



City of Arvada

City Council Agenda

APRIL 27, 2009

City Council Chambers

Study Session

Councilmembers:

Bob Frie, Mayor
Lorraine Anderson, Mayor Pro-Tem
Don Allard, District 1
Aaron Azari, At large
Bob Dyer, District 4
Mark McGoff, District 2
Marc Williams, At large

Staff Members Usually Present: Info: 720-898-7500

Craig Kocian, City Manager
Bill Ray, Deputy City Manager
Chris Daly, City Attorney
Jim Root, Director of Public Works & Utilities
Mike Elms, Director of Community Development
Maria VanderKolk, Assistant to the City Manager
Clark Johnson, Assistant to the City Manager
Christine Koch, City Clerk

1. Call to Order – 5:30 p.m.
2. Moment of Reflection and Pledge of Allegiance – Councilmember Dyer
3. Roll Call of Councilmembers
4. Approval of Minutes of the April 20, 2009 City Council Meeting
5. Petitions Recognitions and Communications
 - A. Proclamation for National Crime Victims' Rights Week – presented by Councilmember McGoff
6. Public Comment on Issues not Scheduled on Agenda – Three Minute Limit
7. Study Sessions
 - A. Review of Facilities Five Year Look at Operations, Capital Maintenance Expenditures and Deferred Capital Improvements Projects
 - B. Review of Streets Five Year Look at Operations, Capital Maintenance Expenditures and Deferred Capital Improvements Projects
8. Dinner – 7:00 – 7:30 p.m.
9. Study Session
 - A. Review of Transit and Transportation Five Year Look at Operations, Capital Maintenance Expenditures and Deferred Capital Improvements Projects
10. Report from City Council
11. Report from City Manager
12. Report from City Attorney
13. Public Comment – Five Minute Limit
14. Adjournment



CITY OF ARVADA

SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD APRIL 20, 2009

AGENDA REVIEW SESSION – 5:30 p.m.

1. Call to Order by Mayor Bob Frie. Mayor Pro Tem Anderson, Councilmember McGoff and Councilmember Williams were absent.

2. City Council Reports:
 - A. Councilmember Dyer discussed the City's ordinance that does not allow Farmer's Markets outside of Olde Town and said he would like the ordinance amended to allow them anywhere in the City. City Council will discuss it when all City council members are present.

 - B. Vik Runkle told City Council that the water bonds were sold at a 2.73% interest over the life of the bonds, which is about the best you can do. Ms. Runkle said the sales tax bonds will be on the market on May 7 and we are hoping for a similar rate.

3. City Manager Reports:
 - A. Clark Johnson discussed the Surface Transportation Programs that are enacted by Congress every five years. He said Congressman Perlmutter has asked us to submit projects for this program. He said we have three projects that fit the criteria: One a small 2.5 million, 72nd & Indiana intersection improvements; improvements at 74th & Carr to rebuild the bridges at about the same price; the largest would be the continuing widening of 72nd Avenue between Kipling & Simms which now would only be from Kipling to the railroad crossing with a grade separation at the crossing. He said we would be looking for an 80/20 split with the City paying the 20. He said Congressman Perlmutter has asked for the applications by this Friday but we can switch projects out if we need to.

 - B. Bill Ray gave City Council an update on the Jefferson Parkway Public Highway Authority. He said the consultant, PFM, has stated that the project is financially feasible. The next step would be an invitation to individuals who had contacted the authority. The Authority would then put out a Request for Proposal towards the end of June with responses due in August which could lead to the selection of a private partner by mid-September. Mr. Ray said there are a lot of steps involved in the process including the submission of the application to DRCOG for the 1601 process.

4. Study Session
 - A. Energy Efficiency and Conservation Block Grant
Clark Johnson presented this study session. He said this is a part of the American Recovery and Reinvestment Act and the purpose is to reduce energy use and fossil fuel emissions, and for improvements in energy efficiency. He said Arvada is eligible for \$951,900 and that no matching funds are required and no new programs are required. He said the State has additional funds and partnership opportunities.

