

## Arvada City Council Meeting, December 16, 2013

Notes taken by Susan Shirley

District 1's Rachel Zenzinger was absent, as she has been appointed to take over Evie Hudak's State Senate seat following Hudak's resignation November 27. All other members were present.

The meeting opened with recognition of 14-year-old Arvada resident Logan Piz. Piz, a student at Ralston Valley H.S., was diagnosed earlier this year with a form of cancer affecting mostly children and adolescents. He has been following a treatment regimen, and has been a support to other patients. Logan has been an avid hockey player since age 3, and through the Make-A-Wish foundation was able to have the Stanley Cup brought to the APEX center for hockey lovers to see. Logan also appeared at center ice with the Colorado Avalanche at the Pepsi Center, at the start of a game dedicated to the National Hockey League's Battle Against Cancer.

Mayor Marc Williams said that Logan has been an inspiration to Arvadans, and presented him with a certificate of recognition on behalf of Arvada.

Logan thanked the council and said that most Make-A-Wish kids ask to go out of state, and don't get to see the magic that their wish has brought to their community.

Councilmember Bob Dyer said that Logan's plaque, signed today by all council members, was the last thing Rachel Zenzinger signed as a council member, and that it may be a collector's item as Zenzinger continues to go on to bigger and better things.

New business consisted of consent agenda surrounding seven items:

R13-174 authorizes an amendment to the city's retirement plan;

-175 authorizes an approximately \$810,000 agreement between the city and Arvada company W.L. Contractors for traffic control equipment maintenance;

-176 amends an agreement between the city and San Jose, CA's Brocade Communication Systems, Inc. of approximately \$57,000, for information networking and storage;

-177 authorizes an agreement between the city and Tukwila, WA's FileOnQ, Inc., for an evidence management system for the police department, for approximately \$75,000;

-178 issues a purchase order to Redwood City, CA's Oracle America Inc, in the amount of \$139,672.99, for software update license and support;

-179 authorizes an agreement between the city and Union Pacific Railroad for improvements at four crossings; and

-180 authorizes an agreement between the city and Tempe, AZ's Logan Simpson Design, Inc. for updates to the Comprehensive Plan, in the amount of \$184,259.

The consent agenda passed, 6-0.

Two resolutions followed: R13-181, adopting the City of Arvada's Legislative Agenda, and R13-182, which concerns an intergovernmental agreement between Denver and Arvada, concerning the cooperative use by police departments of radio communications equipment. Formerly, Arvada had such an agreement with Westminster; that agreement has expired and Lakewood, Denver, and Arvada have entered into a new partnership.

With respect to the legislative agenda, City Manager Mark Deven said that Arvada's official position is in favor of home rule/local control; that Federal or State mandates, particularly unfunded mandates, should not be forced on cities; and that local problems call for local solutions. There will be meetings between Deven and other city managers, and state legislators to make clear the intentions of the cities.

The resolutions passed, 6-0.

Next were first readings of four ordinances, all of which will be revisited at a Public Hearing set for January 6, 2014, at 6:30 p.m.

CB13-050 would amend the city's retirement plan regarding provisions of the Colorado Civil Union Act and Self-Directed Brokerage;

CB13-051 restates the city's retirement plan;

CB13-052 adopts the floodplain map. The new map will be effective February 5, 2014. Approximately 420 parcels were removed and 180 added to the 100-year floodplain. This is separate from the recent work which was done at Garrison Street and Ralston Creek. The process of reevaluating properties in that area is expected to continue until approximately June of 2014.

More information can be found at <https://arvada.org/public-works-department/new-floodplain-maps-for-jefferson-county>. See below. Also, to see if your property's status has changed, you can call the city's Engineering Division at 720-898-7640.

CB13-053 refers to an eminent domain issue at 7500 to 7510 Grandview, a commercial property housing a number of businesses including Colorado Locksmiths, Stella B's Boutique, and Spellbound Art. The city wishes to acquire the property for use as urban open space and a public transit plaza.

The ordinances were passed, 6-0.

With the departure of Rachel Zenzinger for the State Senate seat, a vacancy was created on the board of DRCOG. Councilmember John Marriott nominated Bob Fifer to serve on that board, and Mayor Williams will be the alternate. This passed, 6-0. Mayor Williams said that Zenzinger did a "very admirable job" at this position, which is a "main conduit for bringing dollars back to Arvada."

Public hearings followed, regarding eight issues:

CB13-043 concerns the agreement between the city and the cities of Lakewood and Denver, for the sharing of a radio communications police network. Councilmember Bob Fifer, as Vice-chair of the FirstNet governance board, said he is in favor of this agreement.

It passed, 6-0.

CB13-044 regards additional appropriations for 2013. Lisa Yagi, Interim Director of Finance, gave a presentation explaining the \$24.7 million appropriation in detail. First, Yagi explained, a budget is passed in the prior year (in this case, in 2012,) and then toward the end of the current year the city needs to make adjustments to ensure that legal budget authority is not exceeded. It is also important to note that reserve funds or revenue funds are used to cover these expenses; in other words, the appropriations are not "new" expenses but have to be accounted for in a double-entry accounting system, as is common to most if not all municipalities.

Appropriations are for projects involving Memorial and Majestic View Parks; for the capital improvement fund; for the police radio system; for water taps and traffic signals; for debt service on 2003 bonds, which are paid with the proceeds of 2013 bonds; for a loan to AURA to purchase a building; for water rights paid by JCMD; for the golf fund, Meyer Pool repairs, carpeting for the Arvada Center, for permitting and inspection, for remodeling of the city council chamber and the expansion of KATV video services; for the sales tax refund program; for emergency traffic control expenditures, probably to be paid by FEMA, as it was flood-related; for sales tax reimbursement incentives; for a jury room and upgrades to the court's record management; and CIP and Jag grants for the police department.

