deemed by the court to be the property of the animal shelter. The shelter may then place the animal for adoption or otherwise dispose of the animal at the shelter's sole discretion.

(c) *Owner liability.*

(1) Impoundment and shelter charges. The failure of the owner or custodian of an impounded animal to prevent the disposition of the animal as set forth in sec. 14-204 does not relieve the owner or custodian from payment of all applicable charges and fees established by the city for the impoundment of the animal or by the shelter for the care and provision of the animal. It shall be unlawful for an owner or custodian to fail to pay the costs of impoundment, care, and provision for the animal.

(2) Criminal liability. The failure of the owner or custodian of an impounded animal to prevent the disposition of the animal as set forth in sec. 14-204 does not render the owner or custodian immune from service of a summons and complaint in the matter, from responsibility for a violation of the provisions of this chapter, or from decisions of the court relating to the matter, or for fees, fines, or other penalties which may result from a conviction for a violation of this chapter.

(3) Release. The failure of an owner to prevent the disposition of an animal as set forth in sec. 14-204 releases the city and the animal shelter and their officers, employees, and agents from all liability for the animal's subsequent adoption, destruction, or other disposition.

(d) *Feral cats.* Notwithstanding any other provision of this chapter, a cat impounded and deemed to be feral by an animal management officer may be disposed of at the sole discretion of the animal shelter at any time three days after impoundment.

(e) *Emergency disposition.*

(1) Dangerous animals. Nothing in this chapter may be construed to prevent the immediate destruction by an animal management officer of a dangerous animal when deemed necessary in the interest of public safety by that officer under circumstances

where a significant and immediate threat to the health or safety of a person or another animal exists. Nothing in this chapter may be construed to prevent an officer from taking whatever action is reasonably necessary to protect themselves or others from injury or damage, including immediate destruction of a dangerous animal without notice to the owner or custodian. Moreover, nothing in this chapter may be construed to limit or restrict a person's ability to protect life and property under applicable Colorado law or to limit or restrict the authority of any employee or agent of the Colorado Division of Wildlife.

(2) Ill or injured animals. Nothing in this chapter may be construed to prevent the immediate destruction by an animal management officer or a veterinarian of any domestic or wild animal when the officer or veterinarian has determined that such animal is critically ill or injured, is suffering extreme pain, or has a poor prognosis for recovery.

(f) *Process.* The city attorney may at any time after the time limits set forth in subsection (a) or (b) of this section file a motion seeking an order declaring an impounded animal to be abandoned, deeming the animal to be the property of the animal shelter, and authorizing the shelter to take any action it deems necessary to provide for the disposition of the animal.

Sec. 14-206. Impoundment hearing.

(a) *Administrative hearing.* A hearing held because of a petition filed under sec. 14-204 (b) of this article will be conducted by the municipal court as an administrative hearing. Formal rules of evidence will not apply, but the court will allow the parties to call witnesses, present evidence, and utilize the right of cross-examination. Evidentiary and other questions will be resolved under the administrative hearing rules set forth in chapter 2 of this Code.

(b) *Owner fails to appear.* If the owner does not appear for the hearing, the court may proceed with the hearing, receive testimony and other evidence, make findings of fact and conclusions of law, and issue orders relating to the matter.

(c) *Hearing.* At the hearing, the court will determine as appropriate:

(1) Probable cause. Whether there existed sufficient probable cause for the impoundment, unless a warrant issued in accordance with this chapter authorized seizure of the impounded animal or animals, in which case, the warrant constitutes prima facie evidence of sufficient probable cause for impoundment; and

(2) Costs of impoundment, care, and provision. Whether costs associated with the impoundment of, care of, and provision for the animal, as determined by the animal management officer and the animal shelter are fair, reasonable, and necessary. All such costs must be itemized by the animal management officer or the animal shelter to the date of the hearing and must include, at a minimum, an accounting of the costs for the impoundment of, care of, and provision for, and any veterinary services rendered to the

animal. An itemized account of these costs will constitute prima facie evidence that the costs shown therein are fair, reasonable, and necessary.

(d) *Considerations.* The court may consider the following in making determinations under sec. 14-206 (c):

- (1) Impoundment circumstances. The circumstances of the impoundment including the reason for the impoundment. This may include but is not limited to testimony and other evidence that the impounded animal was at large or otherwise not on the owner's or custodian's property;
- (2) Prior violations. Any prior violations by the owner involving the animal or animals and the date of the violations;
- (3) Prior impoundment. Any prior impoundment of the owner's animals;
- (4) Corrective measures. The sufficiency of any confinement measures instituted by the owner and in place to secure the animal to avoid future at large or other violations;
- (5) Costs, charges, and fees. Information about costs, charges, and fees related to the impoundment and care and provision for the animal; and
- (6) Other relevant evidence. Any other evidence deemed relevant by the court.

(e) *Court's determination; contents of orders.* If the court finds there existed sufficient probable cause for impoundment, the animal will be held at the animal shelter until further order of the court. If the court finds that all or a portion of the costs of impoundment or care and provision for the animal are reasonable, the court will order the custodian or owner to pay those costs to the court within 72 hours of the hearing. If the amount is not paid to the court within that time, the animal will be considered abandoned as of the day after the payment was due. In this case, the court will on its own motion and by written order deem the animal to be the property of the animal shelter and order the shelter to destroy the animal, make it available for adoption, or otherwise dispose of the animal. Failure to pay these costs results in the forfeiture of the right to contest these costs and any ownership rights to the impounded animal.

- (1) Continuing costs of care. If the owner or custodian wishes to prevent disposition of the animal by the shelter, the owner or custodian must file with the court an additional payment sufficient to pay for an additional 30 days of care and provision for the impounded animal. This additional payment must be filed with the court at least seven days prior to the expiration of the previous payment. This obligation continues until the owner or custodian is either acquitted or convicted in the municipal court of the charges relating to the impoundment and otherwise in accordance with the provisions set forth in this article.
- (2) Failure to pay continuing costs. Should an owner or custodian fail to pay the continuing costs of care and provision for an impounded animal as described in

subsection (e)(1) of this section, the animal will be considered abandoned as of the day after the last payment was due. In this case, the court will on its own motion and by written order deem the animal to be the property of the animal shelter and order the shelter to destroy the animal, make it available for adoption, or otherwise dispose of the animal. Failure to pay continuing costs results in the forfeiture of the right to contest those costs and any ownership rights to the impounded animal.

Sec. 14-207. Disposition of animal after acquittal or conviction.

(a) *Acquittal.* Should the owner or custodian of an impounded animal be acquitted of all charges relating to the impoundment of the animal, the court will order the animal returned to the owner or custodian and shall order the city and the animal shelter to refund to the owner or custodian all payments made for the impoundment, care, and provision for the animal as appropriate.

Exception: Notwithstanding the above, the owner or custodian remains responsible for the payment of costs for veterinary care reasonably necessary to assess and stabilize the animal and to otherwise provide reasonable veterinary care to the animal throughout the term of its impoundment.

(b) *Conviction; authority to order forfeiture.* In addition to the sentencing authority of a municipal court judge otherwise set forth in this Code, a municipal court judge may order the forfeiture of an animal or animals as part of the sentence following a conviction for violating any of the following charges in this chapter:

- (1) Sec. 14-51, Dangerous animals;
- (2) Sec. 14-52, Aggressive animals;
- (3) Sec. 14-54, Running at large;
- (4) Sec. 14-91, Certain animals prohibited;
- (5) Sec. 14-171, Cruelty;
- (6) Sec. 14-171.5, Neglect;
- (7) Sec. 14-174, Care of animals; or
- (8) Following a conviction of any charge set forth in the chapter of a person who is or has been adjudged a habitual offender under sec. 14-11 of this chapter.

(c) *Considerations.* In determining whether an animal should be forfeited following a conviction for a violation listed in subsection (b) of this section, a municipal court judge may consider the following factors in relation to the health and safety of the community and the animal involved:

- (1) Nature and severity of an attack. Whether the animal attacked a person or another animal, and the nature and severity of that attack;
- (2) Behavioral circumstances. The existence of any provocation or other extenuating circumstances relevant to the animal's behavior;
- (3) Corrective measures. The apparent ability of the owner to properly care for the animal including corrective measures taken to lessen the chances of a future violation of this chapter;
- (4) History of animal. Whether the animal has been involved in other incidents, including incidents of the animal running at large;
- (5) History of owner. Past allegations of improper care involving the animal, owner, or custodian;
- (6) Expert evaluations. Any expert evaluation relating to the animal or the owner's or custodian's care, treatment, or disposition of the animal; and
- (7) Other. Any other factor the court determines is relevant to the health and safety of the community or animal.

(d) *Contents of order.*

(1) Forfeiture appropriate. Should a municipal court judge determine that forfeiture of the animal is appropriate, the judge will order the animal be deemed the property of the animal shelter and order the owner or custodian of any animal not already in the custody of the shelter to release the forfeited animal to an animal management officer for impoundment. The judge may also order that the animal be destroyed, but may stay this portion of the order if, within seven days of the court's forfeiture order, the owner or custodian asks the court to stay the destruction order until the date for the filing of an appeal of the municipal court case has passed.