Mr. Johnson said the timeline includes a coordination meeting with the Governor's Energy Office on April 29; the application to DOE by June 25; the Local Government strategy due to DOE on July 26 and

their approval by November 26. He said by May 26, 2011 all funds must be obligated or committed and by May 26, 2012 all funds must be expended.

Mr. Johnson said there are measures for success which will include some reporting requirements. He said he did pull some project ideas together but staff is not suggesting or recommending these at this point. He said there are some internal projects which may be for renewable energy installation; facility energy efficiency upgrades; intelligent transportation system infrastructure (congestion relief and traffic management) and public lighting for streets, parks, parking lots. External projects could include income-based weatherization; renewable energy efficiency for community organizations; and grants/low interest loans to private entities.

Mr. Johnson said as they meet with the Governor's Energy Office, they will get more details and solid information and come back to City Council, before June.

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, Councilmember Don Allard, Councilmember Aaron Azari, Councilmember Bob Dyer

Councilmember Azari moved to excuse Mayor Pro Tem Anderson, Councilmember McGoff and Councilmember Williams.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer

Absent: Anderson, McGoff, Williams

The Motion was approved.

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

IV. **APPROVAL OF MINUTES OF THE APRIL 13, 2009 CITY COUNCIL MEETING**

The minutes stand approved as submitted.

V. **PETITIONS RECOGNITIONS AND COMMUNICATIONS**

A. Presentation of Check to Arvada Community Food Bank from Pomona High School Catwalk Theatre Guild

Students and faculty members from Pomona High School were present and presented a check for \$441.90 to Ernest Giron, Executive Director of the Arvada Community Food Bank. Funds were raised from Pomona's 2nd annual "Change for Arts...Arts for Change".

- B. Proclamation Declaring the Week of May 4-10, 2009 as Public Service Recognition Week – presented by Councilmember Allard

Councilmember Allard recognized the men and women who serve America as federal, state, county and local government employees. He read a Proclamation and proclaimed on behalf of the Mayor and City Council that the first full week of May be designed as Public Service Recognition Week. Mr. Allard stated the Proclamation will be sent to the Council for Excellence in Government where it will be displayed during this year's national event taking place on the National Mall in Washington, D.C.

- C. Recognition of Arvada Center Volunteers Who Have Reached Hourly Service Milestones in 2008 – presented by Councilmember Dyer

Councilmember Dyer recognized the following Arvada Center volunteers who give tirelessly of their time and talents to help promote a thriving artistic culture in the Arvada Community. They were each presented with Certificates of Recognition.

Ginny Finfrock and Mary Jo Giddings for 3000 hours; Carol Jordan, Lloyd McKean and Marion McKean for 4000 hours; Judy Davisson for 5000 hours; Jeannine Angelo for 10,000 hours; Dick Tucker and Pat Tucker for 16,000 hours.

VI. PUBLIC COMMENT ON ISSUES NOT SCHEDULED ON AGENDA

- A. Kimberly Wagner, Chair of the Arvada Council for Arts and Humanities, addressed City Council and thanked them for their recognition of the volunteers, for their upcoming reappointment of Rachel Zenzinger and the upcoming Wine Classic.
- B. Bruce Morrison, Arvada, addressed City Council regarding Willow Green.
- C. Shirley Teets, Arvada, addressed City Council regarding Willow Green and the impacts it will have on the community.

Craig Kocian, City Manager, said the City has no active application or proposal on Willow Green.

- D. Karmen Artmann, Arvada, addressed City Council regarding an illegal road built by Grace Church and when it will be removed.
- E. Robert Hix, President of the North Jeffco Tennis Club and a resident of Arvada, addressed City Council regarding their support for the upcoming renovation of the Arvada tennis courts.