The sales tax refund program is for low income and senior residents, who can receive reimbursement of part of their sales tax on groceries. It is offered one time per year according to the number of people in a household, and amounts to approximately \$70 to \$80 for the first person and \$50 for each additional person in the household.

CB13-044 passed, 6-0.

CB13-045 is also an eminent domain item, involving land near Grandview between Kipling and Independence. It is for an extension of the Van Bibber Trail, which will have an underpass beneath Kipling Street. There is a DRCOG grant of \$1.6 million for the extension, which will extend the trail from Oak Street to Grandview, providing links with the Gold Line and Wheat Ridge's bike/pedestrian facilities. Completion is expected in 2016.

Councilmember John Marriott, also chairman of the Colorado State Trail Committee, said that the project will provide connectivity between existing trails and is a good solution, particularly given that there is grant money to fund the project.

Mark Deven said that he has been asked why the project was not moved closer to Ralston Road. He said that there were problems with capacity closer to Ralston Road because of Arvada Plaza, and also that the grant was approved near Grandview; the city was then reluctant to make changes in that plan.

The ordinance passed, 6-0.

CB13-046 is to amend penalties for continuing violations of Chapter 1, General Provisions, of the Arvada City Code (Ordinance No. 4415.) City Attorney Chris Daly spoke about the reason for this change. Up until now, a defendant pleading to or proven guilty of these violations faced a maximum fine of \$999. This amount had not changed in a number of years, and a group of mayors belonging to

the Colorado Municipal League sought to have it indexed to inflation and updated so as to be a sufficient deterrent. Greenwood Village Mayor Ron Rakowsky presented the continuing problem of overweight trucks and his belief that \$999 was not enough to deter continued violations. Colorado's legislature raised the maximum fine to \$2,650, which will be adjusted in accordance with inflation. Arvada, adopting this change now, will need no further city council action to index changes to the state's maximum fine amount.

This ordinance passed, 6-0.

CB13-048 refers to the cable television agreement between the city and Philadelphia, PA's Comcast of Colorado. Comcast provides cable television services to Arvada households east of Indiana Street. The original contract began in 1995, was for fifteen years; it was then extended by three years in 2010, and is now undergoing negotiations. This ordinance extends the contract to April 1, 2014, and City Attorney Daly said that negotiations with Comcast are going well.

Mayor Williams asked that Daly and his people "keep the heat on, for this ordinance and the next one, to make sure we're getting these two issues addressed."

The ordinance passed, 6-0.

CB13-049 refers to the agreement between the city and Alamogordo, NM's TDS Baja Broadband, Inc. In one of the more animated discussions of the night, Daly and Mayor Williams made clear their disappointment with the service now being provided by Baja. Councilmember Fifer pointed out that citizens on the west side of Indiana can't receive local channel 4, despite its being a free over-the-air channel. Councilmember Dyer wondered what might happen if the city turned down the extension; Daly said the current agreement expires at the end of December and Baja might not operate without an agreement. Williams said that he had previously voted against the transfer and that the 4 to 2 vote should have sent a message to Baja; that the sticking point appeared to be costs of about \$300K which is "small potatoes" for Baja, and that there definitely needs to be a resolution to the problems currently existing. Williams added that he hopes Baja will be watching the evening's proceedings on KATV.

The ordinance passed 5 to 1, with Councilmember Dyer dissenting.

The next item was in regard to the Arvada Ridge FasTracks Station at the southwest corner of Kipling Street and Ridge Road. Present were representatives of RTD and of the architect, Fluor HDR, who gave presentations showing the project.

It became evident during discussion that there is a high potential for access problems and for unacceptable noise levels for the residents of the Arvada Station apartments. The plans for the FasTracks station were made before the apartments were built, but were approved by the owner and developer of those apartments. Councilmember Fifer raised concerns, saying he has lived in downtown Denver and is familiar with the noise levels from buses making it difficult to sleep at night. He asked the RTD representative how many buses would be going through the area per day, but that information was not available. Councilmember Dyer also expressed concerns about the traffic levels at Kipling and 51st causing problems which would lead to heavier traffic flow from Lee Street to 52nd Avenue and on to Miller Street; he said that he hopes the traffic engineers think hard about the timing of that light so as to ease congestion.

Councilmember Marriott wondered why no additional public hearings were required for this development plan. Director of Community Development Mike Elms said that the project has been on the Comprehensive Plan, which has been the subject of many public meetings by the city and RTD.

Councilmember Mark McGoff said that the landscaping looks well done.

Mayor Williams acknowledged that the design of traffic flow and the buses' direction through Arvada Station is not ideal, and he hopes that with additional development on the north side of Ridge Road that a solution may be found in the future.

The ordinance passed 6-0.

CB13-047 vacates access easements at the Leyden Rock Project Site. Mark Deven said he will be happy to answer any questions.

The ordinance passed 6-0.

There was no public comment.

Reports from City Manager: Mark Deven asked for two special city council meetings: one on Friday, January 3 at 3:30 p.m., to name the finalists for the vacancy left by Councilmember Rachel Zenzinger; the other on Friday, January 10 at 8:00 a.m., to interview the finalists and make a decision. Both meetings will be open to the public. The requests were approved, 6-0.

City Attorney Chris Daly requested the help of attorneys from the Denver firm Sherman and Howard to assist with the city's change of health insurance status to self-insurance. Daly said that the amount should not exceed \$10,000, but if it does he will request the additional funds. The request was approved, 6-0.

Mayor Williams brought the meeting to a close, reminding everyone that it was the last Council meeting of the year.