(i) If the judge orders an animal to be destroyed, the judge will order that the animal owner or custodian pay all costs arising from the impoundment, care of, and provision for the animal through the time it is destroyed.

(2) Forfeiture not appropriate. Should a municipal court judge determine that forfeiture of the animal is not appropriate under this section, the judge may issue any order related to the release, care of, or provision for the animal that the judge deems appropriate to the circumstances. In each case, the judge will order that the animal owner or custodian pay all costs arising from the impoundment, care of, and provision for the animal through the time it is released or otherwise disposed of.

(e) *Production of forfeited animal; failure to produce.* The animal owner or custodian of any animal not already in the custody of the animal shelter that is subject to a forfeiture order must produce the forfeited animal to an animal management officer within 24 hours of the court's forfeiture order. The court may exercise its powers of contempt should the owner or custodian fail to produce the animal as ordered.

Sec. 14-208. Shelter charges and fees.

The animal shelter may from time-to-time establish charges and fees for impoundment, boarding, destruction, disposal, veterinary care, and all other services related to the care of and provisions for animals as needed. The owner or custodian of any impounded animal will be responsible for the payment of all charges and fees, together with any veterinary fees incurred. No impounded animal may be released until the owner or custodian has paid or arranged to pay all such charges and fees. Failure of the owner or custodian of any impounded animal to claim such animal from the animal shelter within the time frames set forth in this article does not relieve the owner or custodian from payment of all applicable charges and fees as established by the shelter

Secs. 14-209—14-220. Reserved.”

Section 10. Savings. The repeal of language from the City Code as noted herein shall not affect or prevent the prosecution or punishment of any person for any act done or committed prior to the effective date of this ordinance and that is in violation of the sections repealed by this ordinance.

Section 11. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each part or parts thereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 12. Effective date. This ordinance shall take effect five (5) days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 16th day of September, 2024.

PASSED, ADOPTED, AND APPROVED this ____ day of _____, 2024.

Lauren Simpson, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

Publication Dates: September 19, 2024

REDLINE/STRIKEOVER VERSION

FOR INFORMATION ONLY -- NOT PART OF THE ORDINANCE

Underlined indicates new material
Strikeover indicates deleted material

“Sec. 14-3. Definitions.

~~The following words, terms and phrases, when~~

~~As used in this chapter, will have the meanings ascribed to them in this section, except where unless the context clearly indicates a different meaning; otherwise requires:~~

~~Sec.~~

~~Day means a calendar day.~~

~~....”~~

~~All other definitions will remain unchanged.~~

~~Section 2. Subsection (c) of section 14-4-, Powers and duties of animal management officers, of Chapter 14, Animals, of the Arvada City Code is hereby repealed and reenacted in its entirety to read as follows:~~

~~-~~

~~(c) —~~

~~**“Sec. 14-4. Powers and duties of animal management officers.**~~

~~....~~

~~(c) Animal management officers are authorized to take into custody and impound animals by order of a court or as otherwise set forth in article VII of this chapter. The animal management supervisor, or his—designee, shall thereof will keep accurate and detailed records of the impoundment and disposition of all animals coming into his custody and of all reports of~~

~~any animal bite~~ each impounded animal as well as of each animal bite reported to animal management.

~~Sec. . . .”~~

~~The other provisions of section 14-4 will remain unchanged.~~

~~Section 3. Subsection (c) of section 14-5, Interference with animal management officer unlawful, of Chapter 14, Animals, of the Arvada City Code is hereby added to read as follows:~~

~~See—~~

~~“Sec. 14-5. Interference with animal management officer unlawful.~~

~~. . . .~~

~~(c) It shall be unlawful for an owner or custodian to fail to produce an animal that must be made available to an animal management officer within 24 hours of the issuance of a summons and complaint under sec. 14-202 (c). Failure to produce the animal will be considered interference with an officer.~~

~~. . . .”~~

~~The other provisions of section 14-5 will remain unchanged.~~

~~Section 4. Section 14-9, Destruction or seizure on court’s order, of Chapter 14, Animals, of the Arvada City Code is hereby repealed, retitled, and reenacted in its entirety to read as follows:~~

~~“Sec. 14-9. Seizure of animal on court's order.~~

~~(a) If a complaint has been filed in the municipal court of the city against the owner or custodian of an animal for (a violation of this chapter, the municipal judge may, upon making a finding that the animal is vicious or that it represents a clear and present danger to the citizens or to other animals in the community, order the animal to be destroyed in a humane manner. Surrender of an animal by the owner or custodian thereof does not relieve or render the owner or custodian immune from the decision of the court, or to the fees, fines, or other penalties which may result from a violation of this chapter.~~

~~(b) —) Procedure. If an affidavit has been submitted to thea municipal court judge which satisfies the judge that an animal is located within the city—which is the subject of a violation of this chapter, and that the animal either poses a clear and present danger to the health, generalsafety, or welfare,—or safety of other persons or animals or is suffering extreme neglect or cruelty, the municipal court judge may order the animal seized by a designatedan animal management officer or employee of the city pursuant to Rule 241 of the Colorado~~

Municipal Court Rules. ~~The animal owner or custodian may request a hearing concerning any such order for seizure entered pursuant to this section by filing an appropriate motion pursuant to Rule 241(e) of the Colorado Municipal Court Rules.~~ Whenever an animal is seized by order of the municipal court ~~or other court~~, the animal shelter ~~shall~~may not adopt, donate, or ~~euthanize~~destroy the animal unless such action is permitted by a subsequent order of the ~~same~~ court which ordered the initial seizure. Any animal held pursuant to court order may be disposed ~~of by the animal municipal court or is otherwise deemed necessary by the shelter if unclaimed by based on the owner or custodian more than three days following issuance~~ of a court order authorizing the release ~~severity~~ of the ~~animal~~animal's illness or injury. The animal owner or custodian ~~shall~~will be liable for all expenses arising from the impoundment and ~~boarding of any care and provision for an~~ animal under a seizure order until the animal is released or otherwise disposed of.

~~(c) — Whenever an animal is seized pursuant to subsection (b) of this section, or impounded pursuant to this chapter, the animal owner or custodian may be summoned before the municipal court on the next scheduled court date following the seizure to answer any charges arising incident to the seizure. Trials~~ Expedited proceedings. ~~Court proceedings~~ involving charges resulting in animal seizures ~~shall~~will be given priority on the municipal court docket ~~in order to minimize the expense to animal owners or custodians for related to the impoundment, care of, and boarding provision for the seized animal."~~

~~Section 5. Subsection (c) of seized animals.~~

~~See section 14-51, Dangerous animals.~~

-

~~(c) — Impoundment of animals whose owners or custodians have been cited for violation Chapter 14, Animals, of this section shall be at the discretion of the animal management officer. If the animal presents a clear and present danger to the public health or safety, it shall be the duty of the animal management officer or his agent to impound such animal. the Arvada City Code is hereby repealed.~~

~~Sec. 14-54.~~

~~The other provisions of section 14-51 will remain unchanged.~~

Section 6. Subsections (c), (d), and (e) of section 14-54, Running at large.

~~(c) — Any injured animal on public property or property other than that of the owner or custodian without permission Chapter 14, Animals, of the property owner or occupant shall be removed by the animal management officer and given any stabilizing veterinary treatment deemed reasonable under shelter guidelines, pending notification of the owner or custodian. The owner or custodian of such animal shall be liable for all veterinary expenses and impoundment fees. Arvada City Code are hereby repealed.~~

~~(d) — If any animal dies on public property or on property other than that of the owner or custodian, it may be removed by the animal management officer. The owner or custodian~~

~~shall be responsible for disposal fees established by the animal shelter in addition to penalties for violation of this section.~~

- (c) ~~Any animal impounded by an animal management officer for a third violation of this section, committed during a one-year period, shall not be released from impoundment until such time as the owner or custodian has provided proof to the court the animal will be confined upon the property of the owner or custodian in such a manner as to prevent future escapes.~~

See.

The other provisions of section 14-54 will remain unchanged.

Section 7. Subsection (a) of section 14-55, Animals prohibited from causing damage., of Chapter 14, Animals, of the Arvada City Code is hereby repealed and reenacted in its entirety to read as follows:

(b) ~~(a)~~—It shall be unlawful for the owner or custodian of any animal to permit ~~said~~or ~~allow the~~ animal, with or without ~~the~~ direct knowledge of ~~that~~the owner or custodian, to destroy, damage or injure any shrubbery, plants, flowers, grass, lawn, fence, structure, ~~or part of any structure thereof,~~ other domestic animal, or anything whatsoever upon any private property owned or occupied by a person other ~~than~~that the owner or custodian of such animal or to permit or allow said animal to come into contact with a motor vehicle owned by someone other than the owner or custodian of the animal in such a way so as to cause damage to the motor vehicle, when ~~said~~the motor vehicle is on property other than that of the animal owner or custodian. ~~Any animal permitted to engage in the activities prohibited by this section may be impounded as provided in section 14-201.~~

(b) ~~Any animal found trespassing or found causing damage to property as described in subsection (a) of this section may be humanely restrained by the owner or occupant of such property, or by such owner's or occupant's agent, for a reasonable time, during which time such owner, occupant, or agent shall notify animal management of his possession of the animal, notify the owner or custodian of his possession of the animal, release the animal to the owner or custodian, release the animal at the site of its capture, or transport the animal to the animal shelter.~~

(c) ~~Any animal, domestic or wild, found trespassing or creating a nuisance at any place within the city may be humanely restrained by any person. Nuisance wild animals may be released to an animal management officer, transported to the animal shelter or licensed wildlife rehabilitation facility, or relocated in accordance with all applicable state wildlife regulations. Nuisance domestic animals must be released to an animal management officer, returned to the owner or custodian, or transported to the animal shelter.~~

ARTICLE IV. PROHIBITED AND RESTRICTED ANIMALS

See. The other provisions of section 14-55 will remain unchanged.