VII. NEW BUSINESS

A. Consent Agenda

- 1. R09-042 A Resolution Authorizing an Agreement By and Between the City of Arvada and Hellas Construction, Inc. in the Amount of \$222,717.00 for the 2009 Tennis Court Renovation
- 2. R09-043 A Resolution Approving a Pipeline Encroachment Agreement By and Between the City of Arvada and the Union Pacific Railroad Company for 2008 Water Main Replacement Phase 3, Project No. 08-WA-09

3. R09-044 A Resolution Authorizing a Construction Contract Agreement By and Between the City of Arvada and Insituform Technologies, Inc., in the Amount of \$835,801.80 for 2009 Trenchless Sewer Main Replacement, Project No. 09-SR-02
4. R09-045 A Resolution Authorizing a Construction Contract Agreement By and Between the City of Arvada and Olson Enterprises Construction Corporation in the Amount of \$291,507.32 for 2009 Miscellaneous Drainage Projects, Project No. 09-DR-20
5. R09-046 A Resolution Authorizing a Construction Contract Agreement By and Between the City of Arvada and Brannan Construction Company in the Amount of \$1,048,178.00 for 2009 Water Main Replacement Phase 1, Project No. 09-WA-01
6. R09-047 A Resolution Approving a Tenth Amendment to the Employment Agreement Between Timothy C. Steinhaus and the Arvada Urban Renewal Authority

Councilmember Allard moved that R09-042, A Resolution Authorizing an Agreement By and Between the City of Arvada and Hellas Construction, Inc. in the Amount of \$222,717.00 for the 2009 Tennis Court Renovation; R09-043, A Resolution Approving a Pipeline Encroachment Agreement By and Between the City of Arvada and the Union Pacific Railroad Company for 2008 Water Main Replacement Phase 3, Project No. 08-WA-09; R09-044, A Resolution Authorizing a Construction Contract Agreement By and Between the City of Arvada and Insituform Technologies, Inc., in the Amount of \$835,801.80 for 2009 Trenchless Sewer Main Replacement, Project No. 09-SR-02; R09-045, A Resolution Authorizing a Construction Contract Agreement By and Between the City of Arvada and Olson Enterprises Construction Corporation in the Amount of \$291,507.32 for 2009 Miscellaneous Drainage Projects, Project No. 09-DR-20; R09-046, A Resolution Authorizing a Construction Contract Agreement By and Between the City of Arvada and Brannan Construction Company in the Amount of \$1,048,178.00 for 2009 Water Main Replacement Phase 1, Project No. 09-WA-01; R09-047, A Resolution Approving a Tenth Amendment to the Employment Agreement Between Timothy C. Steinhaus and the Arvada Urban Renewal Authority, be approved.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer

Absent: Anderson, McGoff, Williams

The Motion was approved.

VIII. OTHER

- A. Appointment to the Arvada Council for the Arts and Humanities

Councilmember Dyer moved that Rachel Zenzinger be reappointed to the Arvada Council for the Arts and Humanities for a three-year term ending April 30, 2012.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer

Absent: Anderson, McGoff, Williams

The Motion was approved

- B. Appointments to the Metro Wastewater Reclamation District Board

Mayor Frie moved that Craig Kocian and Pete Adler be appointed to the Metro Wastewater Reclamation District Board for two-year terms that began on July 1, 2008 and will end on June 30, 2010.

Councilmember Dyer moved to ratify Mayor Frie's appointment.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer

Absent: Anderson, McGoff, Williams

The Motion was approved

C. Appointment to the Arvada Park Advisory Committee

Councilmember Dyer moved to appoint Gary Landeck to the Park Advisory Committee for a two-year unexpired term ending April 30, 2011.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer

Absent: Anderson, McGoff, Williams

The Motion was approved

IX. OTHER

A. Vik Runkle, Director of Finance, informed City Council and the public about the refunding of the 2000 Water Bonds. She said the City will be saving a lot of money with the refunding of these bonds. She said the interest rate, over the life of the bonds, is 2.73%. She said the bond rating companies stated we have a very well run, stable utility which will probably transcend into the next bond issuance. She said our very healthy cash balances and the rating agencies like that very much.

