



CITY OF ARVADA

SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD JANUARY 14, 2008

AGENDA REVIEW SESSION

1. Call to Order by Mayor Frie
2. Study Sessions:
 - A. JCMD Intergovernmental Agreements

Bill Ray, Deputy City Manager, introduced this item to City Council and said the purpose of tonight's study session is to review the various Intergovernmental Agreements (IGA's) between the City of Arvada and the Jefferson Center Metropolitan District (JCMD).

Chris Daly, City Attorney, said staff will not be discussing, nor should City Council discuss, the pending application for a rezoning and Outline Development Plan filed by developers for the Candelas Development which is part of JCMD. Mr. Daly reviewed the structure of JCMD and said there are six sub-districts. District 2 is the Service District with Districts No. 1, 3, 4, 5, & 6 providing financing. He said one of the key provisions of the IGA is how we deal with land use in that area and it is very complex. Mr. Daly said prior to tonight's study session he had discussions with the legal counsel for JCMD and invited them this evening. He said he would like to note there are at least nine individuals, including legal counsel, here this evening for JCMD.

Mr. Randall Sampson, Assistant City Attorney, reviewed vested rights with City Council and the difference between "Early" vested rights and "Statutory" vested rights. He said this IGA grants the owners the right to enter into a development agreement that grants "Early" vested rights and "Statutory" vested rights and grants JCMD specific performance rights and provides for the processing of applications on a consistent and predictable basis, based upon the availability of water. He said the "Early" vested rights are for an initial 5-year term with an additional 5-year term if JCMD completes 100% of Phase 1 infrastructure obligations during the initial term. The "Statutory" vested rights are also for an initial 5-year term with an additional 5-year term if one-third of the development is built out during the initial term. There is also an additional term if there is two-thirds build-out by the end of the first extension. Mr. Sampson reviewed the Specific Performance Rights to JCMD and Processing of Land Use Applications.

Jim Sullivan, Utilities, reviewed the water supply provisions of the 2005 IGA. He said the amount needed is about 4,000 acre feet of water which the city is not obligated to provide. He said on future water rights Consolidated Mutual Water Company will provide 300 acre feet. There is a 20% water option on Arvada's future acquisitions, not including future Denver water. He said current water supplies have 801 acre feet available for residential development.

Mr. Sullivan reviewed the tap fees and said normally the city pays for acquiring, transporting and treating water. In this case JCMD is picking up the cost for a number of these components. He also discussed stormwater provisions and reviewed the Church Ditch Agreement which will help protect the water quality of Standley Lake. He said we have also agreed not to oppose JCMD's

efforts to develop re-uses of stormwater. Mr. Sullivan said the Yenter sanitary sewer line is under construction.

Vik Runkle, Director of Finance, discussed financing issues. She said all of the metro districts and the Urban Renewal Area (URA) has to be looked at. She said the URA receives the tax increments. She said currently the tax increment is 12 and from the URA, about \$1.5 million was collected in 2006 with an estimated \$1.688 for 2007. She said JCMD also gives management fees of \$100,000 to the Arvada URA. Ms. Runkle reviewed the property taxes collected. Ms. Runkle said a bond issue was placed in July 2007 with total proceeds of \$40 million. She said the basis of repayment was the property tax from a natural gas conversion electric plant.

Bill Honer, Engineering, briefly reviewed the infrastructure in JCMD that has been installed.

3. City Manager Reports:

A. Mr. Kocian brought up the migratory bird feeding ordinance and said it is staff's opinion that it would basically be unenforceable. City Council discussed the importance of at least being able to put up signs stating it is illegal to feed the wildlife and asked staff to bring the ordinance forward.

B. Mr. Kocian said the R1 School District is going to surplus the Secret Cottage Schools. They would transfer them through us to Habitat for Humanity. Habitat for Humanity would in turn demolish them and build three houses. He said Habitat has asked the City for \$30,000 through the Housing Authority which is available through past receipts for housing. City Council directed staff to move forward.