Section 8. Section 14-91~~7~~, Certain prohibited animals, of Chapter 14, Animals, of the Arvada City Code is hereby retitled, and subsection (a)(1) of that section is repealed and reenacted in its entirety to read as follows:

“Sec. 14-91. Certain animals prohibited.

(a) It shall be unlawful for any person to own, have custody of, sell, or in any other manner traffic in the following species of animals:

(1) All poisonous ~~snakes, poisonous reptiles, and nonpoisonous~~ all venomous and poisonous snakes, and all snakes with a length greater longer than six feet;

...”

The other provisions of section 14-91 will remain unchanged.

Section 9. Article VII, Impoundment, of Chapter 14, Animals, of the Arvada City Code is hereby repealed, retitled, and reenacted in its entirety to read as follows:

“ARTICLE VII. IMPOUNDMENT AND DISPOSITION

Sec. 14-201. ~~Impoundment;~~ Applicability; definitions.

(a) Applicability. Except as otherwise noted herein, this article governs the impoundment and disposition; fees by the city of animals including those seized under sec. 14-9 of this Code.

~~(a) If the custodian of any animal~~

~~(b) Definitions. As used in violation of this chapter or any other ordinance or law of the state, the animal may be taken into custody by any article, unless the context otherwise requires:~~

Care or care and provision mean those actions and activities reasonably necessary to provide adequate food, shelter, and socialization to an animal during its impoundment and includes veterinary care reasonably necessary to assess and stabilize an animal and to otherwise provide reasonable veterinary care, if any, to the animal throughout the term of its impoundment.

Sec. 14-202. Impoundment generally.

(d) Impoundment. The filing of charges is not a prerequisite for the impoundment of an animal.

(3) Generally. ~~An~~ animal management officer ~~and impounded in a humane manner.~~ may impound an animal when:

~~(b) Whenever any~~

(iii) There is probable cause to believe that the animal or its owner or custodian is in violation of a provision of this chapter; the ordinances or

in violation of the city, or a state statutes provide that an animal may be taken intestate or regulation related to the care, custody, or impounded by treatment of animals; or

- (iv) An animal management officers, this section shall also apply. dies or is found dead on public property or on property other than that of the owner or custodian.
- (c) ~~Whenever an animal management officer impounds an animal, the animal shall be impounded in a humane manner for a period of not less than five days following the date of impoundment except as otherwise set forth herein. Any animal so impounded which is not claimed within said five-day period may be disposed of by adoption, donation, or destruction at the sole discretion of the animal shelter.~~
- (d) ~~Any animal impounded or held as evidence pursuant to a "summons hold" shall be impounded for a period of not less than five days following the date of impoundment. Any animal so impounded which is not claimed within said five-day period may be disposed of as set forth in section 14-201(c) above. In no event shall said animal be released to the animal owner or custodian prior to service of a summons and complaint upon the animal owner or custodian.~~
 - (e) ~~No animal shall be destroyed before the lapse of five days following notice of impoundment pursuant to section 14-202, unless the animal shelter determines that the animal is critically ill or injured, is suffering extreme pain, and/or~~
- (4) Other circumstances. Subject to the availability of resources needed to properly and humanely impound an animal, an animal management officer must impound an animal when it:
 - (vii) Presents a clear and present danger to the public's health, safety, or welfare;
 - (viii) Is found to be injured on public property or property other than that of the owner or custodian without permission of the property owner;
 - (ix) Is owned or kept by a person who has been adjudged a habitual offender under sec. 14-11 when there is probable cause to believe that the animal or its owner or custodian is in violation of a provision of this chapter or in violation of a poor prognosis state statute or regulation related to the care, custody, or treatment of animals;
 - (x) Is found to be running at large and whose owner or custodian is subject to a third or subsequent violation within any one-year period of sec. 14-54, Running at large, relating to that or another animal;
 - (xi) Is an animal the keeping of which is prohibited under sec. 14-91, Certain animals prohibited; or

- (xii) Is owned by, or being kept, harbored, or cared for by a person who is or has been detained or arrested if it reasonably appears to the officer that the detainee or arrestee is unable to immediately provide a responsible alternate custodian for recovery, the animal shelter.

(e) Care and provision; costs. An animal management officer may consult with a veterinarian as to the disposition of an ill or injured animals, when impounded animal if the animal's animal's prognosis cannot be ascertained by the animal shelter officer with reasonable certainty. The officer may transport an impounded animal to a veterinary care facility for stabilizing veterinary treatment, to an animal care facility designated by the city as its animal shelter, otherwise arrange for the care of and provision for the animal, or otherwise arrange for the animal's disposition. The officer may arrange for a necropsy for an animal with written consent of the owner of the animal, if known, or upon issuance of a warrant signed by a judge. The owner or custodian of the impounded animal will be liable for all impoundment fees, disposal fees, veterinary expenses, and other costs for the care of and provision for the animal as set forth in this article.

Exception:-

(f) Animal to be made available. If at the time a determination to impound an animal is made in a case where an owner is cited for a violation of sec. 14-51 – Dangerous animals, sec. 14-52 – Aggressive animals, sec. 14-91 – Certain animals prohibited, sec. 14-171 – Cruelty, sec. 14-171.5 – Neglect, or sec. 14-174 – Care of animals, or in a case where the owner or custodian has been deemed to be a habitual offender under sec. 14-11, the subject animal is not made available to the animal management officer at the time of the issuance of a summons and complaint, the owner must produce the animal within 24 hours of the issuance of the summons and complaint at a time and place to be designated by the animal management officer.

(d) Rabies observation. Impoundment or confinement of an animal for rabies observation will be as set forth elsewhere in this chapter.

(e) Impoundment of wild animals. Notwithstanding any other provision of this article, an animal management officer, at their discretion, may apprehend any wild animal that is at large within the city, that is ill or injured such that the most humane course of action is to impound the animal, that is causing damage to property, or that constitutes a hazard to the public. The animal may be impounded, released to appropriate caregivers or keepers, relocated, or destroyed at the sole discretion of the animal management officer, subject to applicable provisions of the laws of the state.

Sec. 14-203. Notice of impoundment and payment.

(a) Notice of impoundment and payment. As soon as is practicable after impoundment of an animal, an animal management officer will give the owner notice of impoundment and payment, if the owner is known. The notification may be given by any method reasonably calculated to reach the owner promptly, including but not limited to delivering the notice in person, by posting at the owner's last known address, or by electronic mail or text message. If the owner is not known to the animal management officer, the animal management officer or

designee thereof will make reasonable efforts to determine the owner and give notice of the impoundment.

Exception. An animal management officer is not obligated to determine the owner of any cat deemed in the sole discretion of the officer to be feral. A feral cat may be impounded, transported to the shelter, and may be disposed of in accordance with sec. 14-205 of this article.

(1) Contents of notice. The notice of impoundment and payment must contain the following:

- (i) A notice that an animal has been impounded and the location to which the animal has or will be transported;
- (ii) The process by which the owner or custodian may redeem or prevent disposition of the animal;
- (iii) The amounts determined by the animal management officer to be sufficient to reimburse the city for the costs related to the impoundment, and by the shelter sufficient to provide for the animal's care and provision for at least 30 days including the day on which the animal was impounded; and
- (iv) A notice that an impounded animal not redeemed as set forth herein will be considered abandoned and disposed of.

Sec. 14-204. Redemption of impounded animal.

(c) *Animal subject to a summons hold.* Any animal impounded by an animal management officer may be subject to a summons hold. An animal subject to a summons hold may be redeemed by and will be released to the owner or custodian if, within five days after the impoundment, the owner or custodian pays to the animal shelter the fees assessed by the shelter for costs related to the impoundment of, care of, and provision for the animal through and including the date of its release, if any, and accepts service of process as determined by the officer.