X. PUBLIC HEARINGS

A. CB09-011 An Ordinance Authorizing Plan Documents and Plan Boards for the Executive, City Manager and City Attorney Retirement Plans (Ordinance No. 4162)

Mayor Frie opened the public hearing on CB09-011. No one present wishing to speak for or against, the public comment period of the public hearing was closed.

Jo Mattoon, Director of Human Resources, reviewed this ordinance with City Council.

Councilmember Azari moved that CB09-011, An Ordinance Authorizing Plan Documents and Plan Boards for the Executive, City Manager and City Attorney Retirement Plans, be approved on final reading, numbered 4162 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer

Absent: Anderson, McGoff, Williams

The Motion was approved

B. CB09-012 An Ordinance Authorizing a Plan Document and Plan Board for the City of Arvada Deferred Compensation Plan (Ordinance No. 4163)

Mayor Frie opened the public hearing on CB09-012. No one present wishing to speak for or against, the public comment period of the public hearing was closed.

Councilmember Allard moved that CB09-012, An Ordinance Authorizing a Plan Document and Plan Board for the City of Arvada Deferred Compensation Plan, be approved on final reading, numbered 4163 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer

Absent: Anderson, McGoff, Williams

The Motion was approved

1. R09-048 A Resolution Authorizing Trust Agreements Between the City of Arvada and Orchard Trust Company LLC for the City Manager, City Attorney, and Executive 401(a) Retirement Plans, and the 457(b) Employee Deferred Compensation Plan

Councilmember Allard moved that R09-048, A Resolution Authorizing Trust Agreements Between the City of Arvada and Orchard Trust Company LLC for the City Manager, City Attorney, and Executive 401(a) Retirement Plans, and the 457(b) Employee Deferred Compensation Plan, be approved.

Councilmember Azari stated that many other cities around the country are suffering greatly, in large part due to their pension plans. He said it is a credit to City staffs and past City Councils that they have adopted a well-funded retirement system that is fiscally responsible and does not impair the City's finances.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer

Absent: Anderson, McGoff, Williams

The Motion was approved

- C. CB09-013 An Ordinance Amending Section 38-62 of Article II, Noise Control, of Chapter 38, Environment, Pertaining to Motorcycle Noise (Ordinance No. 4164)

Mayor Frie opened the public hearing on CB09-013. No one present wishing to speak for or against, the public comment period of the public hearing was closed.

Councilmember Dyer moved that CB09-013, An Ordinance Amending Section 38-62 of Article II, Noise Control, of Chapter 38, Environment, Pertaining to Motorcycle Noise, be approved on final reading, numbered 4164 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer

Absent: Anderson, McGoff, Williams

The Motion was approved

- D. CB09-014 An Ordinance Authorizing the Issuance of the City of Arvada, Colorado,

Sales and Use Tax Revenue Refunding Bonds, Series 2009 (Ordinance No. 4165)

Mayor Frie opened the public hearing on CB09-014. No one present wishing to speak for or against, the public comment period of the public hearing was closed.

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

Councilmember Azari moved that CB09-014, An Ordinance Authorizing the Issuance of the City of Arvada, Colorado, Sales and Use Tax Revenue Refunding Bonds, Series 2009, be approved on final reading, numbered 4165 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer

