

City of Arvada

City Council Agenda

OCTOBER 4, 2021
CITY COUNCIL CHAMBERS
Regular Business

Councilmembers:

Marc Williams, Mayor
Dot Miller, Mayor Pro-Tem
Bob Fifer, At large
Nancy Ford, District 1
David Jones, District 4
John Marriott, District 3
Lauren Simpson, District 2

Staff Members Usually Present:

Mark Deven, City Manager
Lorie Gillis, Deputy City Manager
Rachel Morris, City Attorney
Don Wick, Director of Public Works
Sharon Israel, Director of Utilities
Ryan Stachelski, Dir. of Community & Economic Development
Bryan Archer, Director of Finance
Rob Smetana, Manager of City Planning & Development
Ben Irwin, Chief Communications Manager
Kristen Rush, City Clerk

Info: 720-898-7550

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 Marriott
3. Roll Call of Councilmembers
4. Approval of Minutes
 - A. September 13, 2021 and September 20, 2021 City Council Meeting
5. Recognitions and Communications - None
6. Presentations - None
7. Public Comment on Issues not Scheduled on Agenda - Three Minute Limit
8. New Business
 - A. Consent Agenda
 1. R21-121 A Resolution Accepting a Bargain and Sale Deed from Jefferson Center Metropolitan District No. 2 Conveying Two Parcels of Land Containing the Ranson Underground Water Storage Tank and Distribution Pump Station

2. R21-122 A Resolution Authorizing the Dedication of a Fire Access Easement to the Arvada Fire Protection District for Access to the Arvada Water Treatment Plant and the Raw Water Pump Station Located at 17935 B West 64th Parkway, Arvada, Colorado 80007

B. Resolutions

1. R21-123 A Resolution Requesting the Subordination of Jefferson County's Reversionary Interest as to a Limited Area on Certain Real Property Near Van Bibber Creek Owned by the City of Arvada for the Installation, Operation, and Maintenance of Public Service Company of Colorado Underground Utility Lines Necessary for the Service of the Sabell Development

C. Ordinances (First Reading)

1. CB21-032 An Ordinance Annexing Certain Land into the City of Arvada, at the Northeast Corner of Indiana Street and W 82nd Avenue, Approximately Located at 8200 Indiana Street in the County of Jefferson and State of Colorado (Public Hearing to be set for October 18, 2021 at 6:15 p.m.)
2. CB21-033 An Ordinance Rezoning Certain Land Within the City of Arvada, from Jefferson County A-2 (Agricultural-Two) to City of Arvada PUD (Planned Unit Development) and Amending the Official Zoning Maps of the City of Arvada, Colorado, Located at the Northeast Corner of Indiana Street and West 82nd Avenue, also known as 8200 Indiana Street (Public Hearing to be set for October 18, 2021 at 6:15 p.m.)
3. CB21-034 An Ordinance Certifying the City of Arvada Mill Levy for 2021 for the Board of County Commissioners for Jefferson and Adams Counties (Public Hearing to be set for October 18, 2021 at 6:15 p.m.)
4. CB21-035 An Ordinance Appropriating Funds for Fiscal Year 2022 (Public Hearing to be set for October 18, 2021 at 6:15 p.m.)
5. CB21-036 An Ordinance Authorizing The City of Arvada to Enter into an Intergovernmental Agreement With Apex Park and Recreation District and Jefferson County School District R-1, for Meyers Pool Replacement Project.

9. Other

10. Public Hearings - 6:15 PM

- A. CB21-030 An Ordinance Repealing, Retitling, And Reenacting Section 2-31, Compensation of Councilmembers and The Mayor, of Article II, City Council, of Chapter 2, Administration, of the Arvada City Code (Ordinance No. 4777)
- B. CB21-031 An Ordinance Authorizing an Additional Appropriation to the Community Development Fund for Fiscal Year 2021 (Ordinance No. 4778)

11. Public Comment - Five Minute Limit

12. Reports from City Council

- A. Council Committee Reports

13. Reports from City Manager

- A. Review of Future Workshops and Presentations

14. Reports from City Attorney

15. Adjournment



SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD SEPTEMBER 13, 2021

1. Call to Order - 6:00 p.m.

This Arvada City Council meeting was held in the City Council Chambers and remotely using webinar technology. Mayor Williams, Mayor Pro Tem Miller, Councilmember Ford, Councilmember Jones, Councilmember Marriott, and Councilmember Simpson were present in the council chambers.

Members of the public were given notice with instructions on how to participate with public comment.

2. Moment of Reflection and Pledge of Allegiance

3. Roll Call of Councilmembers

Those Present: Mayor Marc Williams, Mayor Pro Tem Dot Miller, Councilmember Bob Fifer, Councilmember Nancy Ford, Councilmember David Jones, Councilmember John Marriott, Councilmember Lauren Simpson

Also Present: Mark Deven, City Manager; Rachel Morris, City Attorney; Lorie Gillis, Deputy City Manager; Ryan Stachelski, Director of Community and Economic Development; Bryan Archer, Director of Finance and Kristen Rush, City Clerk.

4. Approval of Minutes of the August 16, 2021 City Council Meeting

The minutes stand approved.

5. Recognition and Communication –

A. Proclamation for Arvada Wheat Ridge Service Ambassadors for Youth (AWRSAY) - Presented by Councilmember Fifer

Councilmember Fifer said that the Arvada Wheat Ridge Service Ambassadors for Youth (AWRSAY) is celebrating its 20th Anniversary this year. City Council will issue a Proclamation recognizing the organization, its founders and the volunteers from twenty community organizations.

Duane Youse and Diane Hegeman were present to accept the Proclamation.

B. Proclamation for Constitution Week - Presented by Councilmember Marriott

Councilmember Marriott said that the United States Constitution stands as a testament to the tenacity of Americans throughout history to maintain their liberties, freedoms, and inalienable rights. The Daughters

of the American Revolution began the tradition of celebrating the Constitution for one week in September, beginning in 1955. During Constitution Week citizens are asked to reflect on their responsibility to protect and defend the Constitution and study the historical events which led to the framing of the Constitution on September 17, 1787.

The Doctor Susan Anderson Chapter, National Society of the Daughters of the American Revolution was organized in Arvada in 2008. As a non-profit service organization, the society promotes historic preservation, education, and patriotism. Members of the chapter are present to accept this proclamation for Constitution Week, with Regent Chrissi Ruby as the spokesperson.

Chapter Regent, Chrissi Ruby was present to accept the Proclamation.

6. Presentations –

A. Arvada Parks Advisory Committee Quarterly Update

Michael McMahon, representing the Arvada Parks Advisory Committee (APAC), provided a mid-year update on behalf of the entire Committee.

7. Public Comment

- A. Jeff Cannon, Arvada resident, addressed council regarding the Harvest Festival
- B. Shirley Cridlebaugh, Arvada resident, addressed council regarding the Harvest Festival
- C. Renee Nelson, Arvada resident, addressed council regarding the Harvest Festival
- D. Christian Oggel, Arvada resident, addressed council regarding the Geos Neighborhood
- E. Jessie Kauffman, Arvada resident, addressed council regarding the Harvest Festival

8. New Business

A. Consent Agenda

- 1. R21-110 A Resolution Accepting Certain Acquired Property Interests Related to the Completion of the Ralston Road Phase 1 Project
- 2. R21-111 A Resolution Accepting an Annexation Petition Concerning the Northeast Corner of Indiana Street and W 82nd Avenue, Also Known As 8200 Indiana Street, Finding Said Petition Substantially Compliant with C.R.S. 31-12-107(1), and Setting a Public Hearing for October 18, 2021, 6:15 P.M. 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
- 3. R21-112 A Resolution Authorizing an Employment Agreement Between the City of Arvada and Charles W. Tingle Appointing Him as a Relief Judge for the Municipal Court
- 4. R21-113 A Resolution Authorizing the Submission of the 2021 Justice Assistance Grant Application for the Arvada Police Department
- 5. R21-114 A Resolution Authorizing a Construction Contract By and Between the City of Arvada and Insituform Technologies, LLC, for the 2021 Trenchless Sewer Main Replacement Project, in an Amount Not to Exceed \$1,283,574.00, Project No. 21-SR-02
- 6. R21-115 A Resolution Authorizing the Issuance of a Purchase Order in the Amount of \$396,194 to Honnen Equipment Co. for the Purchase of One 2019 Voegle SUPER 1700 Paver

7. R21-116 A Resolution Authorizing an Agreement by and between the City of Arvada and Coblaco Services, Inc. for RFP-21 Tank Repair and Seal Water Treatment Tank and Apparatus Repair in an Amount Not To Exceed \$306,805.00

Councilmember Marriott moved that R21-110, A Resolution Accepting Certain Acquired Property Interests Related to the Completion of the Ralston Road Phase 1 Project; R21-111,

A Resolution Accepting an Annexation Petition Concerning the Northeast Corner of Indiana Street and W 82nd Avenue, Also Known As 8200 Indiana Street, Finding Said Petition Substantially Compliant with C.R.S. 31-12-107(1), and Setting a Public Hearing for October 18, 2021, 6:15 P.M. 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; R21-112, A Resolution Authorizing an Employment Agreement Between the City of Arvada and Charles W. Tingle Appointing Him as a Relief Judge for the Municipal Court; R21-113, A Resolution Authorizing the Submission of the 2021 Justice Assistance Grant Application for the Arvada Police Department; R21-114, A Resolution Authorizing a Construction Contract By and Between the City of Arvada and Insituform Technologies, LLC, for the 2021 Trenchless Sewer Main Replacement Project, in an Amount Not to Exceed \$1,283,574.00, Project No. 21-SR-02; R21-115, A Resolution Authorizing the Issuance of a Purchase Order in the Amount of \$396,194 to Honnen Equipment Co. for the Purchase of One 2019 Voegele SUPER 1700 Paver; R21-116, A Resolution Authorizing an Agreement by and between the City of Arvada and Coblaco Services, Inc. for RFP-21 Tank Repair and Seal Water Treatment Tank and Apparatus Repair in an Amount Not To Exceed \$306,805.00, be approved.

The following votes were cast on the Motion

Those voting yes: Williams, Miller, Fifer, Ford, Jones, Marriott, Simpson

The Motion was Approved

B. Resolutions –

1. R21-117 A Resolution Authorizing the Fourth Budget Amendment to the 2021 Operating and Capital Budget to Increase the Budget by \$5,537,909.00 for the funds received from the American Rescue Plan Act

Mark Deven, City Manager, reviewed this resolution with council.

Councilmember Ford moved that R21-117, A Resolution Authorizing the Fourth Budget Amendment to the 2021 Operating and Capital Budget to Increase the Budget by \$5,537,909.00 for the funds received from the American Rescue Plan Act, be approved.

The following votes were cast on the Motion

Those voting yes: Williams, Miller, Fifer, Ford, Jones, Marriott, Simpson

The Motion was Approved

2. R21-118 A Resolution Authorizing the City of Arvada to Enter into an Intergovernmental Agreement with the City of Westminster for Fleet Maintenance and Repair Services

Mark Deven, City Manager, reviewed this resolution with council.

Councilmember Fifer moved that R21-118, A Resolution Authorizing the City of Arvada to Enter into an Intergovernmental Agreement with the City of Westminster for Fleet Maintenance and Repair Services, be approved.

The following votes were cast on the Motion

Those voting yes: Williams, Miller, Fifer, Ford, Jones, Marriott, Simpson

The Motion was Approved

3. R21-119 A Resolution Authorizing an Intergovernmental Agreement Between Jefferson County, Colorado and the City of Arvada for Access to Content Provided Through an Agreement with Pictometry International Corp.

Mark Deven, City Manager, reviewed this resolution with council.

Councilmember Simpson moved that R21-119, A Resolution Authorizing an Intergovernmental Agreement Between Jefferson County, Colorado and the City of Arvada for Access to Content Provided Through an Agreement with Pictometry International Corp., be approved.

The following votes were cast on the Motion

Those voting yes: Williams, Miller, Fifer, Ford, Jones, Marriott, Simpson

The Motion was Approved

4. R21-120 A Resolution Authorizing an Intergovernmental Agreement By and Between the City of Arvada and the U.S. Department of Housing and Urban Development for CARES Act Funding in the Amount of \$682,995.00

Mark Deven, City Manager, reviewed this resolution with council.

Councilmember Ford moved that R21-120, A Resolution Authorizing an Intergovernmental Agreement By and Between the City of Arvada and the U.S. Department of Housing and Urban Development for CARES Act Funding in the Amount of \$682,995.00, be approved.

The following votes were cast on the Motion

Those voting yes: Williams, Miller, Fifer, Ford, Jones, Marriott, Simpson

The Motion was Approved

C. Ordinances (First Reading) - none

9. Other – Oath of Office for Charles W. Tingle, Arvada Municipal Court Relief Judge

10. Public Hearings

- A. CB21-029 An Ordinance Repealing Chapter 10, Amusements and Entertainment, of the Arvada City Code (Ordinance No. 4776)

Mayor Williams opened the public hearing on CB21-029.

Mark Deven, City Manager, reviewed this ordinance with council.

No one wishing to speak for or against, the public hearing was closed.

Councilmember Fifer moved that CB21-029, An Ordinance Repealing Chapter 10, Amusements and Entertainment, of the Arvada City Code, be approved on final reading, numbered 4776 and ordered published by title only.

The following votes were cast on the Motion

Those voting yes: Williams, Miller, Fifer, Ford, Jones, Marriott, Simpson

The Motion was Approved

- B. Community Comments on the Application Process for the 2022 Community Development Block Grant 2022 Annual Action Plan and 2022 Human Services Funding Pool

Mayor Williams opened the public hearing.

The following public agencies addressed City Council:

1. Sandy Martin, Representing Community Table
2. Karen Allen, Representing Beyond Home
3. Margo Sobocinski, Carin' Clinic

Mayor Williams closed the public hearing and stated no further action is being taken this evening. This item will come back to City Council in November for formal action.

11. Workshop
A. Land Development Code Update

Rob Smetana, Manager of City Planning and Development, said that the latest version of the Land Development Code was adopted in May of 2020. Since that time, the City team, members of the development community and residents of Arvada have identified a small number of modifications to the Code that would make it more functional and easier to understand.

There are 16 proposed changes to the Land Development Code that the City team has identified as significant and warrant discussion with the Planning Commission and City Council. In addition, there are several other minor changes, such as spelling errors and incorrect references that have been provided in the attached redlines.

The significant proposed changes include the increase in parking required for townhome units; clarification of landscape and amenity requirements; modification of off-site and bicycle parking regulations; revised lighting standards; the addition of electric vehicle charging station regulations; and revisions to definitions, including those related to Heavy Logistics Centers and Light Industry.

The City team has included the attached PowerPoint identifying the significant modifications and will provide a detailed explanation of each during the workshop.

The team will also be open to consideration of any additional topics the Planning Commission and City Council feel need to be addressed in this set of Land Development Code amendments.

Next Steps: Public hearings for the 2021 Amendments to the Land Development Code are scheduled for October 5, with the Planning Commission and October 18 with the City Council. Amendments will be proposed based on Planning Commission and City Council feedback.

12. Public Comment - Five Minute Limit -

- A. Phil Langford, Arvada resident, addressed council regarding the land development code and future development.
- B. Gina Hallisay, Arvada resident, addressed council regarding the land development code and future development.
- C. Mike Schweitzer, Arvada resident, addressed council regarding the land development code and future development.

13. City Council Reports

- A. Councilmember Marriott reported on the the Rocky Mountain Metropolitan Airport Noise Roundtable meeting he attended.

14. City Manager Reports - none

15. City Attorney Reports – none

16. Adjournment at 8:20 p.m.

Marc Williams, Mayor

SEAL:

Kristen R. Rush, City Clerk



SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD SEPTEMBER 20, 2021

1. Executive Session - Third Floor Conference Room - 5:00 p.m.
 - A. Instructions to Negotiators, Pursuant to CRS 24-6-402(4)(e) Relating to Compensation

Councilmember Marriott moved to go into Executive Session for Instructions to Negotiators, Pursuant to CRS 24-6-402(4)(e) Relating to Compensation.

The following votes were cast on the Motion:

Those voting Yes: Williams, Fifer, Ford, Jones, Marriott, Simpson

Those Absent: Miller

The Motion was Approved

2. Call to Order - 6:00 p.m.

This Arvada City Council meeting was held in the City Council Chambers and remotely using webinar technology. Mayor Williams, Councilmember Ford, Councilmember Fifer, Councilmember Jones, Councilmember Marriott, and Councilmember Simpson were present in the council chambers.

Members of the public were given notice with instructions on how to participate with public comment.

3. Moment of Reflection and Pledge of Allegiance
4. Roll Call of Councilmembers

Those Present: Mayor Marc Williams, Councilmember Bob Fifer, Councilmember Nancy Ford, Councilmember Jones, Councilmember John Marriott, Councilmember Lauren Simpson

Councilmember Marriott moved to excuse Councilmember Miller from the meeting.

The following votes were cast on the Motion

Those voting yes: Williams, Fifer, Ford, Jones, Marriott, Simpson

Those Absent: Miller

The Motion was Approved

Also Present: Mark Deven, City Manager; Rachel Morris, City Attorney; Lorie Gillis, Deputy City Manager; Ryan Stachelski, Director of Community and Economic Development; Bryan Archer, Director of Finance and Kristen Rush, City Clerk.

5. Approval of Minutes – none
6. Recognition and Communication –
 - A. Proclamation for Source Water Protection Week - Presented by Councilmember Ford

Councilmember Ford read the proclamation and said that September 26th to October 2nd, 2021 is proclaimed as Source Water Protection Week in Arvada. A representative from the Arvada Sustainability Advisory Committee was present to accept the Proclamation.

7. Presentations – none

8. Public Comment

A. Robert Lucero, Arvada resident, addressed council regarding waste hauling.

9. New Business

A. Consent Agenda - none

B. Resolutions – none

C. Ordinances (First Reading)

1. CB21-030 An Ordinance Repealing, Retitling, And Reenacting Section 2-31, Compensation of Councilmembers and The Mayor, of Article II, City Council, of Chapter 2, Administration, of the Arvada City Code
2. CB21-031 An Ordinance Authorizing an Additional Appropriation to the Community Development Fund for Fiscal Year 2021

Councilmember Fifer moved that CB21-030, An Ordinance Repealing, Retitling, And Reenacting Section 2-31, Compensation of Councilmembers and The Mayor, of Article II, City Council, of Chapter 2, Administration, of the Arvada City Code; CB21-031, An Ordinance Authorizing an Additional Appropriation to the Community Development Fund for Fiscal Year 2021, be approved on first reading, ordered published in full, and a public hearing set for October 4, 2021 at 6:15 p.m.

The following votes were cast on the Motion

Those voting yes: Williams, Fifer, Ford, Jones, Marriott, Simpson

Those Absent: Miller

The Motion was Approved

9. Other – none

10. Public Hearings - none

11. Workshop

A. Water and Sewer Infrastructure Funding

Sharon Israel, Director of Utilities, Jacqueline Rhoades, City Engineer and Bryan Archer, Director of Finance reviewed this item with council. Ms. Israel said that the City Council Strategic Plan describes the purpose of the Infrastructure Work System this way: “The community depends on a well-maintained foundation of streets, sidewalks, and water, wastewater and stormwater facilities. Planned and steady population growth requires proper maintenance of existing infrastructure and additional capacity to support a thriving community.”

The Infrastructure Work System team is responsible for operations and capital planning as part of our ongoing commitment to continue to provide safe and reliable drinking water and wastewater services to our community. Recent updates to the Council regarding this work include discussion and approval of the Capital Improvement Program budget (July 2020), discussion of increases to water rates (October 12, 2020 Workshop and October 19, 2020 Council Meeting), a December 14, 2020 Water Master Plan workshop, a May 7, 2021 Water Infrastructure Update, and an August 23, 2021 Water and Sewer Infrastructure Funding workshop. This work corresponds to the 2020-2025 City Council Strategic Plan, which calls for updated master plans for water, sewer and stormwater, as well as an overall Infrastructure Master Plan and a plan for funding the master plan findings.

During the August 23, 2021 workshop, the Infrastructure and Finance teams presented funding needs and options to ensure that proper maintenance and additional capacity for the City's water and sewer infrastructure can be supported.

The funding proposal presented in the previous workshop included the following components:

In 2022, increase water rates by 3.4% and sewer rates by 2.6%. By comparison, the average annual increases for the previous 15 years, from 2006-2021, were 4.1% for water and 5.4% for sewer. The rate increase would serve to pay for increased costs of operations.

In 2022, increase bimonthly service charges for a single family home by \$4, from \$5.83 to \$9.83 for water and by \$2, from \$2.44 to \$4.44 for sewer. The additional revenue from the bimonthly service charges would serve to cash fund capital reinvestment projects identified in the master plans.

From 2023 to 2026, increase bimonthly service charges for a single family home each year by \$4 for water and \$2 for sewer, resulting in bimonthly service fees in 2026 of \$25.83 for water and \$12.44 for sewer. The additional revenue from the incremental increases will serve both to cash fund capital reinvestment projects and finance payments for long-term debt to enable the priority projects in the master plans to proceed.

During the previous workshop, the City Council asked several questions and requested additional information about service fees, rates, tap fees, and debt funding. The team is returning to follow up and present additional information and analysis for discussion.

Next Steps: The City team will present an ordinance adjusting water and sewer rates and bimonthly service charges.

12. Public Comment - Five Minute Limit - none
13. City Council Reports
 - A. Mayor Williams noted the passing of Bill Knott, former Director for the Jefferson County Public Library for 40 years.
14. City Manager Reports - none
15. City Attorney Reports – none

16. Adjournment at 7:30 p.m.

Marc Williams, Mayor

SEAL:

Kristen R. Rush, City Clerk



REPORT TO CITY COUNCIL

AGENDA ITEM
8.A.