(d) *Animal subject to a court hold.* An animal that is being held pending municipal court proceedings for a violation of sec. 14-51, Dangerous animals, sec. 14-52, Aggressive animals, a third or subsequent violation within a one-year period by an owner or custodian of sec. 14-54, Running at large, sec. 14-91, Certain animals prohibited, 14-171, Cruelty, 14-171.5. Neglect, sec. 14-174, Care of animals, or an animal belonging to or living within the same household as a person who has been adjudged to be a habitual offender under sec. 14-11 may not be released except on order of a municipal court judge. The owner or custodian of the

animal subject to a court hold may prevent disposition of the animal by the shelter if, within ten days after the impoundment, the owner or custodian:

- (3) Files with the court a payment in an amount determined to be sufficient by the animal management officer and the animal shelter to cover the costs of impoundment, care, and provision for the animal for at least 30 days including the day on which the animal was impounded, and continues to file these payments with the court as set forth in sec. 14-206 (e)(1) throughout the pendency of the municipal court case; or
- (4) Files with the court a written petition for an impoundment hearing. The petition must state whether the owner or custodian is disputing probable cause for the impoundment, is disputing whether the costs of impoundment, care, or provision for the animal are fair, reasonable, and necessary, or both. If the owner or custodian does not indicate on the petition that they dispute probable cause for the impoundment, the owner or custodian will be presumed to have agreed that sufficient probable cause existed. If the owner or custodian does not indicate on the petition that they dispute the reasonableness of the costs of impoundment, care, or provision, the owner will be presumed to have accepted the stated costs as reasonable.
 - (i) At the time the petition is filed with the court, the owner or custodian must also provide a copy of the petition for an impoundment hearing to the city prosecutor.
 - (ii) If the owner requests a hearing under this section, the court must set the hearing to occur within seven days after the petition is filed.

Sec. 14-205. Disposition of impounded animal.

~~(f)~~ Failure by owner to prevent disposition – animal subject to a summons hold. An animal subject to a summons hold which has not been claimed by its owner or custodian or whose owner or custodian has not been located within five days after its impoundment will be considered abandoned as of the sixth day after its impoundment and deemed by the court to be the property of the animal shelter. The shelter may then place the animal for adoption or otherwise dispose of the animal at the shelter's sole discretion.

~~(g)~~ Failure by owner to prevent disposition – animal subject to a court hold. An animal subject to a court hold whose owner or custodian does not file with the court either a payment or a petition as set forth in sec. 14-204 (b) within 10 days after its impoundment will be considered abandoned as of the eleventh day after its impoundment and deemed by the court to be the property of the animal shelter. The shelter may then place the animal for adoption or otherwise dispose of the animal at the shelter's sole discretion.

~~(h)~~ Owner liability.

- (4) Impoundment and shelter charges. The failure of the owner or custodian of an impounded animal to prevent the disposition of the animal as set forth in sec. 14-204

does not relieve the owner or custodian from payment of all applicable charges and fees established by the city for the impoundment of the animal or by the shelter for the care and provision of the animal. It shall be unlawful for an owner or custodian to fail to pay the costs of impoundment, care, and provision for the animal.

(5) Criminal liability. The failure of the owner or custodian of an impounded animal to prevent the disposition of the animal as set forth in sec. 14-204 does not render the owner or custodian immune from service of a summons and complaint in the matter, from responsibility for a violation of the provisions of this chapter, or from decisions of the court relating to the matter, or for fees, fines, or other penalties which may result from a conviction for a violation of this chapter.

(6) Release. The failure of an owner to prevent the disposition of an animal as set forth in sec. 14-204 releases the city and the animal shelter and their officers, employees, and agents from all liability for the animal's subsequent adoption, destruction, or other disposition.

(j) Feral cats. Notwithstanding any other provision of this chapter, a cat impounded and deemed to be feral by an animal management officer may be disposed of at the sole discretion of the animal shelter at any time three days after impoundment.

~~(f) — The animal shelter shall~~

(j) Emergency disposition.

(1) Dangerous animals. Nothing in this chapter may be construed to prevent the immediate destruction by an animal management officer of a dangerous animal when deemed necessary in the interest of public safety by that officer under circumstances where a significant and immediate threat to the health or safety of a person or another animal exists. Nothing in this chapter may be construed to prevent an officer from taking whatever action is reasonably necessary to protect themselves or others from injury or damage, including immediate destruction of a dangerous animal without notice to the owner or custodian. Moreover, nothing in this chapter may be construed to limit or restrict a person's ability to protect life and property under applicable Colorado law or to limit or restrict the authority of any employee or agent of the Colorado Division of Wildlife.

(2) Ill or injured animals. Nothing in this chapter may be construed to prevent the immediate destruction by an animal management officer or a veterinarian of any domestic or wild animal when the officer or veterinarian or has determined that such animal is critically ill or injured, is suffering extreme pain, or has a poor prognosis for recovery.

(f) Process. The city attorney may at any time after the time limits set forth in subsection (a) or (b) of this section file a motion seeking an order declaring an impounded animal to be abandoned, deeming the animal to be the property of the animal shelter, and authorizing the shelter to take any action it deems necessary to provide for the disposition of the animal.

Sec. 14-206. Impoundment hearing.

(b) Administrative hearing. A hearing held because of a petition filed under sec. 14-204 (b) of this article will be conducted by the municipal court as an administrative hearing. Formal rules of evidence will not apply, but the court will allow the parties to call witnesses, present evidence, and utilize the right of cross-examination. Evidentiary and other questions will be resolved under the administrative hearing rules set forth in chapter 2 of this Code.

(b) Owner fails to appear. If the owner does not appear for the hearing, the court may proceed with the hearing, receive testimony and other evidence, make findings of fact and conclusions of law, and issue orders relating to the matter.

(c) Hearing. At the hearing, the court will determine as appropriate:

(3) Probable cause. Whether there existed sufficient probable cause for the impoundment, unless a warrant issued in accordance with this chapter authorized seizure of the impounded animal or animals, in which case, the warrant constitutes prima facie evidence of sufficient probable cause for impoundment; and

(4) Costs of impoundment, care, and provision. Whether costs associated with the impoundment of, care of, and provision for the animal, as determined by the animal management officer and the animal shelter are fair, reasonable, and necessary. All such costs must be itemized by the animal management officer or the animal shelter to the date of the hearing and must include, at a minimum, an accounting of the costs for the impoundment of, care of, and provision for, and any veterinary services rendered to the animal. An itemized account of these costs will constitute prima facie evidence that the costs shown therein are fair, reasonable, and necessary.

(d) Considerations. The court may consider the following in making determinations under sec. 14-206 (c):

(1) Impoundment circumstances. The circumstances of the impoundment including the reason for the impoundment. This may include but is not limited to testimony and other evidence that the impounded animal was at large or otherwise not on the owner's or custodian's property;

(2) Prior violations. Any prior violations by the owner involving the animal or animals and the date of the violations;

(3) Prior impoundment. Any prior impoundment of the owner's animals;

(4) Corrective measures. The sufficiency of any confinement measures instituted by the owner and in place to secure the animal to avoid future at large or other violations;

(5) Costs, charges, and fees. Information about costs, charges, and fees related to the impoundment and care and provision for the animal; and

(6) Other relevant evidence. Any other evidence deemed relevant by the court.

(e) Court's determination; contents of orders. If the court finds there existed sufficient probable cause for impoundment, the animal will be held at the animal shelter until further order of the court. If the court finds that all or a portion of the costs of impoundment or care and provision for the animal are reasonable, the court will order the custodian or owner to pay those costs to the court within 72 hours of the hearing. If the amount is not paid to the court within that time, the animal will be considered abandoned as of the day after the payment was due. In this case, the court will on its own motion and by written order deem the animal to be the property of the animal shelter and order the shelter to destroy the animal, make it available for adoption, or otherwise dispose of the animal. Failure to pay these costs results in the forfeiture of the right to contest these costs and any ownership rights to the impounded animal.

(3) Continuing costs of care. If the owner or custodian wishes to prevent disposition of the animal by the shelter, the owner or custodian must file with the court an additional payment sufficient to pay for an additional 30 days of care and provision for the impounded animal. This additional payment must be filed with the court at least seven days prior to the expiration of the previous payment. This obligation continues until the owner or custodian is either acquitted or convicted in the municipal court of the charges relating to the impoundment and otherwise in accordance with the provisions set forth in this article.

(4) Failure to pay continuing costs. Should an owner or custodian fail to pay the continuing costs of care and provision for an impounded animal as described in subsection (e)(1) of this section, the animal will be considered abandoned as of the day after the last payment was due. In this case, the court will on its own motion and by written order deem the animal to be the property of the animal shelter and order the shelter to destroy the animal, make it available for adoption, or otherwise dispose of the animal. Failure to pay continuing costs results in the forfeiture of the right to contest those costs and any ownership rights to the impounded animal.

Sec. 14-207. Disposition of animal after acquittal or conviction.

(c) Acquittal. Should the owner or custodian of an impounded animal be acquitted of all charges relating to the impoundment of the animal, the court will order the animal returned to the owner or custodian and shall order the city and the animal shelter to refund to the owner or custodian all payments made for the impoundment, care, and provision for the animal as appropriate.

Exception: Notwithstanding the above, the owner or custodian remains responsible for the payment of costs for veterinary care reasonably necessary to assess and stabilize the animal and to otherwise provide reasonable veterinary care to the animal throughout the term of its impoundment.