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

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

III. **ROLL CALL OF MEMBERS:**

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

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

IV. **APPROVAL OF MINUTES OF THE JANUARY 7, 2008 CITY COUNCIL MEETING**

The minutes stand approved as submitted.

V. **PETITIONS RECOGNITIONS AND COMMUNICATIONS**

A. Proclamation for Arvada Business Appreciation Week, January 20-26, 2008 – presented by Councilmember Azari

Steve Camins, Arvada Economic Development Association President and Frank Barone, Chairman of the Arvada Chamber of Commerce were present. Councilmember Azari presented them with a Proclamation for Business Appreciation Week.

B. Recognition of All-State Choir Students – presented by Councilmember Dyer

Councilmember Dyer presented students from Arvada West, Pomona and Ralston Valley High Schools with Certificates of Recognition for being selected to the All-State Choir.

C. Recognition of All-State Orchestra Students – presented by Councilmember McGoff

Councilmember McGoff presented students from Pomona and Ralston Valley with Certificates of Recognition for being selected to the All-State Orchestra.

D. Recognition of All-State Jazz Band Student – presented by Councilmember Williams

Councilmember Williams presented Tucker Ewer from Ralston Valley High School a Certificate of Recognition for being selected for the second year into the All-State Jazz Band.

VI. PUBLIC COMMENT ON ISSUES NOT SCHEDULED ON AGENDA - None

VII. NEW BUSINESS

A. Consent Agenda

1. R08-004 A Resolution Authorizing a Purchase Order to Mountain West Printing in the Amount of \$79,122.00 for the 2008 Printing of *The Arvada Report*
2. R08-005 A Resolution Authorizing a Change Order No. 2 By and Between the City of Arvada and Asphalt Specialties Co., Inc. in the Amount of \$151,373.44 for Overlay – 2007, Project No. 07-ST-01
3. R08-006 A Resolution Accepting an Annexation Petition Concerning Maruyama, North Side of SH 72, Approximately One Mile East of SH 93, Finding Said Petition Substantially Compliant with C.R.S. 31-12-107(1), and Setting a Public Hearing for March 3, 2008, 7:00 P.M. at Arvada City Hall for City Council to Determine Whether the Area Meets the Requirements of C.R.S. 31-12-104 and 105, and is Considered Eligible for Annexation
4. R08-007 A Resolution Authorizing an Agreement Between the City of Arvada, FirstBank of Arvada, FirstBank of Wheat Ridge, and FirstBank North for Provision of Loans Through the Essential Home Repairs Program

Mayor Pro Tem Anderson moved that R08-004, A Resolution Authorizing a Purchase Order to Mountain West Printing in the Amount of \$79,122.00 for the 2008 Printing of *The Arvada Report*; R08-005, A Resolution Authorizing a Change Order No. 2 By and Between the City of Arvada and Asphalt Specialties Co., Inc. in the Amount of \$151,373.44 for Overlay – 2007, Project No. 07-ST-01; R08-006, A Resolution Accepting an Annexation Petition Concerning Maruyama, North Side of SH 72, Approximately One Mile East of SH 93, Finding Said Petition Substantially Compliant with C.R.S. 31-12-107(1), and Setting a Public Hearing for March 3, 2008, 7:00 P.M.

at Arvada City Hall for City Council to Determine Whether the Area Meets the Requirements of C.R.S. 31-12-104 and 105, and is Considered Eligible for Annexation; R08-007, A Resolution Authorizing an Agreement Between the City of Arvada, FirstBank of Arvada, FirstBank of Wheat Ridge, and FirstBank North for Provision of Loans Through the Essential Home Repairs Program, be approved.

The following votes were cast on the Motion:

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

B. RESOLUTIONS

1. R08-008 A Resolution Authorizing an Agreement By and Between the City of Arvada and the Seniors' Resource Center, Inc. for Transportation Services

Ed Talbot reviewed this with City Council. Representatives from the Seniors' Resource Center were present and gave a brief update on the program.

Councilmember Anderson moved that R08-008, A Resolution Authorizing an Agreement By and Between the City of Arvada and the Seniors' Resource Center, Inc. for Transportation Services, be approved.