TO: THE HONORABLE CITY COUNCIL

DATE: October 4, 2021

SUBJECT: Consent Agenda

Report in Brief

8.A.1. R21-121 A Resolution Accepting a Bargain and Sale Deed from Jefferson Center Metropolitan District No. 2 Conveying Two Parcels of Land Containing the Ranson Underground Water Storage Tank and Distribution Pump Station

8.A.2. R21-122 A Resolution Authorizing the Dedication of a Fire Access Easement to the Arvada Fire Protection District for Access to the Arvada Water Treatment Plant and the Raw Water Pump Station Located at 17935 B. West 64th Parkway, Arvada, Colorado 80007

Suggested Motion: Moved by: _____

I move that the Consent Item(s), Number(s) R_____ 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: October 4, 2021

SUBJECT: R21-121 A Resolution Accepting a Bargain and Sale Deed from Jefferson Center Metropolitan District No. 2 Conveying Two Parcels of Land Containing the Ranson Underground Water Storage Tank and Distribution Pump Station

Report in Brief

In 2013, the Jefferson Center Metropolitan District No. 2 (the District) completed a water storage tank and pump station that were conveyed to the City's Utility System. The tank and pump station are each on a parcel of land that should have been conveyed to the City. This administrative conveyance did not happen at that time. This Bargain and Sale deed conveys the land to the City.

The Arvada team recommends that the City Council approve R21-121, A Resolution Accepting a Bargain and Sale Deed from Jefferson Center Metropolitan District No. 2 Conveying Two Parcels of Land Containing the Ranson Underground Water Storage Tank and Distribution Pump Station.

Financial Impact

There is no fiscal impact with this Resolution. This resolution formalizes ownership of facilities already operated and maintained by the City.

Background

The Jefferson Center Metropolitan District No. 2 has constructed infrastructure throughout northwest Arvada to serve the general area known as Candelas. After construction by the District, the infrastructure conveyed to the City is to be incorporated into the City's utility systems. Infrastructure not located on public rights of way is typically located in an easement or parcel conveyed by the District to the City. The conveyance of these two parcels seems to have been missed at the time Ranson Pump Station and Tank were constructed. The District has agreed to convey the land to the City, upon acceptance by City Council.

Discussion

Facilities providing utility service to rate payers should be owned by the City. By approving the Bargain and Sale Deed, two facilities that have been part of the potable water distribution system since 2013 will have clear land ownership.

Public Contact

Posting of the City Council Agenda

Commission Recommendation

N/A.

Strategic Alignment

This action aligns with the Priority Area of the City Council Strategic Plan. Specifically, the recommended actions supports the following Principle within the Infrastructure Priority Area:

Provides the community with a safe, reliable, high-quality water supply, drainage system, and wastewater disposal services for full city build-out, as defined by the Comprehensive Plan.

Alternative Courses of Action

N/A.

Recommendation for Action

The Arvada team recommends that the City Council approve R21-121, A Resolution Accepting a Bargain and Sale Deed from Jefferson Center Metropolitan District No. 2 Conveying Two Parcels of Land Containing the Ranson Underground Water Storage Tank and Distribution Pump Station.

Suggested Motion:

I move that R21-121, A Resolution Accepting a Bargain and Sale Deed from Jefferson Center Metropolitan District No. 2 Conveying Two Parcels of Land Containing the Ranson Underground Water Storage Tank and Distribution Pump Station, be (approved) (rejected).

Prepared by:
Mary Stahl, Senior Civil Engineer

Reviewed by:

Approved by:

Jacqueline Rhoades, Civil Engineer III	9/16/2021
Don Wick, Director of Public Works	9/16/2021
Bryan Archer, Director of Finance	9/20/2021
Tammy Hedlund, Legal Specialist	9/20/2021
Erika Pierce, Litigation Paralegal	9/20/2021
Kelsy Sargent, Assistant City Attorney	9/20/2021
Rachel Morris, City Attorney	9/21/2021
Lorie Gillis, Deputy City Manager	9/21/2021
Mark Deven, City Manager	9/21/2021

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R21-121

A RESOLUTION ACCEPTING A BARGAIN AND SALE DEED FROM JEFFERSON CENTER
METROPOLITAN DISTRICT NO. 2 CONVEYING TWO PARCELS OF LAND CONTAINING
THE RANSON UNDERGROUND WATER STORAGE TANK AND DISTRIBUTION PUMP
STATION

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

Section 1. The City of Arvada hereby accepts a bargain and sale deed, a copy of which is attached hereto, from the Jefferson Center Metropolitan District No. 2 conveying two parcels of land containing the Ranson underground water storage tank and the water distribution pump station.

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

APPROVED AND ADOPTED this 4th day of October, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

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

By: _____

After recording return to:
City of Arvada
Attn: Arvada City Clerk's Office
8101 Ralston Road
Arvada, CO 80002

**No Documentary Fee – Exempt
BARGAIN AND SALE DEED**

JEFFERSON CENTER METROPOLITAN DISTRICT NO. 2, a quasi-municipal corporation and political subdivision of the State of Colorado, whose address is 141 Union Boulevard, Suite 150, Lakewood, Colorado 80228 (“**Grantor**”), for the consideration of Ten Dollars and other good and valuable consideration, in hand paid, hereby sells and conveys to the **CITY OF ARVADA**, a Colorado municipal corporation, whose address is 8101 Ralston Road, Arvada, Colorado 80001 (“**Grantee**”), that certain real property that is described on **Exhibit A (Water Tank Site 3, Parcel No. 1) and Exhibit A (Water Tank Site 3, Parcel No. 2)** attached hereto and made a part hereof (the “**Property**”), with all its appurtenances, subject to the use limitation in the Rule and Order issued by the District Court for Jefferson County, Colorado on December 19, 2008, and recorded in the real property records of Jefferson County, Colorado on December 19, 2008 at Reception Number 2008113883 restricting the use of the Property to an underground water storage tank and a water distribution pump station and related aboveground and underground appurtenances and facilities and for no other purpose for a period of forty (40) years commencing on the date of said Rule and Order. This limitation and restriction on the use shall be an enforceable covenant running with the land for the benefit of Allen D. Ranson and Tina M. Ranson and their successors and assigns. By the recordation of this deed, the Grantee expressly accepts and acknowledges this covenant.

Signed effective as of the 5th day of August, 2021.

**JEFFERSON CENTER METROPOLITAN
DISTRICT NO. 2**, a quasi-municipal
corporation and political subdivision of the State
of Colorado

By: _____

Charles Church McKay, President

STATE OF COLORADO)

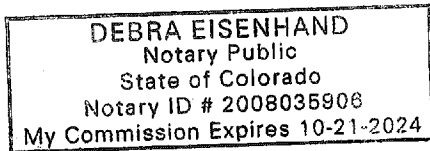
COUNTY OF _____) ss.

Jefferson)

The foregoing instrument was acknowledged before me this 5th day of August, 2021,
by Charles Church McKay, as President of Jefferson Center Metropolitan District No. 2.

Witness my hand and official seal.

My commission expires: 10-21-2024



Notary Public

BARGIN # Sale Dead
Water Tank Site 3

EXHIBIT A

Property

See Next Page



EXHIBIT A
WATER TANK SITE 3, PARCEL NO. 1

A TRACT OF LAND SITUATE IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 70 WEST, OF THE 6TH P.M.; COUNTY OF JEFFERSON, STATE OF COLORADO; BEING A PORTION OF THE PARCEL DESCRIBED AT RECEPTION NUMBER F1174419 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 18, AND CONSIDERING THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18 TO HAVE AN ASSUMED BEARING OF S88°30'06"W, WITH ALL OTHER BEARINGS RELATIVE THERETO;

THENCE ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18, S88°30'06"W, 634.54 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF PLAINVIEW ROAD AS DEEDED IN BOOK 374, AT PAGE 140, JEFFERSON COUNTY RECORDS;

THENCE ALONG SAID RIGHT OF WAY LINE, S19°19'02"W, 229.05 FEET TO THE NORTHEAST CORNER OF THE AFOREMENTIONED PARCEL RECORDED AT RECEPTION NUMBER F1174419;

THENCE ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL, S88°30'06"W, 1,036.71 FEET TO THE POINT OF BEGINNING;

THENCE S01°29'54"E, 220.63 FEET;

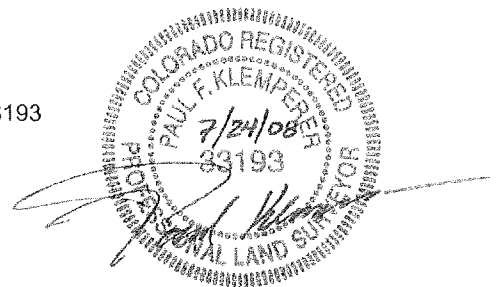
THENCE S88°30'06"W, 296.07 FEET;

THENCE N01°29'54"W, 220.63 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF SAID PARCEL DESCRIBED AT RECEPTION NUMBER F1174419;

THENCE ALONG SAID NORTHERLY BOUNDARY LINE, N88°30'06"E, 296.07 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1.50 ACRES (65,321 SQUARE FEET) MORE OR LESS AND IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD, OR THAT NOW EXIST ON THE GROUND.

PAUL F. KLEMPERER
COLORADO PROFESSIONAL LAND SURVEYOR REGISTRATION NO. 33193
FOR AND ON BEHALF OF TST CONSULTING ENGINEERS



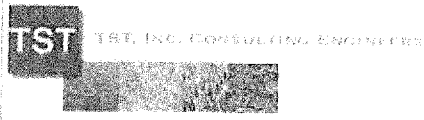


EXHIBIT A
WATER TANK SITE 3, PARCEL NO. 2

A TRACT OF LAND SITUATE IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 70 WEST, OF THE 6TH P.M.; COUNTY OF JEFFERSON, STATE OF COLORADO; BEING A PORTION OF THE PARCEL DESCRIBED AT RECEPTION NUMBER F1174419 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 18, AND CONSIDERING THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18 TO HAVE AN ASSUMED BEARING OF S88°30'06"W, WITH ALL OTHER BEARINGS RELATIVE THERETO;

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THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY, S19°19'02"W, 150.67 FEET;

THENCE S88°30'06"W, 127.85 FEET;

THENCE N01°29'54"W, 140.83 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF SAID PARCEL DESCRIBED AT RECEPTION NUMBER F1174419;

THENCE ALONG SAID NORTHERLY BOUNDARY LINE, N88°30'06"E, 181.40 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.50 ACRES (21,776 SQUARE FEET) MORE OR LESS AND IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD, OR THAT NOW EXIST ON THE GROUND.

PAUL F. KLEMPERER
COLORADO PROFESSIONAL LAND SURVEYOR REGISTRATION NO. 33193
FOR AND ON BEHALF OF TST CONSULTING ENGINEERS

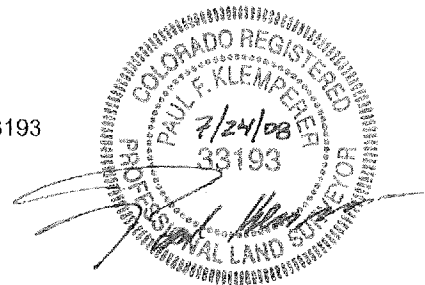


EXHIBIT A (1)
Water Tank Site 3, Parcel No. 1



**EXHIBIT A
WATER TANK SITE 3, PARCEL NO. 1**

A TRACT OF LAND SITUATE IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 70 WEST, OF THE 6TH P.M.; COUNTY OF JEFFERSON, STATE OF COLORADO; BEING A PORTION OF THE PARCEL DESCRIBED AT RECEPTION NUMBER F1174419 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 18, AND CONSIDERING THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18 TO HAVE AN ASSUMED BEARING OF S88°30'06"W, WITH ALL OTHER BEARINGS RELATIVE THERETO;

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SAID PARCEL CONTAINS 1.50 ACRES (65,321 SQUARE FEET) MORE OR LESS AND IS SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIONS OF RECORD, OR THAT NOW EXIST ON THE GROUND.

PAUL F. KLEMPERER
COLORADO PROFESSIONAL LAND SURVEYOR REGISTRATION NO. 33193
FOR AND ON BEHALF OF TST CONSULTING ENGINEERS

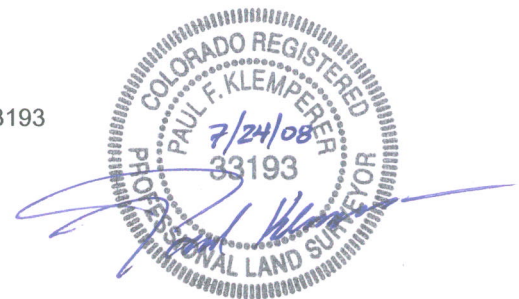
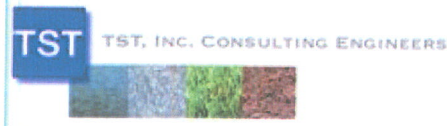


EXHIBIT A (2)
Water Tank Site 3, Parcel No. 2



**EXHIBIT A
WATER TANK SITE 3, PARCEL NO. 2**

A TRACT OF LAND SITUATE IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 70 WEST, OF THE 6TH P.M.; COUNTY OF JEFFERSON, STATE OF COLORADO; BEING A PORTION OF THE PARCEL DESCRIBED AT RECEPTION NUMBER F1174419 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 18, AND CONSIDERING THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18 TO HAVE AN ASSUMED BEARING OF S88°30'06"W, WITH ALL OTHER BEARINGS RELATIVE THERETO;

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THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY, S19°19'02"W, 150.67 FEET;

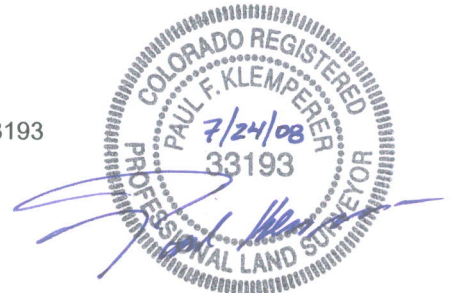
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PAUL F. KLEMPERER
COLORADO PROFESSIONAL LAND SURVEYOR REGISTRATION NO. 33193
FOR AND ON BEHALF OF TST CONSULTING ENGINEERS





REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM
8.A.2.

TO: THE HONORABLE CITY COUNCIL

DATE: October 4, 2021

SUBJECT: R21-122 A Resolution Authorizing the Dedication of a Fire Access Easement to the Arvada Fire Protection District for Access to the Arvada Water Treatment Plant and the Raw Water Pump Station Located at 17935 B West 64th Parkway, Arvada, Colorado 80007

Report in Brief

The safe operation of the Raw Water Pump Station requires an easement for a fire lane. The access road that leads to the new Raw Water Pump Station also provides access to the Arvada Water Treatment Plant, and is owned by the City of Arvada. In order to provide an adequate fire lane that will allow emergency access at all times, the City must dedicate an easement to the Arvada Fire Protection District. The action to approve the dedication of the easement requires the adoption of a resolution by the City Council.

The Arvada team recommends that the City Council approve R21-122, A Resolution Authorizing the Dedication of a Fire Access Easement to the Arvada Fire Protection District for Access to the Arvada Water Treatment Plant and the Raw Water Pump Station Located at 17935 B West 64th Parkway, Arvada, Colorado 80007.

Financial Impact

There is no financial impact to granting this fire lane and emergency access and easement.

Background

The City has completed the construction of the Raw Water Pump Station located at 17935 B W. 64th Parkway. The terms and provisions of the City of Arvada Municipal Code and the International Fire Code, as adopted, requires the City to dedicate and assign to the Arvada Fire Protection District a perpetual and nonexclusive easement over and across the property for the purpose of creating a Fire Lane and Emergency Vehicle Access Easement for the Raw Water Pump Station and the Arvada Water Treatment Plant.

This easement shall be limited to the area required for the access road and the City will be responsible for maintaining the road in a manner that will permit emergency vehicles to access the Raw Water Pump Station and Water Treatment Plant at all times. The City must post signage within the easement designating "fire lanes" and "no parking" with appropriate notification that vehicles parked within such posted fire lanes will be towed. Upon observance of parked vehicles on the easement, the City must authorize the towing of the vehicles.

The City has already placed "No Parking Fire Lane" signs along the access road in accordance with the requirements of the Easement.

Discussion

The dedication and assignment of the perpetual and nonexclusive easement as described herein will support the safe operation of City assets associated with our water utilities. It is also important to note that the use of the access road for emergency response purposes will not impede the City operation of the Raw Water Pump Station and the Arvada Water Treatment Plant.

Therefore, the Arvada team believes that the dedication and assignment of the easement should proceed as required by Section 42-54 of the Arvada Municipal Code and Section 503 of the 2018 International Fire Code.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

NA

Strategic Alignment

The recommended action will support the safe operation of the Raw Water Pump Station which is associated with Strategic Result 3 (SR3) defined in the Infrastructure Priority Area of the City Council Strategic Plan. SR3 requires the City team to *update the water, sewer, stormwater and overall Infrastructure Master Plan*. The completion of the Raw Water Pump Station is one of the actions associated with the Water Master Plan.

Alternative Courses of Action

N/A.

Recommendation for Action

The Arvada team recommends that the City Council approve R21-122, A Resolution Authorizing the Dedication of a Fire Access Easement to the Arvada Fire Protection District for Access to the Arvada Water Treatment Plant and the Raw Water Pump Station Located at 17935 B West 64th Parkway, Arvada, Colorado 80007.

Suggested Motion:

I move that R21-122, A Resolution Authorizing the Dedication of a Fire Access Easement to the Arvada Fire Protection District for Access to the Arvada Water Treatment Plant and the Raw Water Pump Station Located at 17935 B West 64th Parkway, Arvada, Colorado 80007, be (approved) (rejected).

Prepared by:
Bethany Yaffe, Civil Engineer

Reviewed by:

Approved by:

Jacqueline Rhoades, Civil Engineer III	9/15/2021
Don Wick, Director of Public Works	9/16/2021
Bryan Archer, Director of Finance	9/20/2021
Tammy Hedlund, Legal Specialist	9/20/2021
Erika Pierce, Litigation Paralegal	9/20/2021
Jessica Morales, Assistant City Attorney	9/20/2021

SUBJECT: R21-122 A Resolution Authorizing the Dedication of a Fire Access Easement to the Arvada Fire Protection District for Access to the Arvada Water Treatment Plant and the Raw Water Pump Station Located at 17935 B West 64th Parkway, Arvada, Colorado 80007

PAGE: 3

ITEM: 8.A.2.

Rachel Morris, City Attorney 9/21/2021

Lorie Gillis, Deputy City Manager 9/21/2021

Mark Deven, City Manager 9/21/2021

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R21-122

A RESOLUTION AUTHORIZING THE DEDICATION OF A FIRE ACCESS EASEMENT TO THE ARVADA FIRE PROTECTION DISTRICT FOR ACCESS TO THE ARVADA WATER TREATMENT PLANT AND THE RAW WATER PUMP STATION LOCATED AT 17935 B WEST 64TH PARKWAY, ARVADA, COLORADO 80007

WHEREAS, The City of Arvada has completed its Raw Water Pump Station, located at 17935 B West 64th Parkway, Arvada, Colorado 80007; and

WHEREAS, pursuant to Section 503 of the 2018 International Fire Code, as amended by Section 42-54 of the City of Arvada Municipal Code, the Raw Water Pump Station and the Arvada Water Treatment Plant require Fire Apparatus Access Roads.

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

Section 1. The City of Arvada hereby authorizes the dedication of a perpetual and nonexclusive easement, a copy of which is attached hereto, to the Arvada Fire Protection District.

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

APPROVED AND ADOPTED this 4th day of October, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

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

By: _____

DEDICATION OF EASEMENT

THIS DEDICATION OF EASEMENT is made this ____ day of _____, 2021, by the City of Arvada, a Colorado municipal Corporation (hereafter “Grantor”) whose address is 8101 Ralston Road, Arvada, Colorado 80002 to the Arvada Fire Protection District, a fire protection special tax district (“Grantee”) whose address is 7903 Allison Way, Arvada, Colorado 80005.

WHEREAS, Arvada has completed its Raw Water Pump Station, located at 17935 B West 64th Parkway, Arvada, Colorado 80007 (the “Project”); and

WHEREAS, pursuant to Section 503 of the 2018 International Fire Code, as amended by Section 42-54 of the City of Arvada Municipal Code, the Project requires Fire Apparatus Access Roads.

NOW, THEREFORE, THIS DEED WITNESSETH that in fulfillment of the terms and provisions of the City of Arvada Municipal Code and the International Fire Code, as adopted, Grantor dedicates and assigns to Grantee a perpetual and nonexclusive easement over and across the property described in Exhibit A, attached hereto, for the purpose of creating a Fire Lane and Emergency Vehicle Access Easement for the Raw Water Pump Station and the Arvada Water Treatment Plant (“Easement”). This Easement shall be limited to the area described in exhibit A, from time to time improved and surfaced so as to be suitable for use by motorized emergency vehicles. Grantor shall post signage within the Easement designating “fire lanes” and cause vehicles parked within such posted fire lanes to be towed. Grantor shall be authorized to order the towing of any vehicle parked in a designated and posted fire lane.

IN WITNESS WHEREOF, Grantor has executed this Deed on the year and day first above written.

By: _____

State of Colorado)
) ss.
County of Jefferson)

Acknowledged before me this ____ day of _____, 2021, by _____, as
_____ of _____.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires:

Notary Public



REPORT TO CITY COUNCIL RESOLUTION

AGENDA ITEM
8.B.1.

TO: THE HONORABLE CITY COUNCIL

DATE: October 4, 2021

SUBJECT: R21-123 A Resolution Requesting the Subordination of Jefferson County's Reversionary Interest as to a Limited Area on Certain Real Property Near Van Bibber Creek Owned by the City of Arvada for the Installation, Operation, and Maintenance of Public Service Company of Colorado Underground Utility Lines Necessary for the Service of the Sabell Development

Report in Brief

Arvada has identified a parcel of land owned by Arvada, more fully described in Exhibit A and Exhibit B, attached to resolution R21-123, consisting of 1,262 square feet of land necessary for the installation, operation, and maintenance of underground utility lines owned by the Public Service Company of Colorado (PSCO) for the SaBell development.