(d) Conviction; authority to order forfeiture. In addition to the sentencing authority of a municipal court judge otherwise set forth in this Code, a municipal court judge may order the forfeiture of an animal or animals as part of the sentence following a conviction for violating any of the following charges in this chapter:

- (9) Sec. 14-51, Dangerous animals;
- (10) Sec. 14-52, Aggressive animals;
- (11) Sec. 14-54, Running at large;
- (12) Sec. 14-91, Certain animals prohibited;
- (13) Sec. 14-171, Cruelty;
- (14) Sec. 14-171.5, Neglect;
- (15) Sec. 14-174, Care of animals; or
- (16) Following a conviction of any charge set forth in the chapter of a person who is or has been adjudged a habitual offender under sec. 14-11 of this chapter.

(c) Considerations. In determining whether an animal should be forfeited following a conviction for a violation listed in subsection (b) of this section, a municipal court judge may consider the following factors in relation to the health and safety of the community and the animal involved:

- (8) Nature and severity of an attack. Whether the animal attacked a person or another animal, and the nature and severity of that attack;
- (9) Behavioral circumstances. The existence of any provocation or other extenuating circumstances relevant to the animal's behavior;
- (10) Corrective measures. The apparent ability of the owner to properly care for the animal including corrective measures taken to lessen the chances of a future violation of this chapter;
- (11) History of animal. Whether the animal has been involved in other incidents, including incidents of the animal running at large;
- (12) History of owner. Past allegations of improper care involving the animal, owner, or custodian;
- (13) Expert evaluations. Any expert evaluation relating to the animal or the owner's or custodian's care, treatment, or disposition of the animal; and

(14) Other. Any other factor the court determines is relevant to the health and safety of the community or animal.

(d) Contents of order.

(3) Forfeiture appropriate. Should a municipal court judge determine that forfeiture of the animal is appropriate, the judge will order the animal be deemed the property of the animal shelter and order the owner or custodian of any animal not already in the custody of the shelter to release the forfeited animal to an animal management officer for impoundment. The judge may also order that the animal be destroyed, but may stay this portion of the order if, within seven days of the court's forfeiture order, the owner or custodian asks the court to stay the destruction order until the date for the filing of an appeal of the municipal court case has passed.

(i) If the judge orders an animal to be destroyed, the judge will order that the animal owner or custodian pay all costs arising from the impoundment, care of, and provision for the animal through the time it is destroyed.

(4) Forfeiture not appropriate. Should a municipal court judge determine that forfeiture of the animal is not appropriate under this section, the judge may issue any order related to the release, care of, or provision for the animal that the judge deems appropriate to the circumstances. In each case, the judge will order that the animal owner or custodian pay all costs arising from the impoundment, care of, and provision for the animal through the time it is released or otherwise disposed of.

(e) Production of forfeited animal; failure to produce. The animal owner or custodian of any animal not already in the custody of the animal shelter that is subject to a forfeiture order must produce the forfeited animal to an animal management officer within 24 hours of the court's forfeiture order. The court may exercise its powers of contempt should the owner or custodian fail to produce the animal as ordered.

Sec. 14-208. Shelter charges and fees.

The animal shelter may from time-to-time establish charges and fees for impoundment, boarding, ~~ethanasiadestruction~~, disposal, veterinary care, and all other services related to the care of and provisions for animals as needed. The owner or custodian of any impounded animal ~~shall~~will be responsible for the payment of all charges and fees, together with any veterinary fees incurred. No impounded animal ~~shall~~may be released until the owner or custodian has paid or arranged to pay all such charges and fees. Failure of the owner or custodian of any impounded animal to claim such animal from the animal shelter within ~~five-days-shall~~the time frames set forth in this article does not relieve the owner or custodian from payment of all applicable charges and fees as established by the shelter. ~~It shall be unlawful for any owner or custodian to fail to pay such fees and charges.~~

Sec. 14-202. Notice of impoundment to animal owner.

The animal shelter or the animal management officer shall make a reasonable effort to ascertain ownership of any impounded animal and shall notify such owner as soon as possible after impoundment.—

~~Sec. 14-203. Immediate destruction when deemed in public interest.~~

- ~~(a) Nothing in this chapter shall be construed to prevent the immediate destruction of any vicious dog or other vicious animal when deemed necessary in the interest of public safety by the animal management officer under circumstances where a significant and immediate threat to the health or safety of a person or another animal exists.—~~
- ~~(b) Nothing in this chapter shall be construed to prevent the immediate destruction of any domestic or wild animal when a veterinarian or animal management officer has determined that such animal is critically ill or injured, is suffering extreme pain or has a poor prognosis for recovery. Moreover, nothing in this chapter shall be construed to limit or restrict a person's ability to protect life and property pursuant to C.R.S. §§ 33-6-106(3) and 33-6-107(9), as amended, or to limit or restrict the authority of any person working for the Colorado Division of Wildlife.—~~

~~Sec. 14-204. Impoundment of wild animals.~~

~~Animal management officers, at their discretion, are hereby authorized to apprehend any wild animal that may be at large within the city and causing damage to property or constituting a hazard to the public. Such wild animal may be impounded, released to appropriate keepers, relocated, or destroyed at the discretion of the animal management officer, subject to applicable provisions of the laws of the state.—~~

Secs. 14-~~205~~209—14-220. Reserved. .”



REPORT TO CITY COUNCIL WORKSHOP

AGENDA ITEM
11.A.

TO: THE HONORABLE CITY COUNCIL

DATE: September 16, 2024

SUBJECT: Council Workshop on Climate Action and Sustainability Plan Strategies

Report in Brief

The Arvada Sustainability Division and Lotus Engineering and Sustainability will provide the City Council with an update on the proposed strategies for the upcoming Climate Action and Sustainability Plan. The presentation will include strategies in the following six sectors: 1) Energy and the Built Environment, 2) Water Quality and Conservation, 3) Land Use and Urban Design, 4) Waste Reduction and Diversion, 5) Community Vitality, and 6) Economic Development Transportation. This is an opportunity for City Council to provide feedback on the strategies prior to the development of the draft Climate Action Plan.

Background

The Arvada Sustainability Division was initiated in January 2023. At the Council's direction, the Division is tasked with creating a community wide Climate Action and Sustainability Plan. The climate action and sustainability planning effort includes a diversity of stakeholders - members of the city team, residential and business community members, community partners and advisory committee members. The Division is partnering with Lotus Engineering and Sustainability for technical assistance and planning support.

Strategic Alignment

City Council Strategic Plan 2024-2030

Local Economy 8: *Ensure long-term economic vitality and competitiveness through the implementation of climate mitigation and resiliency strategies.*

Quality of Life 5: *Provide equitable access to the natural environment citywide and preserve these amenities for future generations.*

INF2: *Invests in and maintains safe, resilient, accessible, and environmentally efficient City facilities and fleet vehicles.*

To support a vibrant community and neighborhoods, the City of Arvada supports equitable City policies, programs, and efforts to secure an economically, socially, and environmentally sustainable city. The Arvada Sustainability Division fosters strategic partnerships to advance quality of life, and achieve a resilient and sustainable community.

VCN2: *Provides specialized programs, environmental education, and sustainability and resource conservation services to residents, so they can carefully use and preserve resources and save money.*

VCN7: *Supports equitable City policies, programs, and efforts to secure an economically, socially, and environmentally sustainable city.*

Next Steps

Presentation of Draft Climate Action Plan
Receiving feedback from the Council
Making updates to the plan based upon the Council's feedback

Prepared by:
Nalini Margaitis, Senior Sustainability Coordinator

Reviewed by:

Approved by:

Derrick Kuhl, Deputy Director VCN	8/27/2024
Bryan Archer, Director of Finance	8/27/2024
Gail Walker, Legal Specialist-Contracts	8/27/2024
Janelle Miller, Assistant City Attorney	8/27/2024
Don Wick, Deputy City Manager	8/27/2024
Rachel Morris, City Attorney	9/3/2024
Linda Haley, Acting City Manager	9/3/2024

Enclosure, exhibits & attachments required to support the report



Arvada GHG and Engagement Updates

City of Arvada, Colorado
City Council

Hillary Dobos | President, Project Manager

**Rachel Meier | Senior Associate, Team Lead on
Public Sector GHG Inventories**

**Molly Marcucilli | Climate Mitigation and
Resilience Planning Associate**

Presentation Overview

- **Project Timeline**
- **Stakeholder and Community Engagement Updates**
- **Strategy Development**
- **Q&A**
- **Next Steps**



Project Timeline



A photograph of a water tower with a blue roof and white body, featuring the text 'Old Town Olde Towne' and 'CANADA ARVA'. The tower is set against a clear blue sky. In the foreground, there are trees with vibrant yellow and green autumn foliage. A street with more trees and a few people walking is visible in the background.