The following votes were cast on the Motion:

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

2. R08-009 A Resolution Authorizing a First Amendment to the 2008 Fiscal Year Pay Plan

Jo Mattoon, Director of Human Resources, presented this item. She said she is asking for a pay increase for police officers even though a 1.68% increase was already approved for 2008. She said the fast moving market for officers has put Arvada in a less competitive position and is making our officers seriously consider moving to other agencies at a time when we are struggling to fill 16 current vacancies. She said staff is recommending an additional market increase of 4.5% for all police officers for 2008, which translates to an additional cost of \$385,150. She said this would be an additional \$65,000 over what was originally budgeted for 2008. Ms. Mattoon said not only is this an Arvada issue, but also a Colorado, National and International problem. She said this increase will put us in the top 5 of our comparison cities in pay.

Councilmember Allard asked if the actual dollar change in the 2008 budget is \$65,000 and not the \$385,000. Ms. Runkle said \$385,000 would need to be appropriated. Mr. Kocian said we don't have an appropriation for this amount, but we did have an expectation that we would need to spend an additional \$385,000 next year and had the number plugged in. He said the number is available but we will need the appropriation.

Councilmember Allard asked if a survey of benefits was done. Ms. Mattoon said this is strictly for pay. She said we did a benefits survey mid-year and we are not changing them at this point. She said the \$385,000 does include the benefits cost.

Mr. Allard said he would suggest that in the upcoming City Council retreat, this subject be discussed. In the five year model, we show a remaining balance of around \$400,000 at the end of five years and City Council just approved \$750,000 to the Arvada Center for five years and obligated ourselves for a skateboard park, expanded the Arvada Center and upped the annual debt service. He said he would like to discuss the big picture and what we may have to give up when we decide to do something else. He said it is beyond comprehension to think we can afford all of those. He said you have to pay the police people, but then do you give up the administrative people or the snow plowers.

Councilmember McGoff asked about the number of officers that left when the changes in number of steps was adopted in 2004. Ms. Mattoon said it was four of them that mentioned that was why they were leaving, and the next year a few more left. Mr. McGoff asked if the total of \$385,000 is for the cost if all positions are filled, including the vacancies and Ms. Mattoon said yes. He said the total amount that will be extended will be less than that because all vacancies probably won't be filled and Ms. Mattoon said that is correct. Mr. McGoff asked about space and equipment for all of the vacancies. Chief Don Wick said one of the issues is that when Issue 2A was passed by the voters a commitment was made that space would be found. He said space is an issue that they are dealing with, but that equipment will be provided.

Councilmember Williams said in 2A the citizens approved that measure and we hired additional police officers and so haven't we had a lot of savings because we are not at full force and what is that number and does that offset the pay increase. Mr. Kocian said it doesn't help relative to the general fund. He said the 1992 election is called the 21 Fund and it is its own legal and fiduciary fund. The 2005 ballot measure set up another fiduciary fund and each fund pays for its own officers and administration. He said the citizens were promised that the money would not be transferred to pay for other expenses. He said the savings in those funds are a hedge for the future for officers in those funds. Mr. Kocian said there are healthy balances in both funds.

Councilmember Dyer said if we lose five officers we will pay as much as this increase will be. Mr. Dyer asked Chief Wick if Arvada still requires an officer to have a bachelor's degree. Mr. Wick said yes and in the metro area it is only Arvada and Lakewood and that our expectations of the job they perform are higher than most other cities in the metro area.

Mayor Pro Tem Azari asked if the funding for this increase is coming from the TI-21, TI-22 and the general fund and Mr. Kocian said that is correct. Mr. Azari asked how much the general fund assessment is and Mr. Kocian said about \$270,000 of the \$385,000.

Councilmember Allard moved that R08-009, A Resolution Authorizing a First Amendment to the 2008 Fiscal Year Pay Plan, be approved.

Councilmembers spoke to the motion.

The following votes were cast on the Motion:

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

Those voting No: Fric

The Motion was approved.