Absent: Anderson, McGoff, Williams

The Motion was approved

- E. CB09-015 An Ordinance Amending Appendix H, Article I, Gas and Electricity By Adding Division 2, Granting a Franchise By the City of Arvada, Colorado to United Power, Inc., Its Successors and Assigns, a Right to Furnish, Sell and Distribute Electricity to the City and to All Persons, Businesses and Industry Within United Power's Service Area, and the Right to Acquire, Construct, Install, Locate, Maintain, Operate and Extend Into, Within and Through the City All Facilities Reasonably Necessary to Furnish, Sell and Distribute Electricity Within the City, and a Non Exclusive Right to Make Reasonable Use of All Streets and Other Public Places, as Herein Defined, as May Be Necessary to the Exercise of Said Right; and Fixing the Terms and Conditions Thereof. These Rights Shall Extend to All Areas of the City, Within United Power's Service Area, as It Is Now Constituted and to Any Additional Areas Annexed By the City, Within United Power's Service Area (Ordinance No. 4166)

Mayor Frie opened the public hearing on CB09-015.

Clark Johnson, City Manager's Office, reviewed this ordinance with City Council. He said when the far West portion of the City was annexed, the Canyon Pines area, a few years ago, that area is in United Power's service area. He said they will not be serving any customers who are in the Xcel service area.

Troy Whitmore, Director of External Affairs with United Power was present and addressed City Council. He briefly gave United Power's background and structure of the company. He reviewed their service territory and said they are in 6 counties; they have 3 district offices; they cover 65,000 meters and have 7 dual franchise agreements and 9 full franchise agreements. Mr. Whitmore reviewed several new energy programs they have in place.

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

Councilmember Azari asked the City Attorney if United Power would fall under Amendment 54 and Mr. Daly stated yes. Mr. Azari said before entering into a large agreement such as this he

just wants to make sure United Power understands the implications of Amendment 54. Mr. Whitmore said they are following Amendment 54 closely and the lawsuits that have been filed regarding that amendment.

Councilmember Dyer moved that CB09-015, An Ordinance Amending Appendix H, Article I, Gas and Electricity By Adding Division 2, Granting a Franchise By the City of Arvada, Colorado to United Power, Inc., Its Successors and Assigns, a Right to Furnish, Sell and Distribute Electricity to the City and to All Persons, Businesses and Industry Within United Power's Service Area, and the Right to Acquire, Construct, Install, Locate, Maintain, Operate and Extend Into, Within and Through the City All Facilities Reasonably Necessary to Furnish, Sell and Distribute Electricity Within the City, and a Non Exclusive Right to Make Reasonable Use of All Streets and Other Public Places, as Herein Defined, as May Be Necessary to the Exercise of Said Right; and Fixing the Terms and Conditions Thereof. These Rights Shall Extend to All Areas of the City, Within United Power's Service Area, as It Is Now Constituted and to Any Additional Areas Annexed By the City, Within United Power's Service Area, be approved on final reading, numbered 4166 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer

Absent: Anderson, McGoff, Williams

The Motion was approved

XI. CITY COUNCIL REPORTS

- A. Councilmember Azari asked about Xcel's undergrounding fund. Mr. Jim Root, Director of Public Works, stated that it has been used many times over the years. He said it is not a cash fund, but an in-kind service fund. Councilmember Azari asked for the balance of that fund and said he would like to see us aggressively use the money in that fund for undergrounding. Staff will get information to City council.
- B. Councilmember Dyer said earlier City Council honored nine volunteers from the Arvada Center and said just those nine people alone have accounted for 31 years of service. He said in addition there are many other volunteers who give of their time.

XII. CITY MANAGER REPORTS - None

XIII. CITY ATTORNEY REPORTS - None

XIV. PUBLIC COMMENT LONGER THAN THREE MINUTES - None

XV. ADJOURNMENT at 7:35 p.m.

Robert G. Frie, Mayor

SEAL:

Christine A. Koch, City Clerk

**CITY OF ARVADA
COUNCIL AGENDA INFORMATION SHEET
PROCLAMATION**

Agenda No. 5.A

City Council Meeting Date: April 27, 2009

Title: Proclamation for National Crime Victims' Rights Week

Initiated by (Department): Public Safety **(Division):**

Action Proposed: Proclamation

Information about the Project or Request: The week of April 26th through May 2nd will be recognized as National Crime Victims' Rights Week. The week is an opportunity to acknowledge and strive to bring justice to victims of crime throughout the nation.