Stakeholder and Community Engagement Updates

Public Outreach



Public Engagement

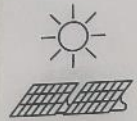
- Kickoff at Arvada Kite Festival on April 16
- Stats:
 - 300 prizes given out for spinning the Earth Month trivia wheel
 - 100 LED kits distributed
 - 64 post-it responses to the question: "What does a sustainable Arvada look like to you?"
 - 60 responses on Speak Up Arvada webpage



Public Engagement cont.

- Tabled at **Taste of Arvada** (July 11)
- Stats:
 - 1,500 total event attendees
 - 40-50 interactions at the booth
 - Received a total of 78 dot votes
 - Handed out 20 flyers with CASP webpage QR code

Energy & Built Environment



Solar



Energy Codes



Energy Efficiency



Water Quality & Conservation



City Water Conservation



Rebates and Incentives



Green Infrastructure



Public Engagement Cont.

- Tabled at **Arvada on Tap** (July 13)
- Stats
 - ~500 total event attendees
 - 20-30 interactions at the booth
 - Received a total of 41 dot votes
 - Reusable QR Code at the stand for residents to stay informed.



Public Engagement Refresher

- **Arvada Kite Festival** on April 16th
- **Taste of Arvada** on July 11th
- **Arvada on Tap** on July 13th



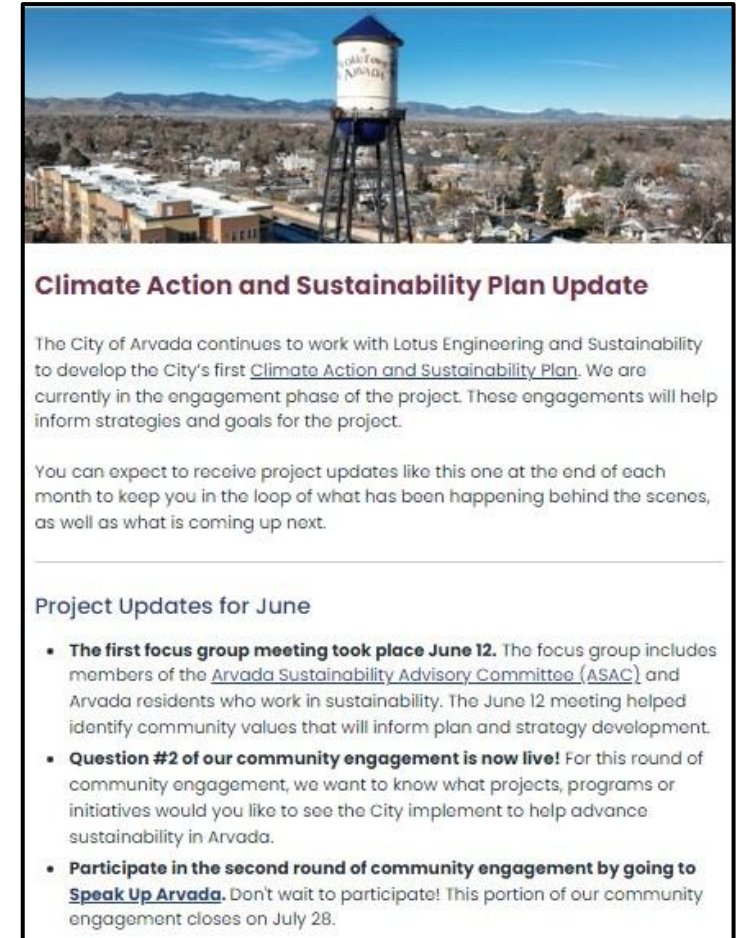
Public Engagement since July



- Tabled at the **Foster Dual Language School Carnival** (Aug 29)
- Stats:
 - ~100 – 150 attendees
 - 25 survey respondents
 - 20–30 interactions at our table
 - Handed out Xcel and Resource Central resources

Ongoing Public Engagement

- **Webpage** for Climate Action and Sustainability Plan (arvadaco.gov/climateaction)
- **Speak Up Arvada**
- Sustainable Arvada listserv **monthly newsletter**
- Engaged with **Neighbors Connected**
- Community **Open House** – October 16th



Annual City of Arvada Community Survey - 2024 Update

New question added to the survey this year:

"In the past year, which of the following sustainability and climate actions have you personally taken?"

- Home energy-efficiency improvements
- Electric vehicle/fewer car trips
- Increased household waste diversion
- Switched to gas-powered lawn equipment
- Water-conserving landscaping
- None (if none, why?)
 - Will be repeated year after year to measure progress

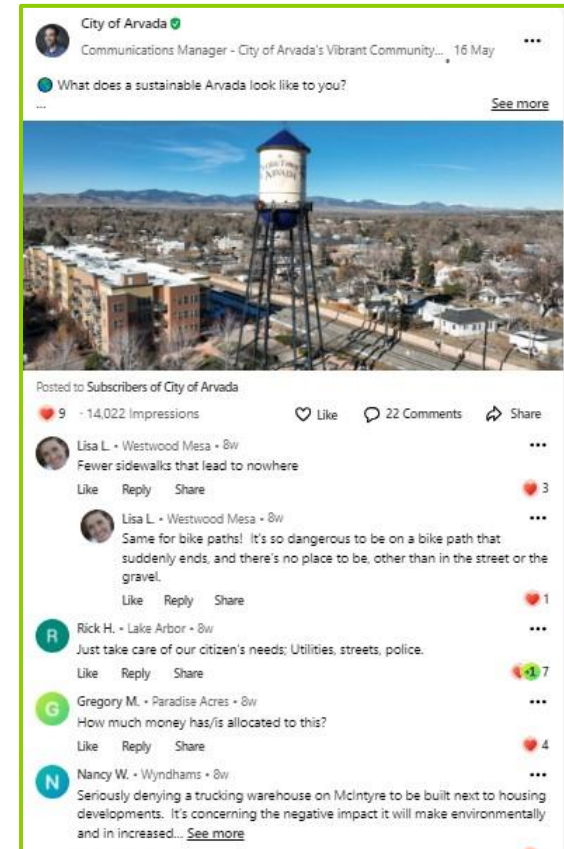


Other Engagement Tactics

- City's **social media** pages
- City's **e-newsletter**, **ArvadaNews**
- City's bimonthly utility bill e-newsletter and insert



nextdoor



Emerging themes from public engagement

What does a sustainable Arvada look like to you?

- Expanded waste service (compost, more park bins)
- More trees and parks
- Access to parks and trails
- Transportation improvements
- Solar energy programs
- Affordable electricity
- Less development
- Water conservation



What does a sustainable Arvada look like to you?

"Mixed use development, ADUs, and generally more housing options"

"Arvada needs a green waste drop off site"

"Solar powered communities with more parks and bike paths"

"Making more use of stormwater runoff to naturally irrigate landscaped areas"

"City wildfire mitigation programs that are required or free"

"Let's save water and show how beautiful xeriscaping can be"

"Removing parking minimums"

"A sustainable Arvada would have much higher development density parallel to the G-line"

"More pedestrian friendly areas"

"Please limit the amount of grass turf allowed on new construction"

"I would love to see more public transportation throughout the city"

"Open space and trees"

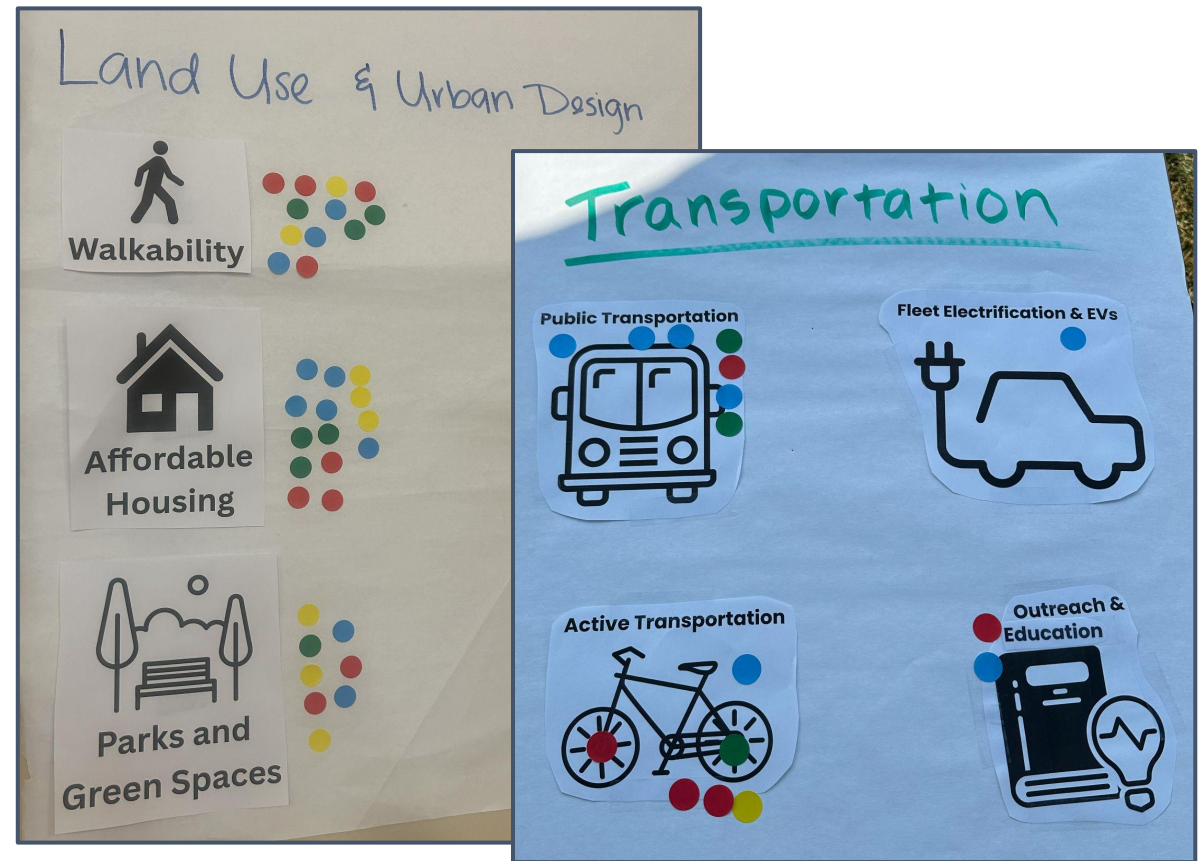
"Getting out of our gas cars"