Jefferson County holds a Reversionary Interest in the parcel, which must be subordinated to any license agreement held by PSCO. Jefferson County requires, among other things, a formal request from Arvada to Jefferson County to subordinate its Reversionary Interest. Arvada supports the subordination of Jefferson County's Reversionary Interest as to such designated portions of the parcel of land as described in Exhibit A and Exhibit B; and has entered into a License Agreement between the City of Arvada and Public Service Company of Colorado (d/b/a Xcel Energy) for a Revocable License to Install, Operate, and Maintain Underground Power Lines Across Arvada Owned Property near Van Bibber Creek on August 2, 2021.

The Arvada team recommends that the City Council approve R21-123, A Resolution Requesting the Subordination of Jefferson County's Reversionary Interest as to a Limited Area on Certain Real Property Near Van Bibber Creek Owned by the City of Arvada for the Installation, Operation, and Maintenance of Public Service Company of Colorado Underground Utility Lines Necessary for the Service of the Sabell Development.

Financial Impact

Xcel Energy submitted the \$500 application fee required by JCOS to review the application. Along with the application fee, additional fees are associated with the subordination of the open space reverter. The subordination area is 1,262 square feet (0.029 acres). The price per square foot of the subordination area is \$2.85 per square foot. The real estate fee will thus be \$3,596.70 for the subordination area, and the processing fee will be \$1,500, for a total compensation of \$5,096.70.

The SaBell developers and PSCO shall be responsible for payment of all application fees and payment of the fair market value of these improvements to Jefferson County Open Space in exchange for the Subordination of the Reversionary Interests, such fees totaling \$5,096.70. There is no financial impact to the City of Arvada associated with the Subordination.

Background

The Subordination Area is 1,262 square feet (0.029 acres) and is adjacent to the City-owned public park included within the Sabell Annexation. The Commissioners Deed for the Subordination Area, granted by the Jefferson County Board of Commissioners and recorded at Reception No. 94105346 on June 14, 1994, was conveyed from the County to the City of Arvada, through the use of Jefferson County Open Space funds with a reversionary interest restricting the use of the property to open space and park purposes only.

SUBJECT: R21-123 A Resolution Requesting the Subordination of Jefferson County's Reversionary Interest as to a Limited Area on Certain Real Property Near Van Bibber Creek Owned by the City of Arvada for the Installation, Operation, and Maintenance of Public Service Company of Colorado Underground Utility Lines Necessary for the Service of the Sabell Development

PAGE: 2
ITEM: 8.B.1.

The City of Arvada and Meritage Homes entered into a Development Agreement in December 2019, planning for the development of the adjacent project property for a mixed-use residential development consisting of 145 townhomes and 57 single-family lots. Meritage Homes' development and construction plans include the installation of certain public infrastructure including, and not necessarily limited to, sanitary sewer facilities, water line facilities, storm drainage facilities, roadways and emergency access improvements, walks, and landscape improvements, more particularly shown on City Job No. 3508. In order to provide power for the Sabell development, Xcel has requested that 1,262 square feet of City land become accessible for the installation, operation, and maintenance of underground utility lines owned by the Public Service Company of Colorado.

Discussion

Xcel Energy has submitted a proposal for placement of underground electrical facilities by a bore of 6 inch diameter, and depth of minimum 8 feet below the invert of the channel per application for Floodplain Development Permit, for a distance of +/- 110 linear feet. The electric cable will be placed in a bore and sleeved per City of Arvada Engineering Code & Standards. Electrical facilities are to provide redundant electric service to the Sabell Development.

No portion of the project property is anticipated or currently under review for zoning, rezoning, or platting in unincorporated Jefferson County.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

Approving a resolution requesting that Jefferson County grant a subordination of Jefferson County's Reversionary Interest to Xcel Energy allows for redundant electric service to be delivered to the Sabell Development in a safe manner, and directly aligns with the following principle within the Community and Economic Development Priority Area of the City Council Strategic Plan:

Maintains and protects the health, safety, and welfare of the public by ensuring safe buildings in the community, while providing excellent customer service.

Alternative Courses of Action

City Council could choose not to adopt the resolution. Rejection of the resolution would deny an important element to providing redundant electric service to the Sabell Development. This project leverages PSCO and Developer funds and local relationships to create new amenities and benefits for Arvada residents and visitors.

Recommendation for Action

The Arvada team recommends that the City Council approve R21-123, A Resolution Requesting the Subordination of Jefferson County's Reversionary Interest as to a Limited Area on Certain Real Property Near Van Bibber Creek Owned by the City of Arvada for the Installation, Operation, and Maintenance of Public Service Company of Colorado Underground Utility Lines Necessary for the Service of the Sabell Development.

Suggested Motion:

SUBJECT: R21-123 A Resolution Requesting the Subordination of Jefferson County's Reversionary Interest as to a Limited Area on Certain Real Property Near Van Bibber Creek Owned by the City of Arvada for the Installation, Operation, and Maintenance of Public Service Company of Colorado Underground Utility Lines Necessary for the Service of the Sabell Development

PAGE: 3
ITEM: 8.B.1.

I move that R21-123, A Resolution Requesting the Subordination of Jefferson County's Reversionary Interest as to a Limited Area on Certain Real Property Near Van Bibber Creek Owned by the City of Arvada for the Installation, Operation, and Maintenance of Public Service Company of Colorado Underground Utility Lines Necessary for the Service of the Sabell Development, be (approved) (rejected).

Prepared by:
Rosa Kougl, Executive Assistant

Reviewed by:

Approved by:

Enessa Janes, Deputy Director of Vibrant Community and Neighborhoods	9/13/2021
Gordon Reusink, Director of Vibrant Community and Neighborhoods	9/13/2021
Bryan Archer, Director of Finance	9/13/2021
Gail Walker, Legal Specialist-Contracts	9/14/2021
Kylie Justus, Assistant City Attorney	9/14/2021
Rachel Morris, City Attorney	9/21/2021
Lorie Gillis, Deputy City Manager	9/21/2021
Mark Deven, City Manager	9/21/2021

Enclosure, exhibits & attachments required to support the report

RESOLUTION NO. R21 -123

A RESOLUTION REQUESTING THE SUBORDINATION OF JEFFERSON COUNTY'S REVERSIONARY INTEREST AS TO A LIMITED AREA ON CERTAIN REAL PROPERTY NEAR VAN BIBBER CREEK OWNED BY THE CITY OF ARVADA FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF PUBLIC SERVICE COMPANY OF COLORADO UNDERGROUND UTILITY LINES NECESSARY FOR THE SERVICE OF THE SABELL DEVELOPMENT

WHEREAS, that certain Commissioners Deed, granted by the Jefferson County Board of Commissioners and recorded at Reception No. 94105346 on June 14, 1994, in the records of the Jefferson County Clerk and Recorder's Office, was conveyed from the County to the City of Arvada ("Arvada"), through the use of Jefferson County Open Space funds with a reversionary interest restricting the use of such property to open space, park, and recreational purposes (the "Reversionary Interest"); and

WHEREAS, limited use of designated portions of the property near Van Bibber Creek for underground utility lines would facilitate the productive development and use of the adjacent property known as the SaBell development, without negatively affecting or compromising the ongoing open space, park, or recreational uses present on the open space near Van Bibber Creek, consistent with the restrictions of the County's Reversionary Interest; and

WHEREAS, Arvada entered into a *License Agreement between the City of Arvada and Public Service Company of Colorado (d/b/a Xcel Energy) for a Revocable License to Install, Operate, and Maintain Underground Power Lines Across Arvada Owned Property near Van Bibber Creek* on August 2, 2021 ("Exhibit A"); and

WHEREAS, Arvada has identified a portion of the property near Van Bibber Creek owned by Arvada, more fully described in Exhibit A, attached hereto, consisting of 1,262 square feet of land to be subordinated for the installation, operation, and maintenance of underground utility lines owned by the Public Service Company of Colorado ("PSCO") and necessary for the SaBell development; and

WHEREAS, Arvada, PSCO, and the developer of the SaBell development are desirous of the County's subordination of its Reversionary Interest as to the designated portions of the property described in Exhibit A in order to allow for the above-stated limited uses; and

WHEREAS, by and through its administrative process County staff has calculated certain fees to be paid to the County in association with such subordination of the County's Reversionary Interest, subject to approving actions by the County's Open Space Advisory Committee and Board of County Commissioners, such fees totaling \$5,096.70; and

WHEREAS, Arvada's expectation is that the developer of the SaBell development and PSCO shall be responsible for the payment of any such fee imposed by the County as a condition of such subordination.

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

Section 1. The Arvada City Council hereby requests that, subject to the payment of such fees as deemed necessary and appropriate, the County subordinate its Reversionary Interest in that area near Van Bibber Creek described in Exhibit A, for the uses delineated in and rights granted by Exhibit A.

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

APPROVED AND ADOPTED this 4th day of October, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

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

By: _____

**A LICENSE AGREEMENT BETWEEN THE CITY OF ARVADA AND PUBLIC SERVICE
COMPANY OF COLORADO (D/B/A XCEL ENERGY) FOR A REVOCABLE LICENSE TO
INSTALL, OPERATE, AND MAINTAIN UNDERGROUND POWER LINES ACROSS ARVADA
OWNED PROPERTY NEAR VAN BIBBER CREEK**

1. **PARTIES.** This License Agreement ("Agreement") is made between the City of Arvada, a home rule municipal corporation, whose mailing address is 8101 Ralston Road, Arvada, Colorado 80002 ("Arvada") and Public Service Company of Colorado (d/b/a Xcel Energy) whose principal street address is 1800 Larimer Street, Suite 1400, Denver, CO 80202 ("PSCO"). Arvada and PSCO are sometimes hereinafter referred to individually as a "Party" or collectively as the "Parties."
2. **RECITALS AND PURPOSE.**
 - 2.1. Arvada is the owner of certain real property located in the City of Arvada, Jefferson County, Colorado described as City owned open space land from West 56th down to the south end of the Sabell Development near 58th and Ward Road near Van Bibber Creek, subject to a Jefferson County Open Space reverter, as more fully described in that certain Commissioner's Deed, Recorded June 14, 1994 in Jefferson County at reception number 94105346. ("Property").
 - 2.2. PSCO desires to obtain a license to enter upon the Licensed Area, more particularly described and incorporated into this Agreement as **Exhibit A**, for the purpose of installing, operating, constructing, inspecting, and maintaining underground power lines, as indicated on the construction drawings, **Exhibit B**, attached hereto and incorporated herein by reference ("Power Lines").
 - 2.3. Arvada is willing to grant a revocable license to PSCO under the terms and conditions specified in this Agreement.
3. **GRANT AND PERMITTED USE.** Arvada hereby grants permission to PSCO to use ("License") for the Term (defined below) of this Agreement, the Licensed Area for the limited purpose of installing, operating, constructing, inspecting, and maintaining the Power Lines ("Use").
4. **CONDITION OF PROPERTY.** PSCO understands and agrees that the Licensed Area is provided on an "as is" basis. Arvada makes no warranty or affirmation whatsoever of the suitability of the Licensed Area for the stated purpose or as to any conditions existing on the Licensed Area. PSCO agrees to repair and reconstruct any damage to the Property, including without limitation the Licensed Area, caused by PSCO, its employees, agents, representatives, contractors, or permittees during the Term of this Agreement.
5. **MAINTENANCE OBLIGATION.** PSCO understands and agrees that Arvada shall not be liable or responsible for any costs related to any damage, maintenance, repair, or removal of the Power Lines pursuant to this Agreement.
6. **RESERVATION OF RIGHTS.** In granting this License, Arvada reserves the right to make full use of the Property, including without limitation the Licensed Area as may be necessary or convenient, to the extent such use does not unreasonably interfere with PSCO's access to and Use of the Licensed Area and PSCO's rights under this Agreement.

7. **TERM/TERMINATION.** The term of this Agreement shall be indefinite and in perpetuity unless terminated by Arvada. Arvada may terminate this License at any time upon tender of 60 days advance written notice to PSCO.
8. **INSURANCE.** PSCO shall maintain in full force and effect during the term of this Agreement, at its sole cost and expense, at least 1 million dollars (\$1,000,000.00) per claim in insurance against personal injury and property damage arising from the Use of the Licensed Area under this Agreement.
9. **LICENSES.** PSCO shall promptly pay all taxes, excise or license fees of whatever nature applicable to the Use, obtain and maintain all licenses and/or permits required for the Use, and furnish Arvada, upon request, satisfactory evidence of the foregoing.
10. **INDEMNIFICATION OF ARVADA.** PSCO shall indemnify, defend, and hold harmless Arvada, its employees, agents and assignees, against any and all costs, expenses, claims, damages, liabilities, court awards, and other amounts (including attorneys' fees and related costs) arising from or related to any act or omission by PSCO, or its employees, agents, subcontractors, or assignees in connection with this Agreement. This paragraph does not extend to the gross negligence or willful misconduct arising from or related to any acts or omissions of Arvada, its employees, agents, or assignees, in connection with this Agreement.
11. **NO INDEMNIFICATION BY ARVADA.** Arvada is prohibited by Article XI, Section 1, of the Colorado Constitution, from indemnifying anyone. Therefore, notwithstanding any provision in this Agreement to the contrary, Arvada does not indemnify PSCO or anyone else under this Agreement.
12. **ASSIGNMENT.** Neither this Agreement, nor any of the Parties' rights, obligations, duties, or authority under this Agreement may be assigned in whole or in part by PSCO without the prior written consent of Arvada, at its sole discretion.
 - 12.1. Consent to one assignment shall not be deemed to be consent to any subsequent assignment nor the waiver of any right to consent to such subsequent assignment.
 - 12.2. Arvada retains the right to assign its rights, obligations, duties or authority under this Agreement freely in its sole discretion.
13. **SURRENDER.** In the event of termination of this Agreement, PSCO shall promptly quit and surrender the Licensed Area in a condition that meets applicable city standards. Restoration and removal of the Power Lines shall be in accordance with Section 6.8 of the Franchise Agreement dated effective August 1, 2008 by and between Arvada and PSCO. This Section shall survive expiration or earlier termination of this License.
14. **AMENDMENTS.** This Agreement may only be modified, amended or changed, in whole or in part, by way of a written agreement, executed by each party with the same formalities as this Agreement.

15. **NOTICES.** Any notice or communication required or permitted by this Agreement or by law to be served on, given to, or delivered to either Party must be in writing and shall be deemed duly served, given, or delivered when personally delivered to the Party to whom it is addressed, or in lieu of such personal service, sent via nationally recognized overnight carrier service or by registered or certified mail, return receipt requested. If notice is given by registered or certified mail, the same will be deemed to have been given and received on the first to occur of (i) actual receipt by any of the addressees designated below as the Party to whom notices are to be sent, or (ii) five (5) days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If personally delivered or sent via nationally recognized overnight carrier service, a notice will be deemed to have been given upon receipt or refusal by the Party to whom it is addressed. Either Party hereto may at any time, by giving written notice to the other Party hereto as provided herein designate additional persons to whom notices or communications will be given, and designate any other address in substitution of the address to which such notice or communication will be given. Such notices or communications will be given to the Parties at their addresses set forth below:

PSCO: Public Service Company of Colorado
 P.O. Box 840
 Denver, CO 80002
 Attn: Right of Way & Permits

With copy to: Public Service Company of Colorado
 1800 Larimer Street, Suite 1400
 Denver, CO 80202
 Attn: Legal Dept. – Real Estate

Arvada: City of Arvada
 8101 Ralston Road
 Arvada, Colorado 80002
 Attn: City Manager

16. **APPLICABLE LAW.** PSCO shall use and occupy the Licensed Area in a safe and careful manner and shall comply with all ordinances, laws and rules applicable to the Property and the Use.
17. **GOVERNING LAW AND VENUE.** This Agreement shall be governed by and construed under the laws of the State of Colorado. Venue for any action arising under this Agreement or for the enforcement of this Agreement shall be in the appropriate court for Jefferson County, Colorado.
18. **NO WAIVER.** No waiver of any of the provisions of this Agreement shall be deemed to constitute a waiver of any other of the provisions of this Agreement, nor shall such waiver constitute a continuing waiver unless otherwise expressly provided herein, nor shall the waiver of any default be deemed a waiver of any subsequent default.
19. **NO THIRD PARTY BENEFICIARIES.** It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to Arvada and PSCO, and nothing contained in this Agreement shall give or allow any

such claim or right of action by any other third party on such Agreement. It is the express intention of the Parties that any person other than Arvada or PSCO receiving services or benefits under this License shall be deemed to be an incidental beneficiary only.

20. **INTEGRATION.** The Parties hereto agree that neither has made or authorized any agreement with respect to the subject matter of this instrument other than expressly set forth herein, and no oral representation, promise, or consideration different from the terms herein contained shall be binding on either Party, or its agents or employees, hereto.
21. **GOVERNMENTAL IMMUNITY.** Nothing in this Agreement shall be construed to waive, limit, or otherwise modify, in whole or in part, any governmental immunity that may be available by law to the Parties, their respective officials, employees, contractors, or agents, or any other person acting on behalf of the Parties and, in particular, governmental immunity afforded or available to the Parties pursuant to the Colorado Governmental Immunity Act, Title 24, Article 10, Part 1 of the Colorado Revised Statutes, as amended from time to time.
22. **SEVERABILITY.** If any portion of this Agreement is declared by any court of competent jurisdiction to be void or unenforceable, such decision shall not affect the validity of any remaining portion of this Agreement, which shall remain in full force and effect. In addition, in lieu of such void or unenforceable provision, there shall automatically be added as part of this Agreement a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.
23. **COUNTERPART EXECUTION.** This Agreement may be executed in several counterparts, each of which may be deemed an original, but all of which together shall constitute one and the same instrument. Executed copies may be delivered by facsimile or email of a PDF document, and, upon receipt, shall be deemed originals and binding upon the signatories, and shall have the full force and effect of the original for all purposes, including the rules of evidence applicable to court proceedings.

[Signatures on Following Page]

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date first above written. By the signature of its representative below, each Party affirms that it has taken all necessary action to authorize said representative to execute this Agreement.

DATED THIS 2nd DAY OF August, 2021

CITY OF ARVADA, a Colorado municipal corporation

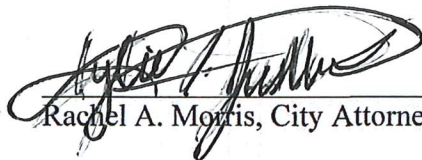



Mark G. Deven, City Manager
8101 Ralston Road
Arvada, CO 80002

ATTEST:


City Clerk

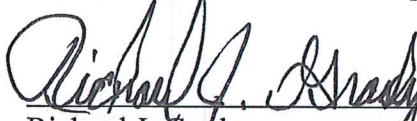
APPROVED AS TO FORM:


Rachel A. Morris, City Attorney

[signatures continue on next page]

PSCo:

PUBLIC SERVICE COMPANY OF
COLORADO, a Colorado corporation

A handwritten signature in black ink, appearing to read "Richard J. Grady", is written over a horizontal line.

Richard J. Grady
Manager, Right of Way & Permits
Authorized representative of Public Service
Company of Colorado, d/b/a Xcel Energy



Sheet 1 of 2

**EXHIBIT A – VAN BIBBER
LICENSE AGREEMENT - PARCEL A**

A 20 foot wide strip of land lying in the southeast one-quarter (SE1/4) of Section 8, Township 3 South, Range 69 West, of the 6th Principal Meridian, County of Jefferson, State of Colorado, being a portion of that Tract of land described in Reception Number 94105346, Jefferson County Records, lying 10 feet on each side of the following described line:

Beginning on the south line of said southeast one-quarter (SE1/4), from which the south one-quarter corner of said Section 8 bears S89°29'15"W, 406.39 feet;

thence N03°43'50"W, 13.98 feet;

thence N07°00'35"W, 49.07 feet, to the north line of said Tract, the Point of Terminus.

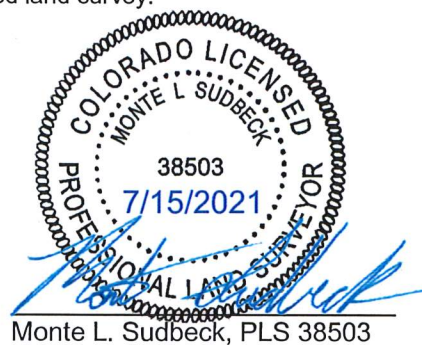
The sidelines of said 20 foot wide strip are to be lengthened or shortened to terminate on said south and north lines.

Parcel A contains 1,262 square feet (0.029 acres) more or less.

As shown and described on Exhibit A, Sheet 2 of 2, attached hereto and made a part hereof.

For the purpose of this description, bearings are based on the south line of said Section 8, which is assumed to bear S89°29'15"W.

The author of this description is Monte L. Sudbeck, PLS 38503, prepared on behalf of SEH Inc., 2000 South Colorado Blvd, Suite 6000, Denver CO 80222, on July 15, 2021, under Job No. 145842-5.0, for Public Service Company of Colorado, and is not to be construed as representing a monumented land survey.