C. ORDINANCES (First Reading)

1. CB08-001 An Ordinance Rezoning Certain Land Within the City of Arvada, Holland Hill, from A-1 (Agricultural) to R-L (Residential-Low Density), and Amending the Official Zoning Maps of the City of Arvada, Colorado, 9417 W. 71st Avenue (Public Hearing to be set for February 4, 2008 at 7:00 p.m.)

Councilmember Williams moved that CB08-001, An Ordinance Rezoning Certain Land Within the City of Arvada, Holland Hill, from A-1 (Agricultural) to R-L (Residential-Low Density), and Amending the Official Zoning Maps of the City of Arvada, Colorado, 9417 W. 71st Avenue, be approved on first reading, ordered published in full, and a Public Hearing be set for February 4, 2008 at 7:00 p.m.

The following votes were cast on the Motion:

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

Those voting No: Azari

The Motion was approved.

VIII. STUDY SESSIONS

A. Gold Line Update by RTD

Bob Manwaring, Public Works, introduced Liz Telford, RTD and Don Ulrich from CH2MHill. Ms. Telford showed a map of the alignment and the preferred alternative that was adopted. She gave the statistics for the 11.2 mile route and the costs.

Mr. Ulrich discussed the single track through Olde Town and said the 8 trains per hour stays the same during the peak whether there is one track or two. He also discussed the impacts on property with a double track.

Ms. Telford discussed future ridership on a single track and said in essence the ridership would have to be twice as much as what they project it will be to require them to expand past the single track. She said more cars can be added to each train. Also, the demand can be monitored or an intergovernmental agreement could be entered into with Arvada that sets out what the parameters would be that would start discussions for two tracks.

Ms. Telford said they are currently developing a draft Environmental Impact Statement (EIS) that is being reviewed by the Federal Transit Administration. She said they want to release the draft EIS early this year with the final EIS in late 2008 and the environmental work completed late in 2008 or early 2009.

B. Traffic Analysis Near 72nd & Kipling

Mr. Kocian said the area southeast of 72nd & Kipling, while it is a small neighborhood, has complex traffic issues and staff will present the results of a traffic analysis for this neighborhood.

Mr. Ed Stafford, Public Works, gave a brief background of the area and the results of the 2006 area traffic study which showed current conditions were acceptable; Independence Ridge development could be handled by existing road network; and

Staff proposed some access points, the first just north of the existing 70th Avenue and another one

on 72nd near the Malara Gardens property. He said staff also recommended another access at 72nd, which would be a limited movement with no signalization. Mr. Stafford showed the proposed access locations.

Councilmember Williams asked about a connection at Independence and Mr. Stafford said one of the issues is the substantial grade difference.

IX. CITY COUNCIL REPORTS

A. Councilmember Anderson reported on the Metro Mayor's Meeting she attended on Saturday and the State Transportation Advisory Committee meeting.


X. CITY MANAGER REPORTS

A. Mr. Kocian said staff has several items that could be discussed at the Council retreat on February 29, and those include a major focus on economic development efforts and focus on retail, enforcement of out of city utility service annexation agreements, lodging tax, code enforcement, format for the Mayor's reception, the beltway, and relationships with sister agencies. He said once staff receives feedback from City Council, an agenda will be developed.

XI. CITY ATTORNEY REPORTS - None

XII. PUBLIC COMMENT LONGER THAN THREE MINUTES

XIII. ADJOURNMENT at 8:00 p.m.

SEAL: The seal of the City of Arvada, Colorado, is circular with a double-line border. The outer ring contains the text "CITY OF ARVADA" at the top and "COLORADO" at the bottom, separated by two stars. The center of the seal features the word "SEAL" in a bold, serif font, with a small star above it. Below the seal is the signature of Christine A. Koch, followed by a horizontal line and the text "Christine A. Koch, City Clerk".

Christine A. Koch
Christine A. Koch, City Clerk

The signature of Robert G. Frie is written in a cursive, handwritten style. Below the signature is a horizontal line, followed by the text "Robert G. Frie, Mayor".

Robert G. Frie, Mayor