"Smart land use and urban design, and transportation"

Emerging themes from public engagement

Types of programs they would like to see in the CASP

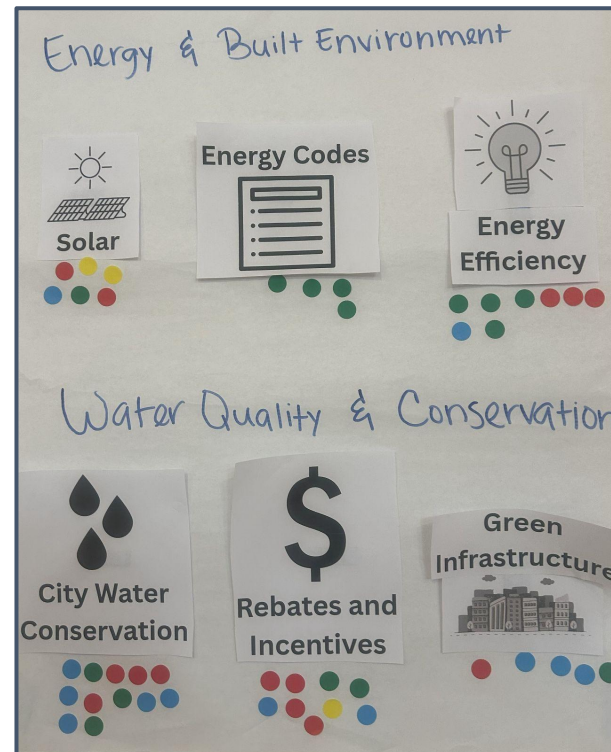
- Land Use and Urban Design
 - Affordable Housing
 - Walkability
- Water Quality + Conservation
 - Citywide water conservation
 - Rebates and incentives
- Transportation
 - Improved public and active transportation



Emerging themes from public engagement

Types of programs they would like to see in the CASP

- Energy and the Built Environment
 - Energy efficiency opportunities
 - On-site solar opportunities
- Waste Reduction and Diversion
 - Compost services and expanded recycling
- Community Vitality & Economic Development
 - Workforce development support
 - Community agriculture
 - Supporting local biz



What projects, programs, or initiatives would you like to see the City implement to advance sustainability in Arvada?

"Citywide compost, ebike rebate. More light rail use/encouragement"

"Better infrastructure for recycling and compost"

"Centralized recycling facility"

"Helping multifamily units gain access to EV charging stations"

"Incentives for heat pumps"

"Biophilic design"

"Planting for trees to mitigate for urban heat island"

"Reduce our car dependency"

"Sustainable construction materials"

"Policies for integrating blue-green infrastructure into every water drainage proposal"

"Better bike path connections"

"Water usage reduction programs"

"Ensure all new development is within walking distance of services"

"Geothermal energy"

"Pay as you throw program"

Emerging themes from public engagement

What would help residents participate in city led programs?

- Better outreach
- More information about programs
- Providing information through schools
- Make it easier to sign up for programs
- Understanding qualifications and how to access them
- Take the financial edge off decisions



Emerging themes from public engagement

What would help residents use public/active transportation more?

- Safety
- Cheaper rates or subsidies
- Education about bringing bikes on RTD
- Free fare months
- Last mile connectivity
- More options/frequency of service
- Clean and efficient
- Knowing the routes better



Upcoming Engagement Results:

A thick yellow horizontal bar spans the width of the slide, with a vertical yellow bar extending downwards from its right end.

- **Sustainability Website Question 3: Ranking top 5 projects/initiatives from our list of strategies**
 - **~ 80+ responses**

Central Focus Group



Focus Group

- **Purpose:** Provide lived experience to develop and prioritize strategies to include in the City's Climate Action and Sustainability Plan.
- Members represent the Arvada Sustainability Advisory Committee, Chamber of Commerce, private industry, the Housing Authority, and others.
- Focus Group contains experts in renewable energy, building science, waste management, water resources, sustainability, and more.
- **Five total meetings** held between June – September.



Strategy Development



Strategy Development

- Strategies were derived and inspired from:
 - City of Arvada plans
 - Water Conservation Plan, City Council Strategic Plan, City of Arvada Energy Action Plan, Arvada Comprehensive Plan, Sustain Arvada, and Community Survey.
 - Countywide plans
 - Jefferson County Climate Action Plan, Jefferson County Hazard Mitigation Plan, and Jefferson County Energy Action Plan.
 - City of Arvada staff interviews
 - Community input from tabling events + general public engagement
 - Focus groups
 - Neighboring community plans
 - Wheat Ridge, City of Boulder, Lakewood, Westminster
- Strategies are also currently being vetted by City staff



CASP Sectors

Energy and the Built Environment

Waste Reduction and Diversion

Community Vitality and Economic Development

Equity and resilience built into each sector

Water Quality and Conservation

Land Use and Urban Design

Transportation



CASP Strategies

Energy & the Built Environment

Total strategies: 14

TOPIC AREAS



- Renewable energy
- Building efficiency + electrification

Water Quality & Conservation

Total strategies: 11

TOPIC AREAS



- Water conservation
- Green infrastructure
- Water quality

Land Use & Urban Design

Total strategies: 11

TOPIC AREAS



- Land Development Code updates
- Parks and green space



CASP Strategies

Transportation

Total strategies: 13

TOPIC AREAS



- Anti-Idling
- Fleet Electrification
- Electric Vehicles
- Public Transportation
- Active Transportation

Waste Reduction & Diversion

Total strategies: 9

TOPIC AREAS



- Composting, Recycling, and Waste Collection
- Partnerships and Collaboration
- City Specific Strategies
- Construction & Demolition

Community Vitality & Economic Development

Total strategies: 9

TOPIC AREAS



- Food Systems and Health/Wellness
- Arts and Culture
- Businesses



Metrics and Weightings



Metrics and Weighting

- Lotus worked with focus group members to identify metrics and weightings to help prioritize the strategies for the CASP.
 - Metrics were identified and voted on by the focus group, and were meant to reflect community values and priorities identified through engagement.
 - Weightings for the metrics were determined at the fourth focus group meeting and from a follow up poll that was sent out to reach a consensus.
- **FIVE** Metrics were selected to rank each strategy against.



Metrics and Weightings

Equity

Local Prosperity

**Environmental/ Resource
Intensity**

Feasibility/ Simplicity

GHG Reduction

**20%
each**



Energy & Built Environment Strategies in Top 10

1. **Conduct comprehensive assessments of green building codes** to identify key concepts and requirements applicable to Arvada. Update and adopt energy codes as needed in alignment with communities in the region to advance energy efficiency, electrification, and resilience.
2. Continue to build off **streamlined building permitting processes** and fees to incentivize green buildings and sustainable site design elements similar to the City's streamlined permitting for solar permits. Expand these processes to include such as renewable and/or solar projects, electrification, and energy efficiency upgrades.
3. Per HB24-1370, partner with the State and Xcel Energy to administer a program to develop a neighborhood scale alternatives project to **avoid new gas systems** or decommission existing gas service.



Land Use & Urban Design Strategies in Top 10

1. **Incentivize infill and/or compact development** and redevelopment, particularly in zone districts that do not have any density requirements.
2. Regularly update the LDC to require and incentivize **Transit Oriented Development** near high transit areas.
3. Add density bonuses or other incentives into the LDC that would allow developers to **add more dwelling units in exchange for additional affordable housing units.**
4. Implement regulations to **protect sensitive lands and wildlife** habitats such as pollinator protection, setbacks to protect sensitive habitats and water quality, bird-friendly window and lighting standards, etc.