Monte L. Sudbeck, PLS 38503

EXHIBIT A - VAN BIBBER
LICENSE AGREEMENT - PARCEL A

SHEET 2 OF 2

SE1/4
SEC 8,
T3S, R69W

SABELL SUBDIVISION
REC. NO. 2019046492

TRACT C

TRACT S

PARCEL A
1,262 S.F. (0.029 AC) M/L

CITY OF ARVADA
REC NO 94105346

S1/4 COR, SEC 8
"PLS 16406"

406.39
S LINE, SE1/4 SEC 8

S 89°29'15" W (BASIS OF BEARINGS) 1323.97

RAINBOW RIDGE OFFICE PARK
LOT 5 - 3rd AMENDMENT
REC. NO. 2007054392

TRACT A-1

20'
N 07°00'35" W
49.07
10'
N 03°43'50" W
13.98

POINT OF
BEGINNING

TRACT A-2

SE COR, (SW1/4 SE1/4) SEC 8
"PLS 20699"

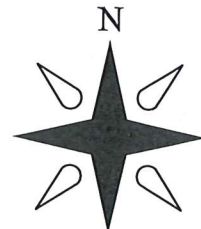
WEST 56TH DRIVE
60' ROW

NE1/4
SEC 17,
T3S, R69W

LOT 5B
RAINBOW RIDGE OFFICE PARK
LOT 5 - 2nd AMENDMENT
REC. NO. F2102337

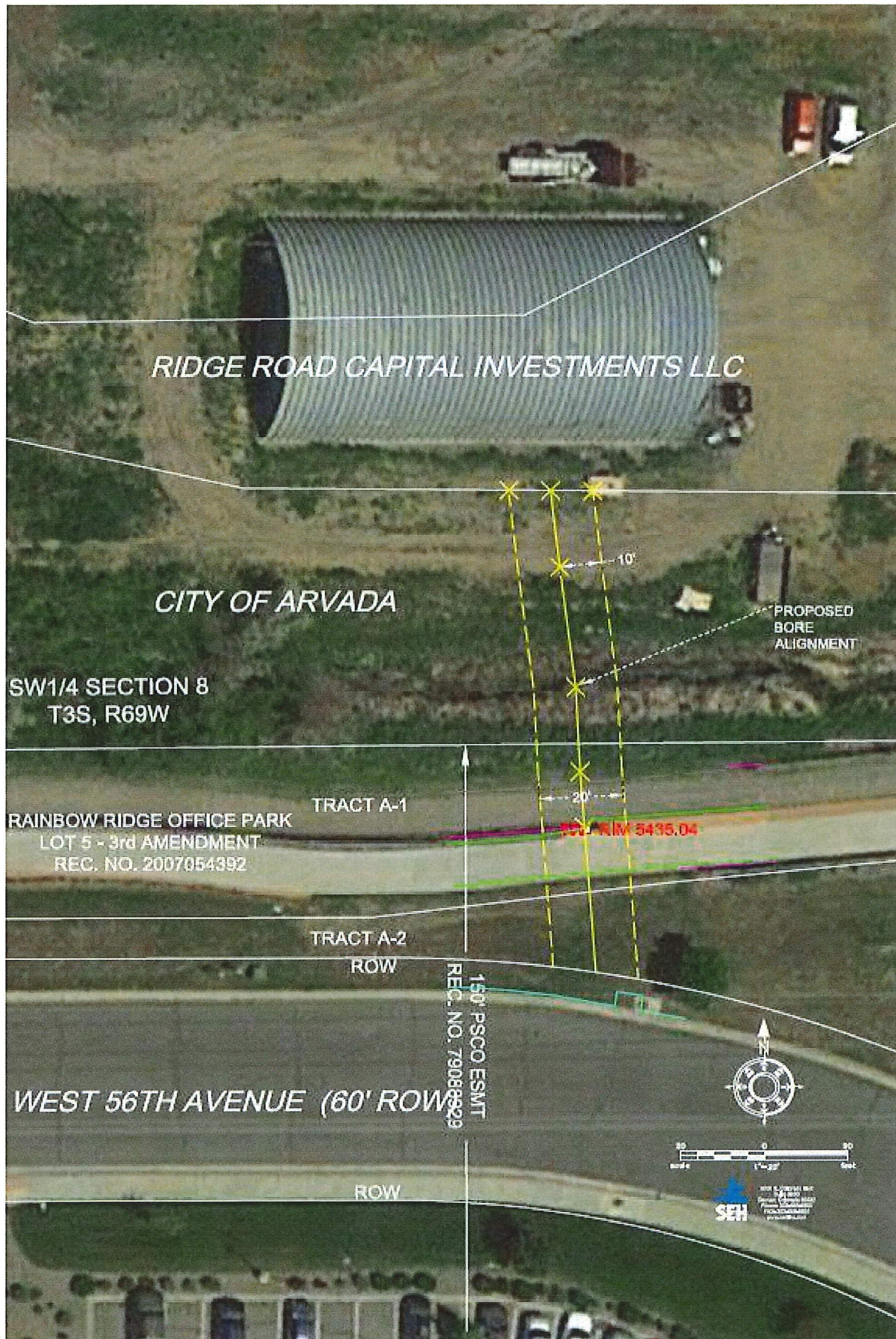


2000 S. Colorado Blvd
Suite 6000
Denver, Colorado 80222
Phone: 303-586-5800
FAX: 303-586-5801
www.sehinc.com



60 0 60
scale 1"=60' feet

EXHIBIT "B"





REPORT TO CITY COUNCIL ORDINANCE FIRST READING

**AGENDA ITEM
8.C.1.**

TO: THE HONORABLE CITY COUNCIL

DATE: October 4, 2021

SUBJECT: CB21-032 An Ordinance Annexing Certain Land into the City of Arvada, at the Northeast Corner of Indiana Street and W 82nd Avenue, Approximately Located at 8200 Indiana Street in the County of Jefferson and State of Colorado (Public Hearing to be set for October 18, 2021 at 6:15 p.m.)

Report in Brief

Ralston Valley Land Partners, LLC is petitioning for Annexation of a 25.5-acre vacant parcel currently located in Unincorporated Jefferson County zoned as Jefferson County Agricultural-Two (A-2). The Annexation also includes the right-of-way (ROW) of W 82nd Avenue between Indiana Street and Alkire Street containing 5.9 acres of land.

Applications for Zoning, a Major Subdivision Preliminary Plat, and a PUD Development Plan (PDP) are being considered concurrently with the annexation. The proposed development consists of 37 residential lots on 25.5 acres with a density of 1.5 dwelling units per acre (du/ac). The requested zoning is Planned Unit Development (PUD). The homes will be custom construction on large lots with the goal of providing a rural feel while meeting City requirements for infrastructure and services. In order to provide service to the site, the developer will be extending a sanitary sewer main from W 80th Avenue via existing ROW adjacent to the west property line of Ralston Valley High School.

If the City Council approves the applications for Annexation, Zoning, PDP, and Major Subdivision Preliminary Plat, applications will then be required for a Final Development Plan (FDP) and Final Plat, which will be reviewed administratively.

The Arvada Team recommends that the City Council approve CB21-032, An Ordinance Annexing Certain Land into the City of Arvada, at the Northeast Corner of Indiana Street and W 82nd Avenue, Approximately Located at 8200 Indiana Street in the County of Jefferson and State of Colorado, on first reading, ordered published in full, and a public hearing date be set for October 18, 2021 at 6:15 p.m.

Financial Impact

The approval of this ordinance will have no financial impact.

Background

The subject property is located in Unincorporated Jefferson County at the northeast corner of Indiana Street and W 82nd Avenue and is currently vacant. The property abuts the Union Pacific Railroad (UPRR) to the north, Indiana Street to the west, and W 82nd Avenue to the south. The property has significant grade changes throughout, with the railroad being the highpoint and the remaining property sloping generally south. The Tucker Irrigation Ditch runs generally west to east across the site. The section of Indiana Street adjacent to the site is part of State Highway 72 under the Colorado Department of Transportation's (CDOT's) jurisdiction.

The subject property does not have any development history. The prior owners of the property have previously contacted the City team for pre-application meetings regarding annexation; however, the current annexation application is the first formal application that has been submitted to the City.

Discussion

It is the responsibility of the applicant to justify the requested land use application. The City Council must reach a decision based on its findings regarding the approval criteria shown in the table below and upon testimony heard during the public hearing as it applied to the criteria.

The Community and Economic Development team performed an analysis of the proposal, based on the approval criteria listed in Division 8-3-3, Annexation and Disconnection, and presents the following findings:

Div. 8-3-3 Annexation and Disconnection Approval Criteria	Finding	Rationale
1. The annexation is in accord with the Comprehensive Plan and the best interests of the City would be served by annexation of such property.	Complies	The annexation complies with the Low Density Residential designation and will improve surrounding infrastructure.
2. The property is capable of being integrated into the City and developed in compliance with all applicable provisions of this Code and the Arvada City Code.	Complies	The proposed development complies with all applicable provisions of this Code and the Arvada City Code.
3. At the time any development of the area proposed to be annexed is completed, there will be capacity to adequately serve residents of such area with all necessary utilities, facilities and public services.	Complies	With the extension of water and sanitary sewer mains as part of this proposal, there will be capacity and infrastructure to adequately serve residents.

Public Contact

The required neighborhood meeting for this project took place virtually on October 7, 2020. The applicant, Arvada team members, and 34 neighbors were in attendance. The primary concerns of neighbors were about whether anyone located in Unincorporated Jefferson County would be required to annex into the City and whether the new development would negatively impact the soil or water in the area, since all of the property owners along this section of W 82nd Avenue have septic systems. City team members informed the neighbors that the City does not have a policy of unilateral or forced annexation. The developer addressed concerns about the potential environmental impact and stated that any impacts would be required to be mitigated. The applicant has prepared a summary of the meeting, which is attached.

At the Planning Commission hearing held on September 7, 2021, approximately 10 neighbors were in attendance. One member of the public spoke to voice some concerns relating to traffic and impacts to adjacent properties from construction.

A written notice was sent 15 days prior to the meeting, a published notice was posted in the newspaper 15 days prior to the meeting, and a public hearing sign was posted 15 days prior to the meeting.

Commission Recommendation

The Planning Commission voted 6 to 0 in favor of the Council's approval on September 7, 2021.

Strategic Alignment

The project is consistent with the following principle within the Community and Economic Development Priority Area of the City Council Strategic Plan:

Uses the Comprehensive Plan to guide planning, land use code decisions, development management, and informational and resource services that are delivered to residents, businesses, the development community, decision-making bodies, and

SUBJECT: CB21-032 An Ordinance Annexing Certain Land into the City of Arvada, at the Northeast Corner of Indiana Street and W 82nd Avenue, Approximately Located at 8200 Indiana Street in the County of Jefferson and State of Colorado (Public Hearing to be set for October 18, 2021 at 6:15 p.m.)

PAGE: 3
ITEM: 8.C.1.

neighborhood partners to achieve a well-planned, aligned, sustainable, and livable community for current and future generations.

Alternative Courses of Action

NA

Recommendation for Action

The Arvada Team recommends that the City Council approve CB21-032, An Ordinance Annexing Certain Land into the City of Arvada, at the Northeast Corner of Indiana Street and W 82nd Avenue, Approximately Located at 8200 Indiana Street in the County of Jefferson and State of Colorado, on first reading, ordered published in full, and a public hearing date be set for October 18, 2021 at 6:15 p.m.

Suggested Motion:

I move that CB21-032, An Ordinance Annexing Certain Land into the City of Arvada, at the Northeast Corner of Indiana Street and W 82nd Avenue, Approximately Located at 8200 Indiana Street in the County of Jefferson and State of Colorado, be (approved on first reading, ordered published in full, and a public hearing date be set for October 18, 2021 at 6:15 p.m.) (rejected).

Prepared by:
Abigail Ogg, Administrative Specialist

Reviewed by:

Approved by:

Jonathan Moore, Planner I	9/14/2021
Josie Suk, Development Systems and Administrative Manager	9/14/2021
Robert Smetana, Manager of City Planning and Development	9/14/2021
Ryan Stachelski, Director of Community and Economic Development	9/15/2021
Gail Walker, Legal Specialist-Contracts	9/15/2021
Emily Grogg, Senior Assistant City Attorney	9/16/2021
Rachel Morris, City Attorney	9/21/2021
Lorie Gillis, Deputy City Manager	9/21/2021
Mark Deven, City Manager	9/21/2021

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 21-032
ORDINANCE NO.

AN ORDINANCE ANNEXING CERTAIN LAND INTO THE CITY OF ARVADA, AT
THE NORTHEAST CORNER OF INDIANA STREET AND WEST 82ND AVENUE,
APPROXIMATELY LOCATED AT 8200 INDIANA STREET IN THE COUNTY OF
JEFFERSON AND STATE OF COLORADO

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

Section 1. The City Council of the City of Arvada, State of Colorado, having examined the filings and the annexation map for certain real property more fully described in said map finds as follows:

1. That a petition for annexation, together with four copies of the annexation map as required by law, was filed with the City by the owners of over fifty percent of the area of the territory hereinafter described, exclusive of public streets and alleys, and comprising more than fifty percent of the landowners of the property to be annexed.
2. That the City, by resolution at a properly noticed meeting accepted said petition and found and determined that the applicable parts of the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution have been met and further determined that an election was not required under the Act and that no additional terms and conditions were imposed upon said annexation.
3. That the area proposed to be annexed meets the applicable requirements of Sections 31-12-104 and 31-12-105, C.R.S., and is therefore eligible for annexation to the City of Arvada.

Section 2. The following described real property, situated in the County of Jefferson, State of Colorado, be and the same hereby is annexed to the City of Arvada, to wit:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION
30, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN

More particularly described in attached Exhibit A.

Section 3. The Mayor is hereby authorized to execute, the City Clerk to attest, in form approved by the City Attorney, an Annexation Agreement pertaining to the property owned by the Petitioners.

Section 4. The Clerk of the City shall perform all statutory duties to complete said annexation.

Section 5. This Ordinance shall be effective five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 4th day of October, 2021.

PASSED, ADOPTED, AND APPROVED this ____ day of _____, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By: _____

Publication Dates: October 7, 2021

EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 30 BEING ASSUMED TO BEAR NORTH 88°26'57" EAST, A DISTANCE OF 2524.92 FEET BETWEEN THE FOLLOWING DESCRIBED MONUMENTS:

-THE 60' WITNESS CORNER TO THE CENTER QUARTER CORNER OF SECTION 30 BEING A FOUND #6 REBAR & 2.5" ALUMINUM CAP PLS 28286 IN RANGE BOX MATCHING MONUMENT RECORD FILED 3/29/04.

-THE WEST QUARTER CORNER OF SECTION 30 BEING A FOUND #6 REBAR & 2.5" ALUMINUM CAP PLS 28286 MATCHING MONUMENT RECORD FILED 4/28/07

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 30 FROM WHENCE THE WEST QUARTER CORNER OF SECTION 30 BEARS NORTH 00°28'43" WEST, A DISTANCE OF 2644.86 FEET;

THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 30 NORTH 00°28'43" WEST, A DISTANCE OF 1,344.41 FEET;

THENCE NORTH 89°23'08" EAST, A DISTANCE OF 50.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF INDIANA STREET AND THE EASTERLY LINE OF ORDINANCE #4325 BEING ALSO THE POINT OF BEGINNING;

THENCE ALONG SAID EASTERLY LINES AND ALSO THE EAST LINE OF ORDINANCE #4324 NORTH 00°28'43" WEST, A DISTANCE OF 678.69 FEET TO THE SOUTHERLY RIGHT-OF-WAY, BOOK 727, PAGE 474;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY SOUTH 84°45'14" EAST, A DISTANCE OF 2,238.36 FEET TO THE NORTHWEST CORNER OF THAT PARCEL DESCRIBED AT RECEPTION NO. 2010042014;

THENCE ALONG THE WEST LINE OF SAID PARCEL SOUTH 00°29'57" EAST, A DISTANCE OF 385.15 FEET TO THE SOUTHWEST CORNER THEREOF BEING ALSO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF WEST 82ND AVENUE;

THENCE ALONG SAID NORTHERLY RIGHT—OF—WAY THE FOLLOWING EIGHT (8) COURSES AND DISTANCES;

1. THENCE NORTH 89°05'34" EAST, A DISTANCE OF 190.31 FEET;

2. THENCE NORTH 89°34'35" EAST, A DISTANCE OF 224.19 FEET;
3. THENCE NORTH 89°34'09" EAST, A DISTANCE OF 199.19 FEET;
4. THENCE NORTH 89°33'28" EAST, A DISTANCE OF 300.47 FEET;
5. THENCE NORTH 89°23'13" EAST, A DISTANCE OF 399.57 FEET;
6. THENCE NORTH 89°33'20" EAST, A DISTANCE OF 500.03 FEET;
7. THENCE NORTH 89°20'31" EAST, A DISTANCE OF 577.43 FEET;
8. THENCE NORTH 89°20'54" EAST, A DISTANCE OF 300.91 FEET TO THE EASTERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 30;

THENCE ALONG SAID EASTERLY LINE SOUTH 00°58'07" EAST, A DISTANCE OF 49.43 FEET TO THE NORTHERLY LINE OF ORDINANCE #3582 AND THE SOUTHERLY RIGHT-OF-WAY OF SAID 82ND/ AVENUE;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY AND THE NORTHERLY LINES OF ORDINANCE #3582, #3583 AND 3584 SOUTH 88°58'40" WEST, A DISTANCE OF 1,799.00 FEET TO THE EASTERLY LINE OF THAT PARCEL DESCRIBED AT RECEPTION NO. 85074569;

THENCE ALONG SAID EASTERLY LINE, BEING ALSO THE RIGHT-OF-WAY OF SAID 82ND/ AVENUE NORTH 00°57'54" WEST, A DISTANCE OF 13.15 FEET;

THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING NINE (9) COURSES AND DISTANCES;

1. THENCE SOUTH 89°33'00" WEST, A DISTANCE OF 106.38 FEET;
2. THENCE SOUTH 89°34'12" WEST, A DISTANCE OF 596.64 FEET;
3. THENCE SOUTH 89°09'08" WEST, A DISTANCE OF 607.45 FEET;
4. THENCE SOUTH 89°52'03" WEST, A DISTANCE OF 299.55 FEET;
5. THENCE SOUTH 89°17'42" WEST, A DISTANCE OF 599.53 FEET;
6. THENCE SOUTH 89°21'13" WEST, A DISTANCE OF 149.73 FEET;
7. THENCE SOUTH 89°19'33" WEST, A DISTANCE OF 149.99 FEET;
8. THENCE SOUTH 89°23'59" WEST, A DISTANCE OF 596.61 FEET;
9. THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 15.00 FEET,

A CENTRAL ANGLE OF 89°51'01", WHOSE CHORD BEARS SOUTH 44°26'47" WEST A DISTANCE OF 21.19 FEET, FOR AN ARC DISTANCE OF 23.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,369,062 SQUARE FEET OR 31.429 ACRES, MORE OR LESS.

WHITEWING ANNEXATION MAP
A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30,
TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M.,
COUNTY OF JEFFERSON, STATE OF COLORADO
SHEET 1 OF 2

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 30 BEING ASSUMED TO BEAR NORTH 88°26'57" EAST, A DISTANCE OF 2524.92 FEET BETWEEN THE FOLLOWING DESCRIBED MONUMENTS:

–THE 60’ WITNESS CORNER TO THE CENTER QUARTER CORNER OF SECTION 30 BEING A FOUND #6 REBAR & 2.5” ALUMINUM CAP PLS 28286 IN RANGE BOX MATCHING MONUMENT RECORD FILED 3/29/04.

–THE WEST QUARTER CORNER OF SECTION 30 BEING A FOUND #6 REBAR & 2.5” ALUMINUM CAP PLS 28286 MATCHING MONUMENT RECORD FILED 4/28/07

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 30 FROM WHENCE THE WEST QUARTER CORNER OF SECTION 30 BEARS NORTH 00°28'43" WEST, A DISTANCE OF 2644.86 FEET;

THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 30 NORTH 00°28'43" WEST, A DISTANCE OF 1,344.41 FEET;

THENCE NORTH 89°23'08" EAST, A DISTANCE OF 50.00 FEET TO THE EASTERLY RIGHT–OF–WAY OF INDIANA STREET AND THE EASTERLY LINE OF ORDINANCE #4325 BEING ALSO THE POINT OF BEGINNING;

THENCE ALONG SAID EASTERLY LINES AND ALSO THE EAST LINE OF ORDINANCE #4324 NORTH 00°28'43" WEST, A DISTANCE OF 678.69 FEET TO THE SOUTHERLY RIGHT–OF–WAY, BOOK 727, PAGE 474 ;

THENCE ALONG SAID SOUTHERLY RIGHT–OF–WAY SOUTH 84°45'14" EAST, A DISTANCE OF 2,238.36 FEET TO THE NORTHWEST CORNER OF THAT PARCEL DESCRIBED AT RECEPTION NO. 2010042014;

THENCE ALONG THE WEST LINE OF SAID PARCEL SOUTH 00°29'57" EAST, A DISTANCE OF 385.15 FEET TO THE SOUTHWEST CORNER THEREOF BEING ALSO A POINT ON THE NORTHERLY RIGHT–OF–WAY OF WEST 82ND AVENUE;

THENCE ALONG SAID NORTHERLY RIGHT–OF–WAY THE FOLLOWING EIGHT (8) COURSES AND DISTANCES;

1. THENCE NORTH 89°05'34" EAST, A DISTANCE OF 190.31 FEET;
2. THENCE NORTH 89°34'35" EAST, A DISTANCE OF 224.19 FEET;
3. THENCE NORTH 89°34'09" EAST, A DISTANCE OF 199.19 FEET;
4. THENCE NORTH 89°33'28" EAST, A DISTANCE OF 300.47 FEET;
5. THENCE NORTH 89°23'13" EAST, A DISTANCE OF 399.57 FEET;
6. THENCE NORTH 89°33'20" EAST, A DISTANCE OF 500.03 FEET;
7. THENCE NORTH 89°20'31" EAST, A DISTANCE OF 577.43 FEET;
8. THENCE NORTH 89°20'54" EAST, A DISTANCE OF 300.91 FEET TO THE EASTERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 30;

THENCE ALONG SAID EASTERLY LINE SOUTH 00°58'07" EAST, A DISTANCE OF 49.43 FEET TO THE NORTHERLY LINE OF ORDINANCE #3582 AND THE SOUTHERLY RIGHT–OF–WAY OF SAID 82ND AVENUE;

THENCE ALONG SAID SOUTHERLY RIGHT–OF–WAY AND THE NORTHERLY LINES OF ORDINANCE #3582, #3583 AND 3584 SOUTH 88°58'40" WEST, A DISTANCE OF 1,799.00 FEET TO THE EASTERLY LINE OF THAT PARCEL DESCRIBED AT RECEPTION NO. 85074569;

THENCE ALONG SAID EASTERLY LINE, BEING ALSO THE RIGHT–OF–WAY OF SAID 82ND AVENUE NORTH 00°57'54" WEST, A DISTANCE OF 13.15 FEET;

THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT–OF–WAY THE FOLLOWING NINE (9) COURSES AND DISTANCES;

1. THENCE SOUTH 89°33'00" WEST, A DISTANCE OF 106.38 FEET;
2. THENCE SOUTH 89°34'12" WEST, A DISTANCE OF 596.64 FEET;
3. THENCE SOUTH 89°09'08" WEST, A DISTANCE OF 607.45 FEET;
4. THENCE SOUTH 89°52'03" WEST, A DISTANCE OF 299.55 FEET;
5. THENCE SOUTH 89°17'42" WEST, A DISTANCE OF 599.53 FEET;
6. THENCE SOUTH 89°21'13" WEST, A DISTANCE OF 149.73 FEET;
7. THENCE SOUTH 89°19'33" WEST, A DISTANCE OF 149.99 FEET;
8. THENCE SOUTH 89°23'59" WEST, A DISTANCE OF 596.61 FEET;
9. THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 89°51'01", WHOSE CHORD BEARS SOUTH 44°26'47" WEST A DISTANCE OF 21.19 FEET, FOR AN ARC DISTANCE OF 23.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,369,062 SQUARE FEET OR 31.429 ACRES, MORE OR LESS.