Vista Exline of Victim Outreach Information (VOI) will be present to accept the Proclamation.

Proclamation



CITY OF ARVADA

- WHEREAS,** 23 million Americans are victims of crime each year with over 5 million of them victims of violent crime and a just society acknowledges crime's impact on individuals, families, and communities by ensuring that rights, resources, and services are available to all victims to help rebuild their lives; and
- WHEREAS,** victims' rights are a critical component of the promise of "justice for all," the foundation for our system of justice, and although our nation has steadily expanded these rights, protections, and services for victims of crime, too many victims are still not able to realize the hope and promise of these gains; and
- WHEREAS,** National Crime Victims' Rights Week – April 26 - May 2, 2009, provides an opportunity for us to strive to reach the goal of justice for all by ensuring that all victims are afforded their legal rights and provided with assistance as they face the financial, physical, and psychological impact of crime; and
- WHEREAS,** the Arvada Police Department is joining forces with victims service programs, criminal justice officials, and concerned citizens throughout the City of Arvada, County of Jefferson, State of Colorado and America to raise awareness about victims' rights and observe the 29th National Crime Victims' Rights Week.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and members of the City Council that April 26 - May 2, 2009 be designated as NATIONAL CRIME VICTIMS' RIGHTS WEEK in Arvada, Colorado.

Dated this 27th day of April, 2009

Robert G. Frie, Mayor

Lorraine Anderson, Mayor Pro Tem

Don Allard, Councilmember

Aaron Azari, Councilmember

Bob Dyer, Councilmember

Mark McGoff, Councilmember

Marc Williams, Councilmember



**CITY OF ARVADA
COUNCIL AGENDA INFORMATION SHEET
STUDY SESSION**

Agenda No. 7.A

City Council Meeting Date: April 27, 2009

Title: Review of Facilities Five Year Look at Operations, Capital Maintenance Expenditures and Deferred Capital Improvements Projects

Action Proposed: Study Session

Information about the Project or Request: On April 27th, 2009 the Facilities Division of the Public Works Department will present the City's long term facility needs. While we have a fund for the replacement and maintenance of HVAC, roofs, parking lots, carpet and other needs, we do not have any monies set aside for the future needs for space. The Facilities Division will review the long term campus plan based on natural growth of needs along with the needs of some of our older facilities.

**CITY OF ARVADA
COUNCIL AGENDA INFORMATION SHEET
STUDY SESSION**

Agenda No. 7.B

City Council Meeting Date: April 27, 2009

Title: Review of Streets Five Year Look at Operations, Capital Maintenance Expenditures and Deferred Capital Improvements Projects

Action Proposed: Study Session

Information about the Project or Request: On April 27th, 2009 the Street Division of the Public Works Department will present information on the capital/major maintenance needs for street maintenance. A presentation will include the current and future budgets and the overall needs for street maintenance.

**CITY OF ARVADA
COUNCIL AGENDA INFORMATION SHEET
STUDY SESSION**

Agenda No. 9.A

City Council Meeting Date: April 27, 2009

Title: Review of Transit and Transportation Five Year Look at Operations, Capital Maintenance Expenditures and Deferred Capital Improvements Projects

Action Proposed: Study Session

Information about the Project or Request: On April 27th, 2009 the Community Development Department in conjunction with the Transportation Division of Public Works will identify the capital needs associated with the building of the Gold Line Rail project. These projects are referred to as Transit Oriented Development (TOD) projects.

In addition, the Transportation Division of the Public Works Department will present information on the capital/major maintenance needs and needs for additional new transportation projects. The presentation will discuss funding needs and the gap for the capital needs of the City, including any plans to include the private sector.