Top 3 Transportation Strategies

** Ranked in Top 10*

1. * Continue to implement **travel demand management** strategies, such as the provision of car/bike share programs, rideshare, and transit passes to reduce overall vehicle miles traveled within Arvada
2. * **Optimize signal timing** on major roads to reduce idling and travel times.
3. Create an **anti-idling ordinance and education campaign.**



Top 3 Water Quality & Conservation Strategies

**Ranked in Top 10*

1. * Continue to **implement a smart water meter program** to provide real-time data to customers to reduce leaks and encourage conservation.
2. Partner with local organizations to **organize and promote river and creek clean ups.**
3. Improve **water conservation in City owned property** and private property across Arvada.



Top 3 strategies in Waste Reduction & Diversion Sector

1. Adopt (or amend) an ordinance prior to 2030 **requiring recycling and composting services** to be provided in all commercial and multifamily developments.
2. Create an **educational campaign** and continue to partner with SustainAbility to expand outreach and education in the community to promote the hard-to-recycle center, electronics recycling, and composting services. Educate residents on how to help divert recyclables, yard waste and cardboard from the landfill to help increase the diversion rate.
3. Adopt an ordinance requiring or encouraging a minimum percentage or an amount per square foot of **construction and demolition** debris to be diverted from a landfill by salvage, reuse, or recycling.



Top 3 strategies in Community Vitality & Economic Development Sector

1. Incentivize development of grocery stores and other food-based services in areas with limited access to grocery stores (**food deserts**) and areas with an overabundance of fast food options (**food swamps**).
2. Ensure that food-related requirements and considerations identified in the **Jefferson County's Food System report** on cultivating community resilience are part of future code and policy updates.
3. Work with business community partners and the CO Green Business Network to attract and **promote socially responsible businesses** that work on reducing GHG pollution and enhance equity.





Questions?

Rachel Meier

rachel@lotussustainability.com

Molly Marcucilli

molly@lotussustainability.com

Hillary Dobos

hillary@lotussustainability.com



REPORT FROM CITY COUNCIL

AGENDA ITEM
13.A.

DATE: September 16, 2024

SUBJECT: Council Committee Reports

Report in Brief

City Council members are appointed to various committees and boards as set out on the attached listing. As meetings are held, individual council members will report back to the full City Council any relevant discussions and issues that occurred.

Prepared by:
Chris Koch, CCO Admin

Lauren Simpson	Arvada City Attorney Committee Arvada Municipal Court/Judicial Committee Arvada Urban Renewal Authority Arvada Visitors Center Committee *Metro Mayors' Caucus Urban Drainage and Flood Control District West Connect Coalition E-470 Authority (Alternate) Olde Town Business Improvement (BID) (Alternate)
Shawna Ambrose	Adams County Regional Economic Partnership (ACREP) Arvada Audit Committee Bond Oversight Committee Jefferson County R-1 Schools Coordinating Committee Arvada Visitors Center Committee (Alternate)
Sharon Davis	Apex Coordinating Committee Arvada Municipal Court/Judicial Committee Arvada Parks Advisory Committee CML Policy Committee Jefferson Economic Development Council (JDEC) Denver Regional Council of Governments (DRCOG) (Alternate) E-470 Authority (Alternate) Jeffco Transportation Action & Advisory Group (JEFFTAAG) (Alternate)

	Jefferson County Community Corrections Board and West Connect Coalition (Alternate)
Lisa Feret	Arvada Chamber of Commerce Government Affairs Committee Arvada Fire Protection District Coordinating Committee Denver Regional Council of Governments (DRCOG) Housing Advisory Committee Jeffco Transportation Action & Advisory Group (JEFFTAAG) Jefferson County Community Corrections Board Smart City Advisory Committee Adams County Regional Economic Partnership (ACREP) (Alternate)
Bob Fifer	Apex Coordinating Committee Arvada City Attorney Committee Arvada Fire Protection District Coordinating Committee Arvada Transportation Committee Jefferson County R-1 Schools Coordinating Committee Jefferson Parkway Public Highway Authority Smart City Advisory Committee Northwest Parkway Authority (Alternate)
John Marriott	Arvada Economic Development Association Board Bond Oversight Committee Olde Town Business Improvement (BID)
Randy Moorman	Arvada Audit Committee Arvada Center for the Arts and Humanities Arvada Sustainability Committee CML Policy Committee Jefferson Parkway Public Highway Authority The Rocky Flats Stewardship Council Northwest Parkway Authority (Alternate)

*asterisked committees are not appointed by Council



REPORT TO CITY COUNCIL

AGENDA ITEM
14.A.

TO: THE HONORABLE CITY COUNCIL

DATE: September 16, 2024

SUBJECT: Review of Future Workshops and Presentations

Report in Brief

The City Manager's Office maintains a list of upcoming workshops and presentations to be scheduled for City Council meetings. During City Manager Reports, at the end of City Council business meetings, Acting City Manager, Linda Haley, will review with City Council the tentative schedule and make any adjustments necessary.

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Rachel Morris, City Attorney 8/23/2024

Linda Haley, Acting City Manager 8/26/2024

Enclosure, exhibits & attachments required to support the report

2024/2025 CITY COUNCIL WORKSHOPS, STUDY SESSIONS, PRESENTATIONS AND RETREATS (TENTATIVE)

WORKSHOPS	Date	Lead
Climate Action Plan (at business meeting)	Sept 16	VCN
Budget Workshop - Work System Update	Sept 23	Finance
Final Water, Wastewater & Stormwater 2025 Rates/Fees	Sept 23	Utilities
Pay Plan/Additional Work System (if needed)	Oct 14	HR
Quarterly Bond Projects Updates The Public Works engineering team will provide the City Council with an update on the bond projects for streets and utilities.	Oct 14	PW
Updated ADA Transition Plan The draft plan will be updated in a comprehensive document that outlines strategies and actions to ensure accessibility for individuals with disabilities, addressing areas of improvement and accommodating their needs.	Oct 28	PW
Parking Management Program - There are 11 managed parking zones in the City with one active enforcement area - Olde Town. The other zones are neighborhood permit parking near schools and parks. This workshop will provide background information on history of the City's parking operations and will present data on occupancy rates and enforcement trends for street parking and the parking garage in Olde Town. Analysis of paid parking will be discussed.	Oct 28	PW
Transportation System Plan The traffic team will present the outcomes of the Transportation System plan, including future development opportunities, transportation funding and financial strategies, and a capital improvement plan.	Oct 28	PW
Pavement Management The Pavement Management Team will provide a brief program overview, description of program improvements, an update on the current status of the street network, a look at the additional funding needed to make significant progress towards our goal of 70 PQI, and an open discussion on funding options seeking input and direction from council.	Nov 11	PW
Award Recommendations for the Human Services Grant Program	Nov 11	CED
Infrastructure Work System Annual Report - The Infrastructure Work System will share a status summary of progress towards City Council Strategic Results and 2024 metrics for work system services.	Dec 9	PW
2025		
PRESENTATIONS		
STUDY SESSIONS		
Sustainable Funding Sources Discussion	Sept 9	CMO
Council Vacancies Policy	TBD	Legal
Expense Reimbursement Policy	TBD	Legal
BID and Chamber funding	TBD	
WORKSHOP TBD's		
Stormwater Master Plan	TBD	Utilities
New Water Tank @ Gross Reservoir (4th quarter)	TBD	CMO

Right of Way Acquisition	TBD	CED
Water Infrastructure for Fire Protection	TBD	Utilities
Smart Meters Update	TBD	Utilities
Capital Campaign Update and Strategy Discussion	TBD	CMO/Fin
Community Engagement	TBD	CMO
Fleet Electrification	TBD	Utilities
Pre-Sentencing/One Small Step	TBD	Courts
Meyers Pool Provide City Council an update on the VCN's SR3: By 12/2025 develop a maintenance and reinvestment plan to ensure a sustainable, resilient and beautiful community of parks, trails, open space and medians in alignment with our diverse, changing and growing community and VCN's SR3 Milestone [M3H] By 7/2024 replace Meyer's Pool with a new 50 meter natatorium.	TBD	CMO
Financial Scenarios for Street Maintenance Deficit/Options for Increasing Maintenance Funds Engage City Council in a discussion around the current street maintenance needs and how the City might fund them. This will include revenue enhancements, future allocations and expenditure realignments.	TBD	PW/Fin/CMO
Fiber Master Plan The Fiber Master Plan which is also called Arvada Fiber Optic Network (AFON), was first presented to City Council 4/10/2017. City Councils had set a strategic goal to build a fiber network to enable high speed/real-time connectivity to city facilities and assets in order to enhance city operations. This workshop is intended to brief City Council as to the progress of the AFON build out. Updates are intended to cover conduit installation progress, fiber installation progress, current co-locate opportunities, IGA member updates, and connections to current assets (city buildings, traffic, signals, utilities, radio, etc.).	TBD	PW
Problem Properties	TBD	P.D.
Activation of Historical Assets	TBD	VCN
Customer Service Philosophy	TBD	CMO
Ask Arvada Update	TBD	CMO
COUNCIL JOINT MEETINGS/DINNERS:		
Denver Water Board Apex Board AURA Board Arvada Center Board—Per Coop Agreement - Annually after October 1 of each year Jefferson Parkway Meeting with Jeffco and Broomfield Council Annual Retreat		