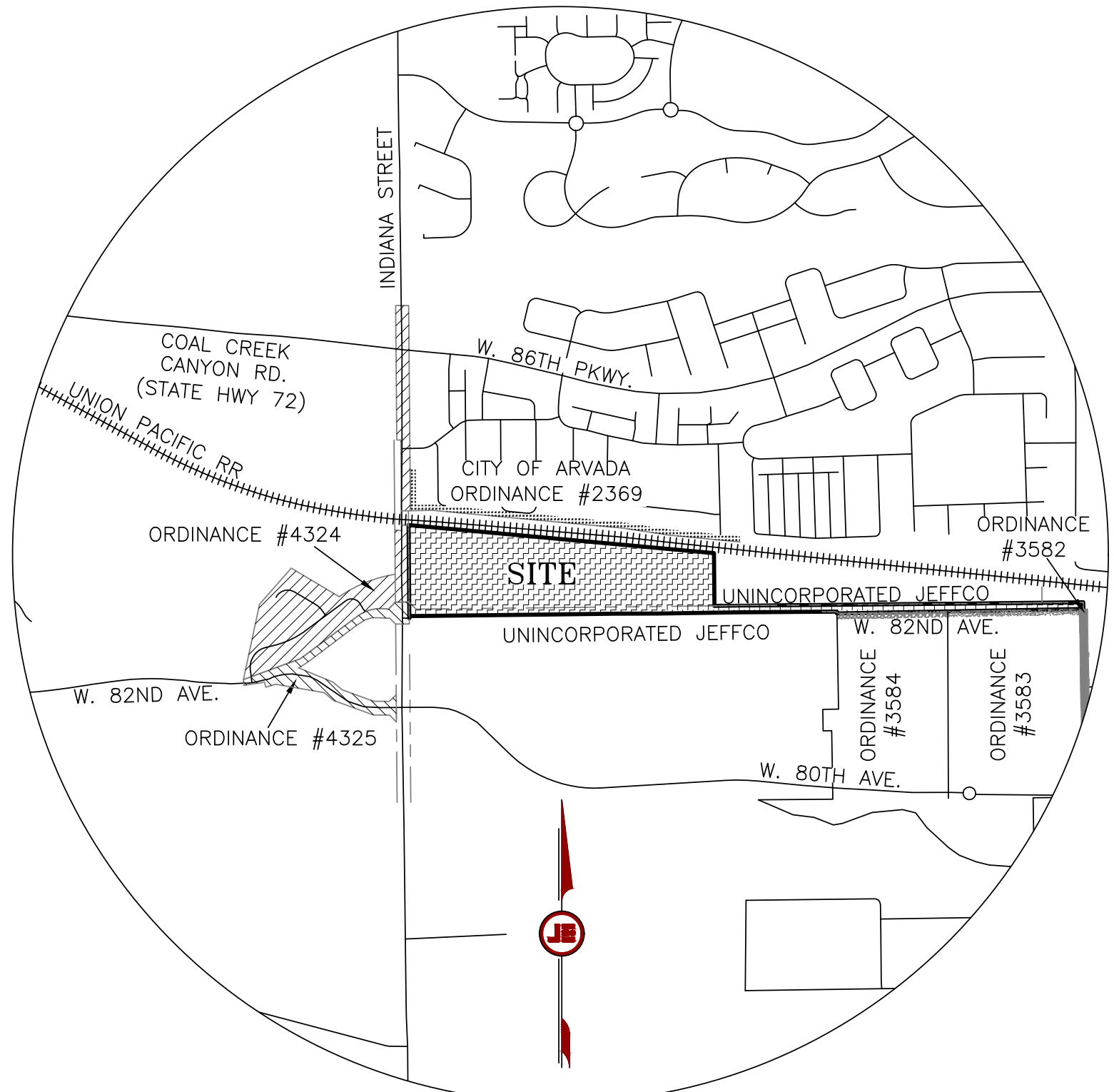
NOTES

1. BASIS OF BEARINGS: BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 30 BEING ASSUMED TO BEAR NORTH 88°26'57" EAST BETWEEN MONUMENTS AS SHOWN WITHIN THIS MAP.

2. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

3. THIS MAP IS NOT A MONUMENTED LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT AS DEFINED IN C.R.S. 38–51–106. THE PURPOSE OF THIS MAP IS TO SHOW THE AREA TO BE ANNEXED INTO THE CITY OF ARVADA.

4. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY JEHN ENGINEERING TO DETERMINE OWNERSHIP OF EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS–OF–WAY AND TITLE OF RECORD, JEHN ENGINEERING RELIED UPON COMMITMENT FOR TITLE INSURANCE, POLICY NO. CO–FWCO–IMP–72306–1–21–C2054638, ISSUED BY CHICAGO TITLE OF COLORADO AND HAVING AN EFFECTIVE DATE OF AUGUST 17, 2021 AT 11:29 A.M.



VICINITY MAP
1"=1000'

CONTIGUITY STATEMENT

TOTAL PERIMETER OF AREA CONSIDERED FOR ANNEXATION=10,985.27 LF

ONE–SIXTH OF TOTAL PERIMETER=1,830.87 LF (16.67%)

PERIMETER OF THE AREA CONTIGUOUS WITH EXISTING CITY LIMITS=4,716.05 LF (42.93%)

ANNEXATION EXCEEDS THE ONE–SIXTH PERIMETER REQUIREMENT.

SURVEYOR’S CERTIFICATE

I ROBERT J. HENNESSY, A PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS WHITEWING ANNEXATION MAP WAS MADE BY ME OR DIRECTLY UNDER MY SUPERVISION, AND THAT IT IS A TRUE AND CORRECT REPRESENTATION OF THE AREA TO BE ANNEXED TO THE CITY OF ARVADA, COLORADO. THE ABOVE DESCRIBED LAND IS CONTIGUOUS TO THE CITY OF ARVADA AND MEETS THE REQUIREMENTS SET FORTH IN COLORADO REVISED STATUTES 1973, 31–12–104–(1) (A) THAT ONE–SIXTH OR MORE OF THE PERIMETER TO BE ANNEXED IS CONTIGUOUS WITH THE ANNEXING MUNICIPALITY. THE SURVEY IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

ROBERT J. HENNESSY, P.L.S. 34580, LICENSED COLORADO LAND SURVEYOR
FOR AND ON BEHALF OF JEHN ENGINEERING, INC.

APPROVAL CERTIFICATE

APPROVED FOR FILING BY THE CITY OF ARVADA THIS _____ DAY OF _____, 20____.

MAYOR _____ ATTEST: _____
CITY CLERK

ORDINANCE NUMBER _____

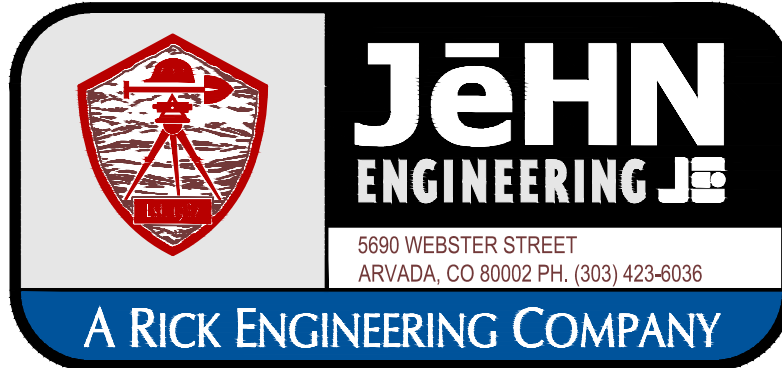
CLERK AND RECORDER’S CERTIFICATE

RECEPTION NUMBER _____

ACCEPTED FOR FILING IN THE OFFICE OF THE CLERK AND RECORDER OF JEFFERSON COUNTY, AT GOLDEN COLORADO ON THIS _____ DAY OF _____, 20____ AT _____ O’CLOCK.

JEFFERSON COUNTY CLERK AND RECORDER

BY: DEPUTY CLERK



WHITEWING ANNEXATION MAP

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30,
TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M.,
COUNTY OF JEFFERSON, STATE OF COLORADO
SHEET 2 OF 2

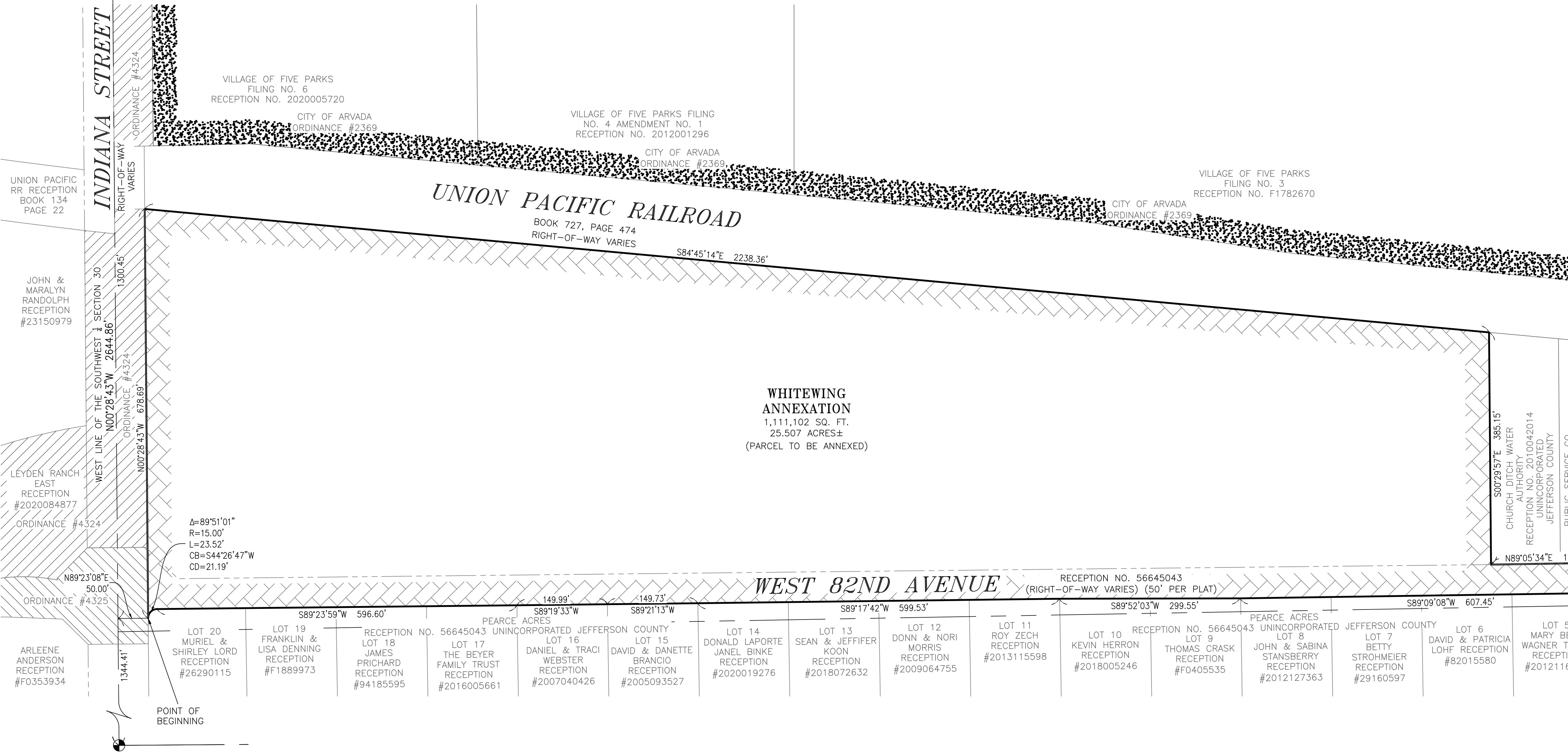
WEST 1/4 CORNER OF SECTION
30 FOUND #6 REBAR & 2.5"
ALUMINUM CAP PLS 28286 IN
RANGE BOX MATCHING
MONUMENT RECORD FILED
4/28/07

N88°26'57"E 2524.92'

N. LINE OF THE SW 1/4 SECTION 30
BASIS OF BEARINGS

60' WITNESS CORNER TO THE
CENTER 1/4 CORNER OF
SECTION 30 FOUND #6 REBAR
& 2.5" ALUMINUM CAP PLS
28286 IN RANGE BOX
MATCHING MONUMENT RECORD
FILED 3/29/04

CENTER 1/4 CORNER SECTION 30



LEGEND

ALIQUOT CORNER

SECTION LINE

ADJACENT LOT LINE

RIGHT-OF-WAY

ANNEX BOUNDARY

ARVADA CITY LIMITS

ANNEXATION ORDINANCE NO. 4324

ANNEXATION ORDINANCE NO. 4325

ANNEXATION ORDINANCE NO. 2369

ANNEXATION ORDINANCE NO. 3582

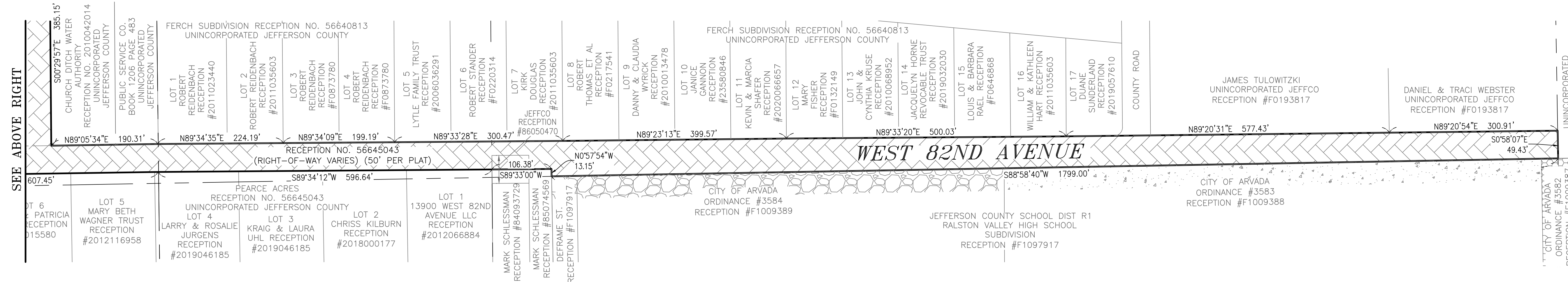
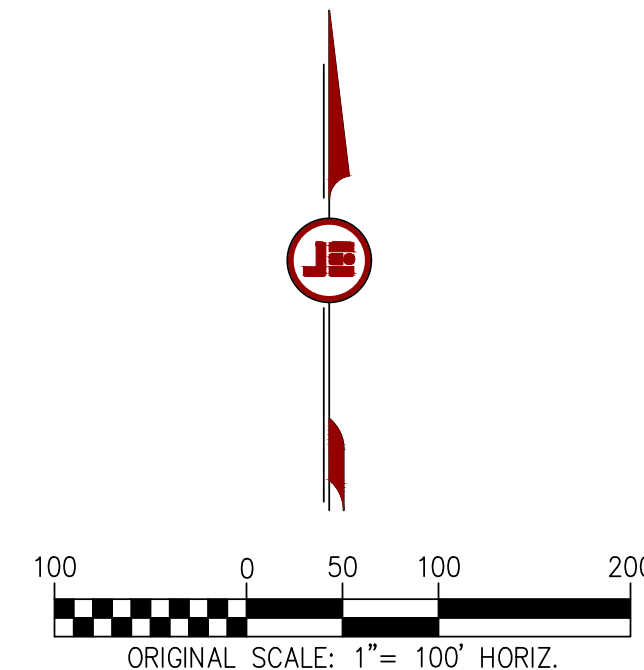
ANNEXATION ORDINANCE NO. 3583

ANNEXATION ORDINANCE NO. 3584

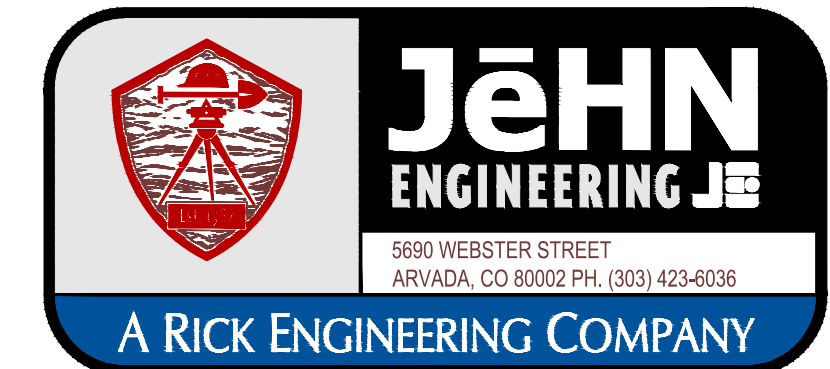
ANNEXATION ORDINANCE NO. 3584

WHITEWING ANNEXATION

SEE BELOW LEFT



ALKIRE
STEET



NAME OF ANNEXATION: **Whitewing at Ralston Summit**

APPROXIMATE LOCATION: **W 82nd Avenue and Indiana Street**

**PETITION FOR ANNEXATION OF UNINCORPORATED TERRITORY
IN THE COUNTY OF JEFFERSON, STATE OF COLORADO,
TO THE CITY OF ARVADA, STATE OF COLORADO**

TO THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

The undersigned in accordance with the Municipal Annexation Act of 1965, Chapter 31, Article 12, C.R.S. 1973, as amended, hereby petitions the City Council of the City of Arvada for annexation to the City of Arvada of the following described unincorporated territory located in the County of Jefferson, State of Colorado, to wit:

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 30 BEING ASSUMED TO BEAR NORTH 88°26'57" EAST, A DISTANCE OF 2524.92 FEET BETWEEN THE FOLLOWING DESCRIBED MONUMENTS:

-THE 60' WITNESS CORNER TO THE CENTER QUARTER CORNER OF SECTION 30 BEING A FOUND #6 REBAR & 2.5" ALUMINUM CAP PLS 28286 IN RANGE BOX MATCHING MONUMENT RECORD FILED 3/29/04.

-THE WEST QUARTER CORNER OF SECTION 30 BEING A FOUND #6 REBAR & 2.5" ALUMINUM CAP PLS 28286 MATCHING MONUMENT RECORD FILED 4/28/07

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 30 FROM WHENCE THE WEST QUARTER CORNER OF SECTION 30 BEARS NORTH 00°28'43" WEST, A DISTANCE OF 2644.86 FEET;

THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 30 NORTH 00°28'43" WEST, A DISTANCE OF 1,344.41 FEET;

THENCE NORTH 89°23'08" EAST, A DISTANCE OF 50.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF INDIANA STREET AND THE EASTERLY LINE OF ORDINANCE #4325 BEING ALSO THE POINT OF BEGINNING;

THENCE ALONG SAID EASTERLY LINES AND ALSO THE EAST LINE OF ORDINANCE #4324 NORTH 00°28'43" WEST, A DISTANCE OF 678.69 FEET TO THE SOUTHERLY RIGHT-OF-WAY, BOOK 727, PAGE 474;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY SOUTH 84°45'14" EAST, A DISTANCE OF 2,238.36 FEET TO THE NORTHWEST CORNER OF THAT PARCEL DESCRIBED AT RECEPTION NO. 2010042014;

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THENCE ALONG SAID EASTERLY LINE, BEING ALSO THE RIGHT-OF-WAY OF SAID 82ND/ AVENUE NORTH 00°57'54" WEST, A DISTANCE OF 13.15 FEET;

THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING NINE (9) COURSES AND DISTANCES;

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CONTAINING 1,369,062 SQUARE FEET OR 31.429 ACRES, MORE OR LESS.

In support of the said Petition, your Petitioner alleges that:

1. It is desirable and necessary that the above-described territory be annexed to the City of Arvada.
2. No less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of Arvada.
3. A community of interest exists between the territory proposed to be annexed and the City of Arvada.
4. The territory proposed to be annexed is urban or will be urbanized in the future.
5. The territory proposed to be annexed is integrated or is capable of being integrated with the City of Arvada.
6. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
 - a. is divided into separate parts or parcels without the written consent of the landowner or landowners thereof.
 - b. comprising twenty acres or more which, together with the buildings and improvements situated thereon, has an assessed value in excess of two-hundred thousand dollars for an ad valorem tax purpose for the year preceding the annexation is included within the territory proposed to be annexed, without the written consent of the landowner or landowners thereof.
7. No annexation proceedings have been commenced by another municipality for the annexation of part or all of the area proposed herein to be annexed to Arvada.
8. Annexation of the territory proposed to be annexed will not result in detachment of area from any school district and the attachment of the same to another school district.
9. Annexation of the area proposed to be annexed will not have the effect of extending the City of Arvada's municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year.
10. No portion of a platted street or alley lies within the boundaries of the area proposed to be annexed, unless the entire width of said street or alley has been included within the boundaries of the area to be annexed.
11. The Signer(s) of the Petition comprise(s) the landowner(s) of one hundred percent of the territory included in the area proposed to be annexed, exclusive of streets and alleys and any land owned by the annexing municipality.
12. All other requirements of Section 31-12-104 and 31-12-105, C.R.S., exist or have been met.
13. The mailing address of the Signer, the legal description of the land owned by such signer, and the date of signing of such signature are all shown on this Petition.
14. Attached to this Petition is the Affidavit of Circulator of this Petition that the signature hereon is the signature of the person whose name it purports to be.

Your Petitioner(s) further request(s) that the City of Arvada approve the annexation of the area proposed to be annexed.

Legal Owner's Printed Name

Christian Dinsdale

Legal Owner's Signature

[Signature]

Title

Manager (of Ralston Valley Land Partners, LLC)

Address Street Number/Name

1660 17th St.

City/State/Zip Code

Denver, CO, 80202

Date Signed

8/24/2021

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)

COUNTY OF Jefferson) ss.

Joseph A. John

, being duly sworn, upon oath, deposes and states:

1. That the affiant circulated the Petition for Annexation for the purpose of obtaining the signature(s) of the above Petitioner(s).
2. That each signature thereon is the signature of the person whose name it purports to be.

[Signature]
Circulator

NOTARY CERTIFICATE

STATE OF COLORADO)

COUNTY OF Jefferson) ss.

Subscribed and sworn to before me this 24th day of August, 2021.

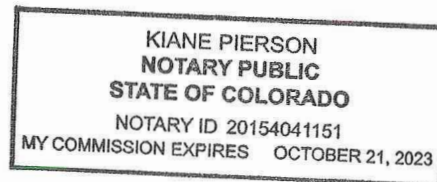
(SEAL)

Witness my hand and seal:

Kiane Pierson

My commission expires:

10/21/2023



City of Arvada Community and Economic Development Department **PUBLIC HEARING STAFF REPORT**

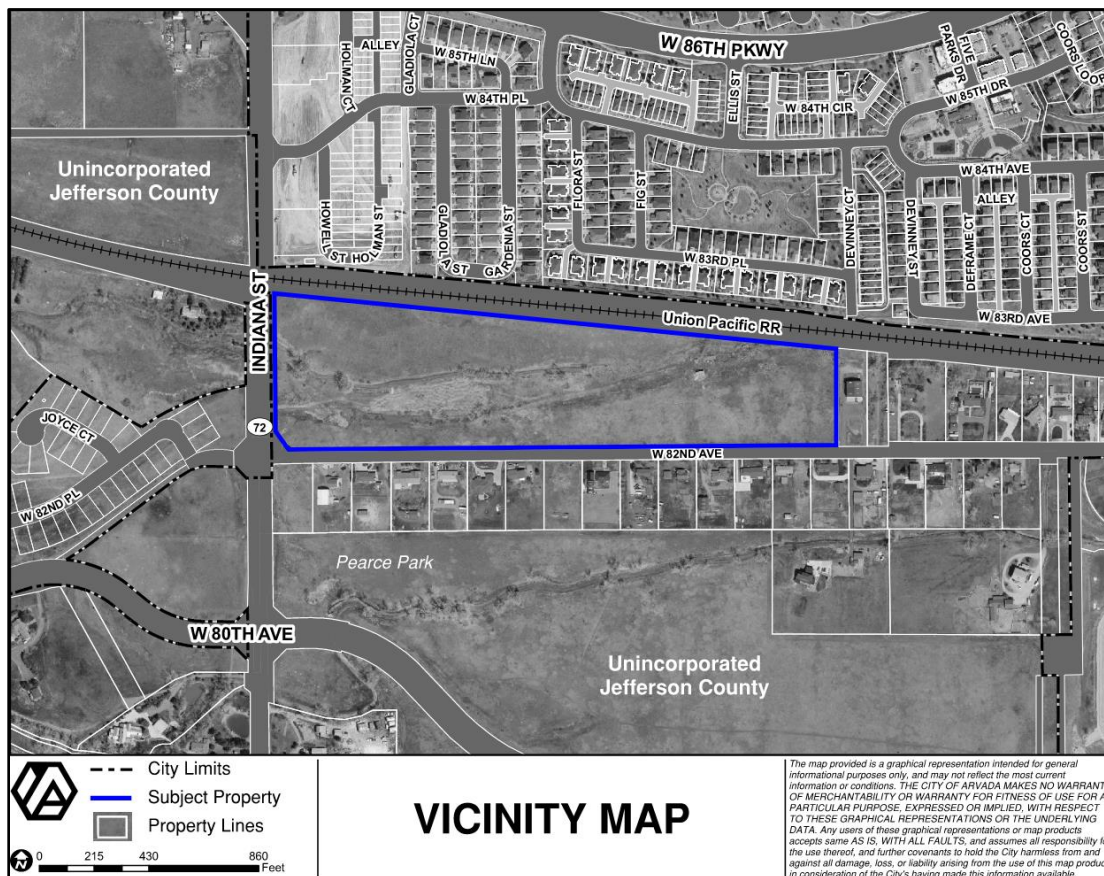
Whitewing at Ralston Summit Annexation, Zoning, PUD Development Plan, Major Subdivision Preliminary Plat DA2021-0006

NATURE OF REQUEST

Ralston Valley Land Partners, LLC is requesting approval of applications for Annexation, Zoning, PUD Development Plan (PDP), and Major Subdivision Preliminary Plat of a 25.5 acre vacant parcel currently located in Unincorporated Jefferson County zoned as Jefferson County Agricultural-Two (A-2). The Annexation and Zoning applications also include the right-of-way (ROW) of W 82nd Ave. between Indiana St. and Alkire St. containing 5.9 acres of land.

The proposed development consists of 37 residential lots on 25.5 acres with a density of 1.5 dwelling units per acre (du/ac). The requested zoning is Planned Unit Development (PUD). The homes will be custom construction on large lots with the goal of providing a rural feel while meeting City requirements for infrastructure and services. In order to provide service to the site, the developer will be extending a sanitary sewer main from W 80th Ave via existing ROW adjacent to the west property line of Ralston Valley High School.

If the City Council approves the applications for Annexation, Zoning, PDP, and Major Subdivision Preliminary Plat, applications will then be required for a Final Development Plan (FDP) and Final Plat, which will be reviewed administratively.



LOCATION AND HISTORY

The subject property is located in Unincorporated Jefferson County at the northeast corner of Indiana Street and W 82nd Avenue and is currently vacant. The property abuts the Union Pacific Railroad (UPRR) to the north, Indiana Street to the west, and W 82nd Avenue to the south. The property has significant grade change throughout with the railroad being the highpoint and the remaining property sloping generally south. The Tucker Irrigation Ditch runs generally west to east across the site. The section of Indiana Street adjacent to the site is part of State Highway 72 under the Colorado Department of Transportation's (CDOT's) jurisdiction.

The subject property does not have any development history. The prior owners of the property have previously contacted City staff for pre-application meetings regarding annexation, but the current annexation application is the first formal application that has been submitted to the City.

NEIGHBORHOOD MEETING

Division 8-2-2 of the Land Development Code (LDC) requires that at least one neighborhood meeting be held for projects that require public hearings before the Planning Commission and City Council.

The required neighborhood meeting for this project took place virtually on October 7, 2020. The applicant, staff, and 34 neighbors were in attendance. The primary concerns of neighbors were about whether anyone located in Unincorporated Jefferson County would be required to annex into the City and whether the new development would negatively impact the soil or water in the area since all of the property owners along this section of W 82nd Ave. have septic systems. City staff informed the neighbors that the City does not have a policy of unilateral or forced annexation. The developer addressed concerns about the potential environmental impact and stated that any impacts would be required to be mitigated. The applicant has prepared a summary of the meeting, which is attached.

PUBLIC NOTIFICATION

Division 8-2-4 of the Land Development Code requires public notification for all public hearings as follows:

Written Notice: At least 15 days prior to all public hearings, written notice must be mailed to all property owners within 500 feet of the subject property and to all homeowners associations and neighborhood associations with a known interest in the subject property. The applicant will provide an affidavit of mailing verifying this requirement has been met prior to the public hearing.

Posted Notice: At least 15 days prior to all public hearings, signs notifying the public of the hearing must be posted on the subject property. The applicant will provide a posting log verifying that this requirement has been met prior to the public hearing.

Published Notice: At least 15 days prior to all public hearings, notice of the hearing must be published in a newspaper of general circulation in the City. The required notice has been published.

SEVERED MINERAL RIGHTS

At least 30 days prior to the public hearing, written notice of the application must be mailed to any owner of mineral rights associated with the subject property. The applicant has provided the required Certification of Notice pursuant to Colorado Revised Statute 24-65.5-103.

DEVELOPMENT REVIEW TIMELINE

The application was accepted by the City for review on January 24, 2021. The standard review timeline allows for three reviews within a 20 week timeframe to hold a Planning Commission public hearing. This application required three reviews. The first and second City reviews were completed in six and seven weeks respectively when the typical review period is four weeks. These reviews took longer than typical due to the development caseload at the time and the complexity of the project. City staff also held several meetings with the applicant's development team between submittals. The applicant submitted the project for the third review after seven weeks, when the typical resubmittal period is three weeks. The third staff review was completed in four weeks. In total, the case will be heard 32 weeks after the application was submitted.

ALIGNMENT WITH CITY COUNCIL STRATEGIC PLAN

The project is consistent with the City Council Strategic Plan principles for the Community and Economic Development work system.

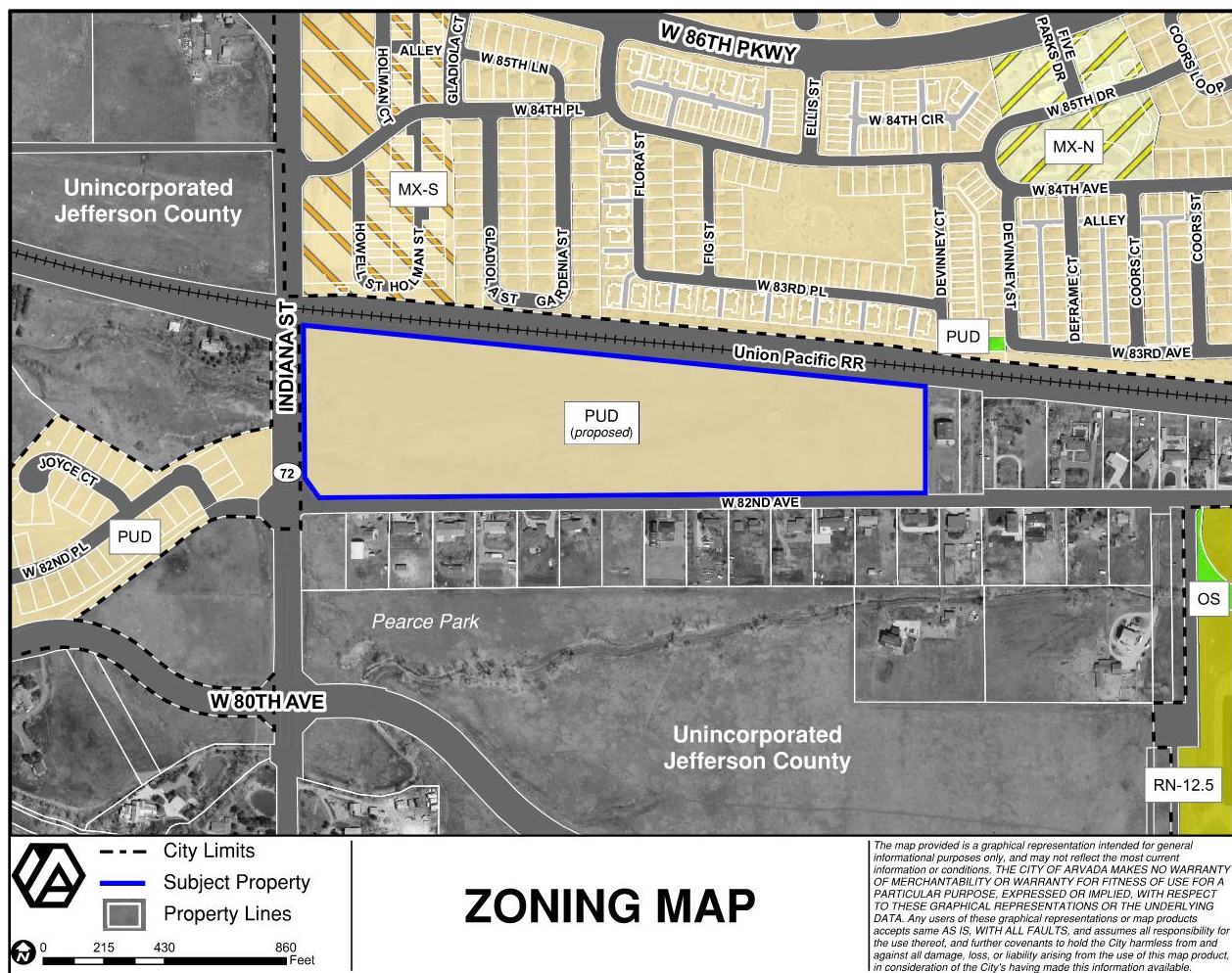
ZONING AND LAND USE

The subject property is currently zoned Jefferson County Agricultural-Two and contains approximately 25.5 acres of land. The applicant is proposing to zone the property as Planned Unit Development (PUD). Surrounding properties are zoned and utilized as follows:

Direction	Zoning	Actual Use
North (across railroad)	MX-S and PUD (Mixed Use – Suburban) and (Planned Unit Development – Residential 3.75 du/ac)	Commercial, Duplex homes, and Single-Family homes
South (across W 82nd Ave)	Jefferson County A-2 (Agricultural - Two)	Single-Family homes
East	Jefferson County A-2 (Agricultural - Two)	Church Ditch Water Authority Utility Building
West (across Indiana St)	Jefferson County A-2 and Arvada PUD (Agricultural - Two) and (Planned Unit Development – Residential 3.2 du/ac)	Single-Family homes

The Comprehensive Plan Future Land Use Designation for the subject property is Low Density Residential, which allows for a zoning of Residential Agricultural (RA) or PUD with a gross density up to 1.5 du/ac.

The overall intention of the proposal is to develop a high-end large-lot single-family residential product with a rural feel. While the concept could apply to the RA zone district, it would be practically infeasible for an RA zoned development to meet all of the standard requirements due to the challenging grade change on the site, existing gas and fiber utility locations, and the Tucker Irrigation Ditch located on site. Given that reality, the applicant is proposing PUD zoning while using the development standards of the RN-32.5 and RN-12.5 Residential Neighborhood zone districts as guidance.



The purpose of the PUD zoning district is to accommodate innovative site planning for a development that includes significant public benefits. In order that the public health, safety, integrity, and general welfare may be furthered in an era where innovation and responsiveness in real estate development is often needed to meet shifting market demands, the PUD zone is established to provide project variety and diversity through the establishment of project-specific standards in the alternative to those otherwise set out in this LDC, so that maximum long-range neighborhood and community benefits can be gained.

The proposed development standards for the site are generally consistent with either the RN-32.5 or RN-12.5 Residential Neighborhood zone district standards. The standards of those districts are generally appropriate as a metrics due to their similarity in lot sizes. The minimum lot size of the proposed Whitewing PUD is 19,500 square feet while the minimum lot size of the RN-12.5 zone district is 12,500 square feet and the minimum lot size of the RN-32.5 zone district is 32,500 square feet. Specific development standards will be discussed in greater detail below. The proposal meets the intention and purpose of the PUD zone district.

PROJECT ANALYSIS

Annexation

The applicant is petitioning to annex 31.4 acres of land into the City in order to access City water and sanitary sewer service. Annexation into the City requires conformance with section 30 of article II of the state constitution and Colorado Revised Statutes §31-12-101, et seq.

The land proposed to be annexed includes the 25.5 acre subject property and 5.9 acres of W 82nd Ave. ROW between Indiana St. and Alkire St. W 82nd Ave. is currently under the jurisdiction of Jefferson County. Since the City has existing water mains within that ROW and a new sanitary sewer main will be constructed in the ROW, the City requested that W 82nd Ave. be annexed into Arvada in conjunction with the subject property. Jefferson County does not have any objections to the request, but did provide several comments related to W 82nd Ave. The County noted that W 82nd Ave. had recently been downgraded to a local street with a speed limit of 25 mph and the adjacent residents had partially funded the installation of speed humps along W 82nd Ave. City staff supports these measures previously taken by Jefferson County and will continue to work with residents of the area to ensure traffic speeds remain safe.

Staff has reviewed the annexation application and finds it to be in accordance with the constitution and laws of the State of Colorado currently in effect. The annexation application has also been processed in accordance with LDC Division 8-3-3. Staff has provided a bulleted summary of relevant Colorado Revised Statutes:

- §31-12-104(1)(a) – at least one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of Arvada
- §31-12-105 – the annexation application does not present any conflicts with the limitations imposed by this section
- §31-12-107(1) – a petition has been submitted to the City in accordance with section 30(1)(b) of article II of the state constitution

Compliance with the Comprehensive Plan

The Comprehensive Plan Future Land Use Designation for the subject property is Low Density Residential. The intention of the Low Density Residential designation is to allow for residential densities lower than typically found in suburban residential areas and encourage more rural characteristics. It is generally found in the western part of Arvada where topography is more varied. The proposed development is consistent with the Low Density Residential designation as well as the following Comprehensive Plan Goals & Policies:

Goal L-2: Plan for a balanced mix of commercial and residential land uses in Arvada.

Policy L-2.2: Allow Appropriate Expansion of City Boundaries

The City will consider the annexation of land that includes land uses that are consistent with the Comprehensive Plan goals, the long-term needs of the community and the City's service capacity.

Goal CC-1: Plan Arvada as a City of different development character districts.

Policy CC-1.1: Variety of Development Types

The City will include a variety of development types including rural areas, suburban residential neighborhoods, historic districts, redevelopment areas, and mixed-use communities that contain services, employment, and higher density housing.

Goal CC-2: Establish and maintain Arvada's distinct qualities and small-town identity.

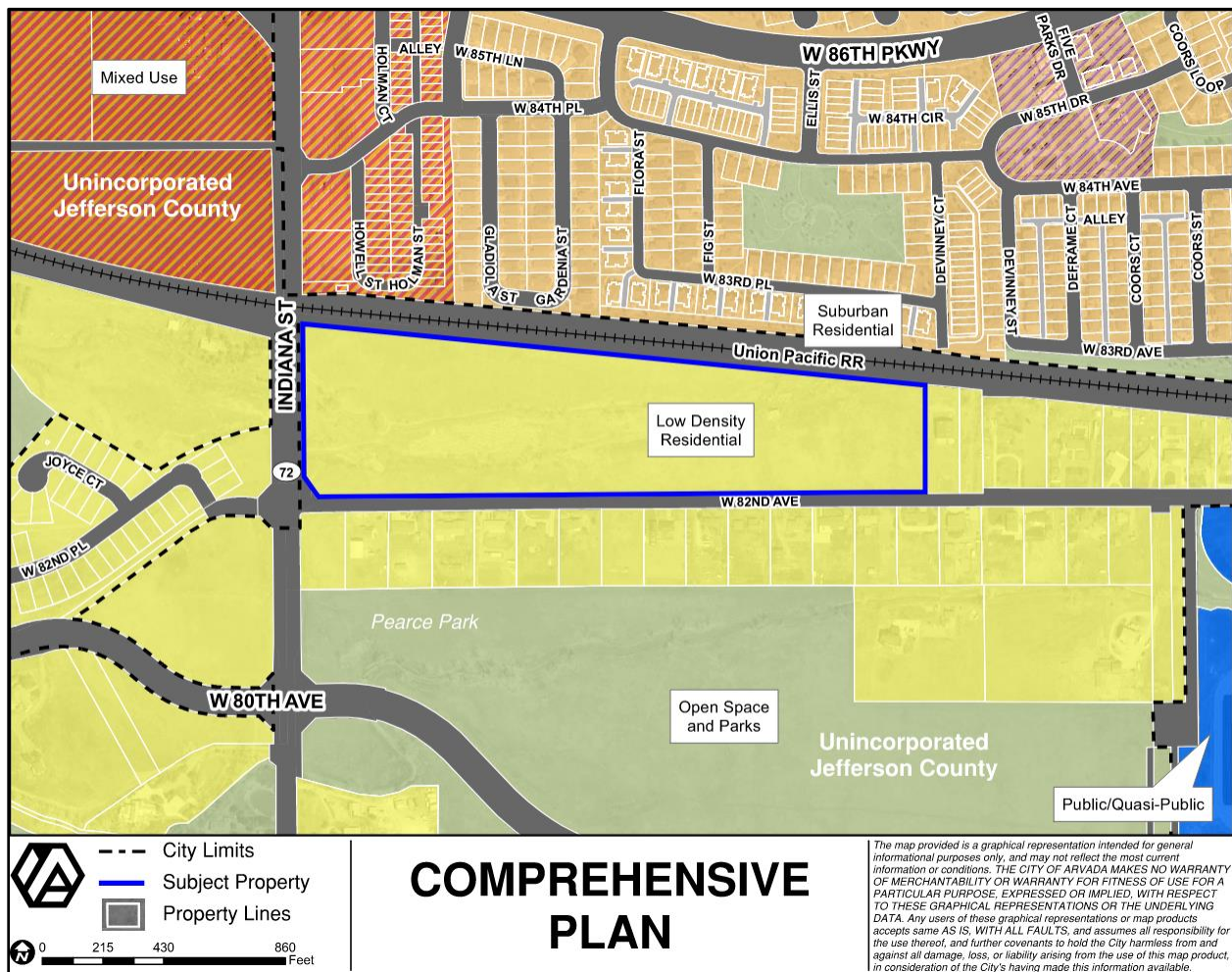
Policy CC-2.2: High Quality Private Development

The City will promote high quality architecture, site planning, landscaping, signage, and lighting for new residential and commercial developments.

GOAL CC-3: Identify places and assets that are unique and important to the community and work to preserve them.

Policy CC-3.4: Low Density Areas

Development within designated Low Density areas should have an open feel and incorporate characteristics found in rural areas such as significant open space, existing vegetation, more natural landscaping, open fencing, view corridors from public places, and non-suburban road design



Infrastructure Improvements to Indiana Street

The ROW of Indiana St. adjacent to the subject property does not currently meet City standards and is not constructed to the ultimate build out of State Highway 72 as designated by CDOT. Typically, all new development in the City is required to dedicate and construct ROW meeting City standards or improve existing ROW to meet City standards at the time of development in accordance with Arvada City Code Sec. 74-93. - Development of streets.

However, in this instance, the proximate location of the Union Pacific Railroad (UPRR) overpass prevents the full design of improvements to Indiana St. as the bridge would need to be replaced in order to accommodate the ultimate design to widen Indiana St. The City is actively working with CDOT and UPRR to secure funding for design and construction of a new railroad bridge.

Due to this circumstance, the applicant will provide designs for the necessary improvements to Indiana St. along the property frontage except for the northernmost 150 feet. The northernmost 150 feet along the property frontage would be the likely location of a temporary shoofly rail bridge to allow continuous UPRR operations while the existing bridge is replaced. As such, the future condition of that area is unknown until the bridge replacement is designed. The applicant will pay fees-in-lieu of construction to the City for all of the improvements that would typically be required. When the railroad bridge is replaced and Indiana St. is widened, the City would install the required improvements using the fees-in-lieu. The associated construction costs will be determined prior to approval of the FDP and final plat.

Setbacks

The proposed setbacks mostly align with the setbacks of the RN-12.5 zone district.

Setback Standards	Proposed	RN-12.5
Min. Front	30 ft	30 ft
Min. Street Side	25 ft	25 ft
Min. Interior Side	10 ft / 20 ft	10 ft
Min. Rear	15 ft	15 ft
Min. Arterial Setback	100 ft	100 ft

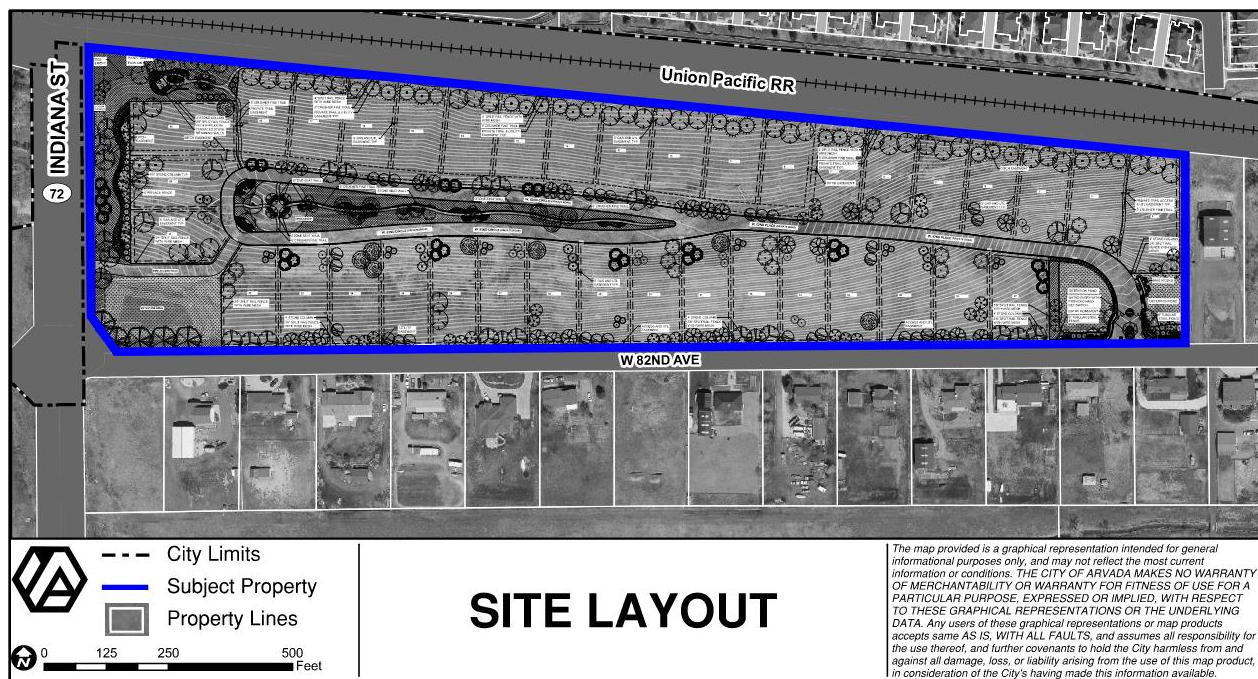
There is one deviation from the Min. Interior Side Setback standard. The proposed interior side setback is intended to be larger on one side of each lot to preserve the open character of the neighborhood while allowing room for side-loaded garages on the opposite side of the lot.

Building Height

The maximum proposed principal building height is 35 feet. The maximum proposed accessory building height is 20 feet. These standards are consistent with the RN-32.5 zone district.

Open Space

The proposal contains approximately six acres of open space accounting for 24% of the site. The focal point of the open space is the 51,000 square foot neighborhood park in the center of the site with seating areas and paths connecting the area. There is also a large HOA tract along the west and south perimeter that offers landscaped amenities and there is a shared trail that runs along the northern property boundary.



Landscaping, Buffering, and Fencing

The PDP is meeting landscaping, buffering, and fencing standards of the LDC. However, it should be noted that the landscaping directly adjacent to Indiana St. would likely not be installed until the final street section of Indiana St. is constructed. Additionally, a modification will be necessary to the typical tree lawn of the W 82nd Ave. street section. Due to the location of an existing gas line and fiber optic line combined with the grade of the site and drainage requirements, the typical eight-foot tree lawn cannot be provided. A four-foot lawn is provided as a buffer between the sidewalk and the street instead. The street trees that would typically be planted in the tree lawn will be located within an adjacent HOA tract to be irrigated and maintained by the HOA.

Parks

The development will be required to pay the standard Park Development Fees as well as fees-in-lieu of park land dedication, which will be determined prior to approval of the Final Plat.

Building Design

The applicant is proposing to construct high-end custom homes and to establish strong architectural guidelines. As the building design will be customized to future homeowners preferences, there are not any 'typical' architectural drawings associated with the project. All buildings will be required to meet the standard LDC residential building design standards.

Site Access

The applicant is requesting a modification to LDC §4-4-3-4(J) – *Private Streets* as part of the PDP to allow gated access to the site. LDC §4-4-3-4(J) states: "The use of private streets is discouraged. Where allowed by the Director, private streets shall comply with all standards for the design of public streets of the same function adopted by the City."

Gated access would not comply with a stated purpose and intent of the LDC to “promote the creation of safe, unique, interesting, inclusive, and economically vibrant places throughout the City.” A gated access is exclusive by nature and function, which is why the City has historically not approved any requests for gated access to residential communities. In addition to being exclusive, gated access creates logistical issues for first responders and can increase response time. For these reasons, staff has included a provision in the conditions of approval stating that gated access to the development would not be permitted.

Circulation and Connectivity

The proposed development is located at the corner of Indiana St. and W 82nd Ave. Access to the development will be from W 82nd Ave. and there will not be any direct access to Indiana St. The development will be served by a private road to be owned and maintained by the HOA. The applicant will improve W 82nd Ave. along the subject property frontage to Arvada standards for local streets including constructing a sidewalk. A modification to the tree lawn width for the Arvada local street section will be necessary, which was discussed above.

Current access to Indiana St. from W 82nd Ave. is limited to a right-in-right-out movement. A median is anticipated to be constructed on Indiana St. in this area when Indiana St. is widened and final improvements are made. In order for residents of the development to head south, they would need to take W 82nd Ave. to Alkire St. Due to this traffic pattern, the applicant will be required to contribute funding to upgrade the traffic signal at Alkire St. and W 80th Ave. based on their proportionate share of traffic.

Grading and Drainage

There is an approximate 85-foot existing grade change between the highest point on the site in the northwest corner to the lowest point on the site in the southeast corner. The preliminary grading plan has been reviewed and it appears to comply with all applicable standards. The development is required to control drainage on-site and release collected stormwater at historic flow rates. This will be achieved through swales and stormwater detention infrastructure located along the perimeter of the development in HOA tracts. The infrastructure will be owned and maintained by the HOA. The final grading and drainage plans will be reviewed with the FDP.

Parking and Loading

The proposed development is required to provide two-off street parking spaces for each single-family home. This will be achieved through two-car garages. If a property owner constructs an accessory dwelling unit (ADU), and additional off-street parking space would be required. This could be achieved by using a driveway space or constructing a garage as part of the ADU. On-street parking on the private road serving the development will not be permitted due to the International Fire Code (IFC) access requirements.

Utility Services

Water and sanitary sewer service will both be provided by the City of Arvada, which will be able to adequately serve the proposed development. There is an existing water main east of the subject property within the W 82nd Ave. ROW that will be extended through the site and looped into the existing water main in Indiana St. The closest sanitary sewer main to the site is a quarter mile south in the W 80th Ave. ROW. The applicant is proposing to extend the sanitary sewer main along the west property line of Ralston Valley High School where there is existing ROW dedicated to Arvada. The main will then be extended west along W 82nd Ave. to serve the

proposed development. The extension of the sewer main may also be a future benefit to the current residents along that section of W 82nd Ave.

Police and Fire Protection

The proposed development is currently served by the Arvada Police Department and the Arvada Fire Protection District (AFPD), who have reviewed the proposed development. Due to the number of units proposed and grade challenges for a potential secondary access road, the fire code requires that all homes within the development have automatic sprinkler systems installed that meet the adopted IFC standards. The AFPD has confirmed that the proposed secondary emergency vehicle access is too steep for their equipment to use.

School District

The residential development will be required to pay the standard school fee-in-lieu of land dedication, which will be determined prior to approval of the Final Plat. Children living in this development would attend Van Arsdale Elementary School, Oberon Middle School, and Ralston Valley High School. The Jefferson County School District has reviewed the proposal and has indicated that capacity for Van Arsdale Elementary & Oberon Middle is sufficient to house students from this development; however, Ralston Valley High will be overenrolled. Ralston Valley HS is receiving an addition to increase capacity in the current bond that will accommodate these students. This development will be further evaluated as a part of the Jefferson County School's overall review of the north area development picture.

LAND DEVELOPMENT CODE APPROVAL CRITERIA

It is the responsibility of the applicant to justify the requested land use application. The Planning Commission should make a recommendation to the City Council based on its findings regarding the approval criteria shown in the tables below and upon testimony heard during the public hearing as it applied to the criteria. Staff performed an analysis of the proposal, based on the approval criteria listed in Chapter 8 of the Land Development Code, and presents the following findings:

Div. 8-3-3 Annexation and Disconnection Approval Criteria	Finding	Rationale
1. The annexation is in accord with the Comprehensive Plan and the best interests of the City would be served by annexation of such property.	Complies	The annexation complies with the Low Density Residential designation and will improve surrounding infrastructure.
2. The property is capable of being integrated into the City and developed in compliance with all applicable provisions of this Code and the Arvada City Code.	Complies	The proposed development complies with all applicable provisions of this Code and the Arvada City Code.
3. At the time any development of the area proposed to be annexed is completed, there will be capacity to adequately serve residents of such area with all necessary utilities, facilities and public services.	Complies	With the extension of water and sanitary sewer mains as part of this proposal, there will be capacity and infrastructure to adequately serve residents.

Div. 8-3-4 Zoning and Rezoning Approval Criteria	Finding	Rationale
1. The rezoning is consistent with the Arvada Comprehensive Plan, or an adopted sub-area plan, corridor plan, or urban renewal plan, or reflects conditions that have changed since the adoption of the Comprehensive Plan.	Complies	The PUD zoning and PDP to develop single-family homes with a max. density of 1.5 du/ac complies with the Comprehensive Plan Low Density Residential designation.
2. The intended land use is consistent with the stated intent of the proposed zoning district.	Complies	Single-family residential units are allowed in the PUD zone district.
3. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will, prior to development, be available to serve the subject property while maintaining adequate levels of service to existing development.	Complies	With the extension of water and sanitary sewer mains as part of this proposal, there will be capacity and infrastructure to adequately serve residents while maintaining adequate levels of service to existing development. As noted in the analysis above, AFPD will require all homes within the development to install automatic sprinkler systems meeting the adopted IFC standards.
4. The intended land use for which the rezoning is sought will not result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.	Complies	The development will not have a significant impact on the natural environment. The development will comply with all required stormwater management standards and mitigate off-site impacts.
5. The rezoning is consistent with the character of existing or planned development on adjacent properties and in the surrounding area or neighborhood, or measures will be taken to substantially buffer or otherwise substantially mitigate any negative impacts.	Complies	The immediately adjacent properties located in Unincorporated Jefferson County are large lot rural/agricultural properties. The nearby residential properties at the Village of Five Parks are a mix of housing types and lot sizes with high-quality construction. The proposed development is compatible with and fills a niche in between the two nearby neighborhoods with large lot high quality housing.

Div. 8-3-8 Major Subdivision Preliminary Plat Approval Criteria	Finding	Rationale
1. The proposed subdivision is consistent with the Comprehensive Plan.	Complies	The proposal to create large single-family home lots with a max. density of 1.5 du/ac complies with the Comprehensive Plan Low Density Residential designation.
2. The proposed subdivision is consistent with, and implements, the intent of the zoning district in which it is located. If the subject property is in a PUD zoning district, the subdivision is consistent with any previously approved PUD Outline Development Plan, PUD Development Plan, and/or PUD Final Development Plan.	Complies	There is not a previously approved PUD Outline Development Plan, PUD Development Plan, and/or PUD Final Development Plan. The proposed subdivision is consistent with the PUD Development Plan that is being analyzed concurrently.

3. Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools will, prior to development, be available to serve the subject property, while maintaining sufficient levels of service to existing development.	Complies	With the extension of water and sanitary sewer mains as part of this proposal, there will be capacity and infrastructure to adequately serve residents while maintaining adequate levels of service to existing development.
4. The proposed subdivision will not result in significant adverse impacts on the natural environment or the use and enjoyment of adjoining property, including changes in air quality, water quality, noise levels, stormwater runoff, wildlife habitat, and/or natural vegetation, in that such impacts will be substantially avoided or mitigated by design.	Complies	The development will not have a significant impact on the natural environment. The development will comply with all required stormwater management standards and mitigate off-site impacts.
5. The proposed subdivision complies with all applicable regulations, standards, requirements, or plans of the federal or state governments and other general or special-purpose governmental entities with jurisdiction, involving (but not limited to) such matters as wetlands, water quality, erosion control, potable water, fire safety, or wastewater regulations.	Complies	The proposed subdivision is anticipated to meet all applicable regulations, standards, requirements, or plans. As noted in the analysis above, AFPD will require all homes within the development to install automatic sprinkler systems meeting the adopted IFC standards.
6. The proposed subdivision complies with all applicable use, development, and design standards set forth in Chapter 2, Zoning Districts Chapter 4, Environmental and Site Design, and other applicable provisions of this Code, except to the extent the same are modified as may be provided in this LDC. Applicants shall avoid creating lots or patterns of lots in the subdivision that will make future compliance with such development and design standards difficult or infeasible.	Complies	The proposed subdivision is meeting all applicable use, development, and design standards.
7. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of this LDC.	Complies	The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision comply with all applicable requirements in the City's Engineering Code of Standards and Specifications along with all applicable standards in the LDC that are not otherwise modified.

Div. 8-3-10 PUD Development Plan Approval Criteria	Finding	Rationale
1. The plan is consistent with the Comprehensive Plan or reflects conditions that have changed since the adoption of the Comprehensive Plan	Complies	The PDP to develop single-family homes with a max. density of 1.5 du/ac complies with the Comprehensive Plan Low Density Residential designation.
2. The plan is consistent with and implements and previously approved Outline Development Plan in	N/A	There is not a previously approved

effect for the subject property, per Section 8-3-10-7, PUDs Approved Prior to Effective Date.		Outline Development Plan.
3. The plan represents a development that will address a unique situation, confer a substantial benefit to the City, or incorporate creative site design such that it achieves the purposes set out in Section 8-3-10-1, Purpose of Planned Development Zone, and represents an improvement in quality over what could have been accomplished through application of the otherwise applicable zoning district or development standards.	Complies	The plan will confer a substantial benefit to the City through extension of water and sewer main lines, infrastructure improvements, and fees-in-lieu of improvements. The plan addresses the unique situation presented by the significant grades on the site by creating large lot standards not found in established zone districts.
4. The plan generally complies with the intent of the use, development and design standards set forth in the LDC.	Mostly Complies	The PDP complies with almost all applicable development and design standards set forth in the LDC with the exception of the requested modification to allow gated access to the private road serving the development. Staff does not support the requested modification.
5. To the extent reasonably feasible, the plan provides for integration and connection with adjoining development through street connections, sidewalks, trails, and similar features; unless due to the nature of the uses that are allowable in the plan such connections are not desirable.	Mostly Complies	The development will improve W 82 nd Ave. to Arvada local street standards including constructing a sidewalk along the property frontage. The applicant will also pay fees-in-lieu of constructing improvements to Indiana St., which include a sidewalk/trail that will ultimately connect to existing sidewalk/trail to the north. The requested modification to allow gated access to the private road serving the development does not provide for integration and connection and staff does not support the request.
6. Sufficient public safety, transportation, and utility facilities and services will, prior to development, be available to serve the subject property, while maintaining sufficient levels of service to existing development.	Complies	With the extension of water and sanitary sewer mains as well as roadway improvements to W 82 nd Ave and fees-in-lieu for improvements to Indiana St. as part of this proposal, there will be capacity and infrastructure to adequately serve residents while maintaining adequate levels of service to existing development. As noted in the analysis above, AFD will require all homes within the development to install automatic sprinkler systems meeting the adopted IFC standards.
7. The proposed uses (or group of uses) are appropriately located and designed, both within the boundaries of the plan and in relation to adjacent uses, such that the foreseeable, material adverse impacts that may be created by the scale, design, and operating characteristics (e.g., hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts) of the uses are avoided or mitigated.	Complies	The proposed use will not have a significant impact to adjacent uses. The development will provide landscaping along W 82 nd Ave. offering a larger than typical buffer from existing homes and the proposed setbacks are in line with the existing neighborhood.

8. If the application for plan approval is accompanied by an application for rezoning to the PUD zoning district, the rezoning application is concurrently approved.	Complies	The zoning application and PDP are being considered concurrently.
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STAFF RECOMMENDATION

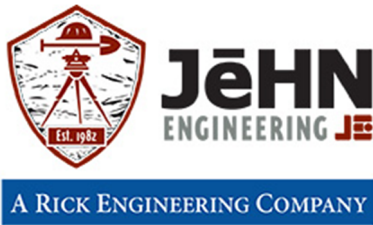
Based upon project analysis and review of the Land Development Code approval criteria, staff recommends approval of the following applications:

1. Annexation
2. Zoning
3. Major Subdivision Preliminary Plat
4. PUD Development Plan (PDP)

If the Planning Commission finds that a recommendation to approve the PUD Development Plan (PDP) application is supported by the approval criteria, then staff recommends that the following conditions be made part of the approval:

1. The applicant shall address all of the remaining technical issues identified by staff on the PDP as part of the first FDP submittal.
2. A Development Agreement for this site must be signed by the applicant prior to approval of the FDP and final plat to ensure completion of all public improvements and any other necessary requirements. The agreement shall contain the total amount of fees-in-lieu required to construct improvements for the ultimate buildout of Indiana St. along the subject property frontage.
3. As part of the first FDP submittal for this development, the applicant shall submit roadway design plans for the portion of Indiana St. along the subject property frontage, excepting that 150 foot portion of the northernmost roadway. The design shall be approved concurrently with the FDP.
4. As part of FDP approval, the applicant shall submit funds for the necessary capacity improvements associated with the development to the traffic signal at the intersection of W 80th Ave. and Alkire St. The exact amount of this cost shall be determined through the FDP process.
5. Gated access to the private road serving the development shall not be permitted.

The Planning Commission may recommend denial of the request(s) if it cannot make affirmative findings of the approval criteria stated above.



October 8, 2020

Jonathan Moore, Planning Department
City of Arvada
8101 Ralston Road
Arvada, Colorado 80002

RE: Whitewing at Ralston Summit Neighborhood Meeting

Meeting was held on October 7, 2020 at 6pm via zoom format

Attendance was by: Debbie Klisis, Jehn Engineering
Joseph A. Jehn, Jehn Engineering
Jerome Magsino, Jehn Engineering
Sandra Moore, Jehn Engineering
Greg Bamford, Bamford Company
David Bamford, Bamford Company
Jonathan Moore, Planner City of Arvada
Jake Sawaya, City of Arvada Planning
Rob Smetana, City of Arvada Planning

24 people RSVP to attend the meeting
34 people were generally present at the meeting
1 person RSVP but was unable to attend

Debbie Klisis opened the meeting by introducing the Jehn Engineering representatives, City of Arvada representatives in attendance, and Bamford Company representatives to showcase their conceptual community development plan for this project.

After the presentation was shown, Greg Bamford talked about his lengthy history as a developer and how he would like to bring his knowledge and product to the Arvada area. He also reassured everyone that his company would be present until the last home was built and someone from his company would be on the HOA to insure that a quality product would be shown.

The adjacent property owner's concerns were as follows:

- With this development would this ruin the residents wells and septic systems.
RESPONSE: There will be no adverse effect to the wells and the septic system because of development of this project.
- Would the residents be forced into being annexed into the city of Arvada?
RESPONSE: No one will be asked to be annexed into the city. That is done only by a request to be annexed.
- They were afraid they would have to rely on city water and sewer and to have to pay the tap fees.
RESPONSE: The property owners will not be subjected to using city water and the sewer system.
- They asked where the water and sewer line come from. Would it come from 80th or farther up Indiana.
RESPONSE: Still working out the location but probably be connected to the utilities in 82nd Sewer extends east on 82nd and south to 80th; water connects in 82nd on east and west side. ..
- Was a soils study to be done because of the expansive soils in the area? It was also mentioned that numerous homes in the area were showing stress due to the bentonite in the soil, and sliding which some of the residents were worried about their homes below this project.
RESPONSE: A Geotechnical Engineer has been hired to do a soil analysis and they will provide their recommendations and findings.
- Was there going to be a height limit to the houses so the people in Five Parks would not lose their views?
RESPONSE: The City of Arvada already has height limitations in place which is 35 feet.
- Would there be parks and open spaces in the community?
RESPONSE: Yes there will be.
- What would happen to the ditch water, would it be piped?
RESPONSE: We are working with the ditch companies and discussing piping the ditch water.
- Would there be trails through the community for adjacent property owners?
RESPONSE: The trails would be for the residences of the community.
- Would this community be gated?
RESPONSE: There is a discuss with the City concerning this concept.

- What type of illumination would be used so you would not have light pollution?
RESPONSE: This is still being discussed with the City to avoid any light pollution. A photometric plan will be prepared, and will meet city standards, which does not allow light spilling beyond the property.
- Could the entrance be at an angle so the car light would not shine into surrounding residences homes?
RESPONSE: This is still being discussed with the city to avoid any light pollution. Entrance relocated to align with adjacent lot line o avoid lights in houses.
- Will the soils be tested for plutonium, when the soils are done. What will happen once the soils are disturbed?
RESPONSE: A Geotechnical Engineer has been hired to do a soil analysis and they will provide their recommendations and finding.
- When construction starts what will be done to keep the dust down?
RESPONSE: When construction starts the contractors will be following the City of Arvada protocol of dust mitigation.
- How would the construction traffic get to the site?
RESPONSE: City of Arvada wants to minimize the construction traffic issues but it is still very early in this process. Traffic will access off 82nd.
- Traffic issues was a major problem because of the right in and out only on Indiana Street. Where would the access to the community be? Would there be an access onto Indiana Street?
RESPONSE: A traffic study will be prepared, nothing has been finalized this early.
- Would there be an environmental study done to protect the wet lands in the area?
RESPONSE: Yes and will be completed.
- Would they pave the road by the railway for a trail? That would not be done because the railroad owns that property.
RESPONSE: Nothing has been determined to date.
- A lot of discussion about Indiana Street possibly widening and the intersection at Alkire and Indiana Street. What the future would hold for these roads for easier access.
RESPONSE: Indiana will eventually be widened but there is no final development plans at this time. There will be interim widening with this development.

- What type of custom homes would be built and was there a minimum size to the house? Some of the lots were set for accessory building such as a casita, outer office, rv storage, larger storage units.

RESPONSE: The buyer will bring in their own custom architectural plans to be approved by the HOA. The developer has standards and guides to the type of home allowed in this community. Nothing has been determined at this time.

- Would the developer be pushed away from this project? Other developers walked away from this site and they liked this concept.

RESPONSE: Bamford Company will stay its course and push forward to develop this site. Mr. Bamford assured people that someone would be available from the HOA on site until the last home has been built.

- People did like the idea presented to them as there would be quality design and a constant presence of the owner/developer.

Summary:

We have addressed the neighbors' concerns. Any concerns not addressed will be worked through during the design process.



REPORT TO CITY COUNCIL ORDINANCE FIRST READING

**AGENDA ITEM
8.C.2.**

TO: THE HONORABLE CITY COUNCIL

DATE: October 4, 2021

SUBJECT: CB21-033 An Ordinance Rezoning Certain Land Within the City of Arvada, from Jefferson County A-2 (Agricultural-Two) to City of Arvada PUD (Planned Unit Development) and Amending the Official Zoning Maps of the City of Arvada, Colorado, Located at the Northeast Corner of Indiana Street and West 82nd Avenue, also known as 8200 Indiana Street (Public Hearing to be set for October 18, 2021 at 6:15 p.m.)

Report in Brief

Ralston Valley Land Partners, LLC is requesting approval of an application for Zoning of a 25.5 acre vacant parcel currently located in Unincorporated Jefferson County zoned as Jefferson County Agricultural-Two (A-2). The Zoning application also includes the right-of-way (ROW) of W 82nd Avenue between Indiana Street and Alkire Street containing 5.9 acres of land.

Applications for Annexation, a Major Subdivision Preliminary Plat, and a PUD Development Plan (PDP) are being considered concurrently with the zoning request. The proposed development consists of 37 residential lots on 25.5 acres with a density of 1.5 dwelling units per acre (du/ac). The requested zoning is Planned Unit Development (PUD). The homes will be custom construction on large lots with the goal of providing a rural feel while meeting City requirements for infrastructure and services. In order to provide service to the site, the developer will be extending a sanitary sewer main from W 80th Avenue via existing ROW adjacent to the west property line of Ralston Valley High School.

If the City Council approves the applications for Annexation, Zoning, PDP, and Major Subdivision Preliminary Plat, applications will then be required for a Final Development Plan (FDP) and Final Plat, which will be reviewed administratively.

The Arvada team recommends that the City Council approve CB21-033, An Ordinance Rezoning Certain Land Within the City of Arvada, from Jefferson County A-2 (Agricultural-Two) to City of Arvada PUD (Planned Unit Development) and Amending the Official Zoning Maps of the City of Arvada, Colorado, Located at the Northeast Corner of Indiana Street and West 82nd Avenue, also known as 8200 Indiana Street, be approved on first reading, ordered published in full, and a public hearing set for October 18, 2021 at 6:15 p.m.

Financial Impact

The approval of this property will have no financial impact.

Background

The subject property is located in Unincorporated Jefferson County at the northeast corner of Indiana Street and W 82nd Avenue and is currently vacant. The property abuts the Union Pacific Railroad (UPRR) to the north, Indiana Street to the west, and W 82nd Avenue to the south. The property has significant grade changes throughout, with the railroad being the highpoint and the remaining property sloping generally south. The Tucker Irrigation Ditch runs generally west to east across the site. The section of Indiana Street adjacent to the site is part of State Highway 72 under the Colorado Department of Transportation's (CDOT's) jurisdiction.

The subject property does not have any development history. The prior owners of the property have previously contacted City

SUBJECT: CB21-033 An Ordinance Rezoning Certain Land Within the City of Arvada, from Jefferson County A-2 (Agricultural-Two) to City of Arvada PUD (Planned Unit Development) and Amending the Official Zoning Maps of the City of Arvada, Colorado, Located at the Northeast Corner of Indiana Street and West 82nd Avenue, also known as 8200 Indiana Street (Public Hearing to be set for October 18, 2021 at 6:15 p.m.)

PAGE: 2
ITEM: 8.C.2.

team members for pre-application meetings regarding annexation; however, the current annexation application is the first formal application that has been submitted to the City.

Discussion

It is the responsibility of the applicant to justify the requested land use application. The City Council must reach a decision based on its findings regarding the approval criteria shown in the table below and upon testimony heard during the public hearing as it applied to the criteria.

The Community and Economic Development team performed an analysis of the proposal, based on the approval criteria listed in Division 8-3-4, Zoning and Rezoning, and presents the following findings:

Div. 8-3-4 Zoning and Rezoning Approval Criteria	Finding	Rationale
1. The rezoning is consistent with the Arvada Comprehensive Plan, or an adopted sub-area plan, corridor plan, or urban renewal plan, or reflects conditions that have changed since the adoption of the Comprehensive Plan.	Complies	The PUD zoning and PDP to develop single-family homes with a max. density of 1.5 du/ac complies with the Comprehensive Plan Low Density Residential designation.
2. The intended land use is consistent with the stated intent of the proposed zoning district.	Complies	Single-family residential units are allowed in the PUD zone district.
3. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will, prior to development, be available to serve the subject property while maintaining adequate levels of service to existing development.	Complies	With the extension of water and sanitary sewer mains as part of this proposal, there will be capacity and infrastructure to adequately serve residents while maintaining adequate levels of service to existing development. The AFPD will require all homes within the development to install automatic sprinkler systems meeting the adopted IFC standards.
4. The intended land use for which the rezoning is sought will not result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.	Complies	The development will not have a significant impact on the natural environment. The development will comply with all required stormwater management standards and mitigate off-site impacts.
5. The rezoning is consistent with the character of existing or planned development on adjacent properties and in the surrounding area or neighborhood, or measures will be taken to substantially buffer or otherwise substantially mitigate any negative impacts.	Complies	The immediately adjacent properties located in Unincorporated Jefferson County are large lot rural/agricultural properties. The nearby residential properties at the Village of Five Parks are a mix of housing types and lot sizes with high-quality construction. The proposed development is compatible with and fills a niche in between the two nearby neighborhoods with large lot high quality housing.

Public Contact

The required neighborhood meeting for this project took place virtually on October 7, 2020. The applicant, staff, and 34 neighbors were in attendance. The primary concerns of neighbors were about whether anyone located in Unincorporated Jefferson County would be required to annex into the City and whether the new development would negatively impact the soil

SUBJECT: CB21-033 An Ordinance Rezoning Certain Land Within the City of Arvada, from Jefferson County A-2 (Agricultural-Two) to City of Arvada PUD (Planned Unit Development) and Amending the Official Zoning Maps of the City of Arvada, Colorado, Located at the Northeast Corner of Indiana Street and West 82nd Avenue, also known as 8200 Indiana Street (Public Hearing to be set for October 18, 2021 at 6:15 p.m.)

PAGE: 3
ITEM: 8.C.2.

or water in the area, since all of the property owners along this section of W 82nd Ave. have septic systems. City team members informed the neighbors that the City does not have a policy of unilateral or forced annexation. The developer addressed concerns about the potential environmental impact and stated that any impacts would be required to be mitigated. The applicant has prepared a summary of the meeting, which is attached.

At the Planning Commission hearing held on September 7, 2021, approximately 10 neighbors were in attendance. One member of the public spoke to voice some concerns relating to traffic and impacts to adjacent properties from construction.

A written notice was sent 15 days prior to the meeting, a published notice was posted in the newspaper 15 days prior to the meeting, and a public hearing sign was posted 15 days prior to the meeting.

Commission Recommendation

The Planning Commission voted 6 to 0 in favor of the Council's approval on September 7, 2021.

Strategic Alignment

The project is consistent with the following principle within the Community and Economic Development Priority Area of the City Council Strategic Plan:

Uses the Comprehensive Plan to guide planning, land use code decisions, development management, and informational and resource services that are delivered to residents, businesses, the development community, decision-making bodies, and neighborhood partners to achieve a well-planned, aligned, sustainable, and livable community for current and future generations.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve CB21-033, An Ordinance Rezoning Certain Land Within the City of Arvada, from Jefferson County A-2 (Agricultural-Two) to City of Arvada PUD (Planned Unit Development) and Amending the Official Zoning Maps of the City of Arvada, Colorado, Located at the Northeast Corner of Indiana Street and West 82nd Avenue, also known as 8200 Indiana Street, be approved on first reading, ordered published in full, and a public hearing set for October 18, 2021 at 6:15 p.m.

Suggested Motion:

I move that CB21-033, An Ordinance Rezoning Certain Land Within the City of Arvada, from Jefferson County A-2 (Agricultural-Two) to City of Arvada PUD (Planned Unit Development) and Amending the Official Zoning Maps of the City of Arvada, Colorado, Located at the Northeast Corner of Indiana Street and West 82nd Avenue, also known as 8200 Indiana Street, be (approved on first reading, ordered published in full, and a public hearing set for October 18, 2021 at 6:15 p.m.) (rejected).

Prepared by:
Abigail Ogg, Administrative Specialist

Reviewed by:

SUBJECT: CB21-033 An Ordinance Rezoning Certain Land Within the City of Arvada, from Jefferson County A-2 (Agricultural-Two) to City of Arvada PUD (Planned Unit Development) and Amending the Official Zoning Maps of the City of Arvada, Colorado, Located at the Northeast Corner of Indiana Street and West 82nd Avenue, also known as 8200 Indiana Street (Public Hearing to be set for October 18, 2021 at 6:15 p.m.)

PAGE: 4
ITEM: 8.C.2.

Approved by:

Jonathan Moore, Planner I	9/14/2021
Josie Suk, Development Systems and Administrative Manager	9/14/2021
Robert Smetana, Manager of City Planning and Development	9/14/2021
Ryan Stachelski, Director of Community and Economic Development	9/15/2021
Gail Walker, Legal Specialist-Contracts	9/15/2021
Emily Grogg, Senior Assistant City Attorney	9/16/2021
Rachel Morris, City Attorney	9/21/2021
Lorie Gillis, Deputy City Manager	9/21/2021
Mark Deven, City Manager	9/21/2021

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 21-033
ORDINANCE NO.

AN ORDINANCE REZONING CERTAIN LAND WITHIN THE CITY OF ARVADA, FROM JEFFERSON COUNTY A-2 (AGRICULTURAL-TWO) TO CITY OF ARVADA PUD (PLANNED UNIT DEVELOPMENT) AND AMENDING THE OFFICIAL ZONING MAPS OF THE CITY OF ARVADA, COLORADO, LOCATED AT THE NORTHEAST CORNER OF INDIANA STREET AND WEST 82ND AVENUE, ALSO KNOWN AS 8200 INDIANA STREET.

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

Section 1. The following described property is hereby rezoned from Jefferson County A-2 (Agricultural-Two) to City of Arvada PUD (Planned Unit Development).

A PARCEL OF LAND DESCRIBED ON THE ATTACHED EXHIBIT A.

Section 2. The Official Zoning Maps of the City of Arvada are hereby amended in accordance herewith.

Section 3. This ordinance shall be effective fifteen days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 4th day of October, 2021.

PASSED, ADOPTED, AND APPROVED this _____ day of _____, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By: _____

Publication Dates: October 7, 2021

EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 30 BEING ASSUMED TO BEAR NORTH 88°26'57" EAST, A DISTANCE OF 2524.92 FEET BETWEEN THE FOLLOWING DESCRIBED MONUMENTS:

-THE 60' WITNESS CORNER TO THE CENTER QUARTER CORNER OF SECTION 30 BEING A FOUND #6 REBAR & 2.5" ALUMINUM CAP PLS 28286 IN RANGE BOX MATCHING MONUMENT RECORD FILED 3/29/04.

-THE WEST QUARTER CORNER OF SECTION 30 BEING A FOUND #6 REBAR & 2.5" ALUMINUM CAP PLS 28286 MATCHING MONUMENT RECORD FILED 4/28/07

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 30 FROM WHENCE THE WEST QUARTER CORNER OF SECTION 30 BEARS NORTH 00°28'43" WEST, A DISTANCE OF 2644.86 FEET;

THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 30 NORTH 00°28'43" WEST, A DISTANCE OF 1,344.41 FEET;

THENCE NORTH 89°23'08" EAST, A DISTANCE OF 50.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF INDIANA STREET AND THE EASTERLY LINE OF ORDINANCE #4325 BEING ALSO THE POINT OF BEGINNING;

THENCE ALONG SAID EASTERLY LINES AND ALSO THE EAST LINE OF ORDINANCE #4324 NORTH 00°28'43" WEST, A DISTANCE OF 678.69 FEET TO THE SOUTHERLY RIGHT-OF-WAY, BOOK 727, PAGE 474;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY SOUTH 84°45'14" EAST, A DISTANCE OF 2,238.36 FEET TO THE NORTHWEST CORNER OF THAT PARCEL DESCRIBED AT RECEPTION NO. 2010042014;

THENCE ALONG THE WEST LINE OF SAID PARCEL SOUTH 00°29'57" EAST, A DISTANCE OF 385.15 FEET TO THE SOUTHWEST CORNER THEREOF BEING ALSO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF WEST 82ND AVENUE;

THENCE ALONG SAID NORTHERLY RIGHT—OF—WAY THE FOLLOWING EIGHT (8) COURSES AND DISTANCES;

1. THENCE NORTH 89°05'34" EAST, A DISTANCE OF 190.31 FEET;

2. THENCE NORTH 89°34'35" EAST, A DISTANCE OF 224.19 FEET;
3. THENCE NORTH 89°34'09" EAST, A DISTANCE OF 199.19 FEET;
4. THENCE NORTH 89°33'28" EAST, A DISTANCE OF 300.47 FEET;
5. THENCE NORTH 89°23'13" EAST, A DISTANCE OF 399.57 FEET;
6. THENCE NORTH 89°33'20" EAST, A DISTANCE OF 500.03 FEET;
7. THENCE NORTH 89°20'31" EAST, A DISTANCE OF 577.43 FEET;
8. THENCE NORTH 89°20'54" EAST, A DISTANCE OF 300.91 FEET TO THE EASTERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 30;

THENCE ALONG SAID EASTERLY LINE SOUTH 00°58'07" EAST, A DISTANCE OF 49.43 FEET TO THE NORTHERLY LINE OF ORDINANCE #3582 AND THE SOUTHERLY RIGHT-OF-WAY OF SAID 82ND/ AVENUE;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY AND THE NORTHERLY LINES OF ORDINANCE #3582, #3583 AND 3584 SOUTH 88°58'40" WEST, A DISTANCE OF 1,799.00 FEET TO THE EASTERLY LINE OF THAT PARCEL DESCRIBED AT RECEPTION NO. 85074569;

THENCE ALONG SAID EASTERLY LINE, BEING ALSO THE RIGHT-OF-WAY OF SAID 82ND/ AVENUE NORTH 00°57'54" WEST, A DISTANCE OF 13.15 FEET;

THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY THE FOLLOWING NINE (9) COURSES AND DISTANCES;

1. THENCE SOUTH 89°33'00" WEST, A DISTANCE OF 106.38 FEET;
2. THENCE SOUTH 89°34'12" WEST, A DISTANCE OF 596.64 FEET;
3. THENCE SOUTH 89°09'08" WEST, A DISTANCE OF 607.45 FEET;
4. THENCE SOUTH 89°52'03" WEST, A DISTANCE OF 299.55 FEET;
5. THENCE SOUTH 89°17'42" WEST, A DISTANCE OF 599.53 FEET;
6. THENCE SOUTH 89°21'13" WEST, A DISTANCE OF 149.73 FEET;
7. THENCE SOUTH 89°19'33" WEST, A DISTANCE OF 149.99 FEET;
8. THENCE SOUTH 89°23'59" WEST, A DISTANCE OF 596.61 FEET;
9. THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 15.00 FEET,

A CENTRAL ANGLE OF 89°51'01", WHOSE CHORD BEARS SOUTH 44°26'47" WEST A DISTANCE OF 21.19 FEET, FOR AN ARC DISTANCE OF 23.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,369,062 SQUARE FEET OR 31.429 ACRES, MORE OR LESS.



REPORT TO CITY COUNCIL ORDINANCE FIRST READING

**AGENDA ITEM
8.C.3.**

TO: THE HONORABLE CITY COUNCIL

DATE: October 4, 2021

SUBJECT: CB21-034 An Ordinance Certifying the City of Arvada Mill Levy for 2021 for the Board of County Commissioners for Jefferson and Adams Counties (Public Hearing to be set for October 18, 2021 at 6:15 p.m.)

Report in Brief

The purpose of this ordinance is to certify the City's Mill Levy for the valuation year 2021. The 2022 proposed budget estimates that \$7,949,427 will be collected in 2022 based on a mill levy of 4.31 mills. There is no change in the mill levy from the previous year.

This mill levy will be used to assess all property within the City for taxes to be collected in 2022 for the valuation year of 2021.

The Arvada team recommends that the City Council approve CB21- 034, An Ordinance Certifying the City of Arvada Mill Levy for 2021 for the Board of County Commissioners for Jefferson and Adams Counties on first reading, order it published in full, and a public hearing be set for October 18, 2021 at 6:15 p.m.

Financial Impact

The proposed revised 2021-2022 budget estimates that \$7,949,427 will be collected based on the proposed mill levy of 4.31 mills. This mill levy is part of the revenue sources that generate the estimated \$101,455,282 for the General Fund.

Background

This action is associated with the adoption of the 2022 budget. Certification of the mill levy for the valuation year 2021 will enable the City to receive property tax in 2022.

Discussion

As described herein, the estimated property tax of \$7,949,427 for 2022 represents approximately 7.8% of the estimated General Fund revenue. Without the mill levy, the City would not be able to fund several critical services.

Public Contact

N/A

Commission Recommendation

N/A

Strategic Alignment

The ordinance supports the following principle within the Organizational and Service Effectiveness Priority Area within the City Council Strategic Plan:

"Provides a well-managed, fiscally responsible government that operates effectively and efficiently while identifying revenue requirements to sustain current service levels and achieve future requested levels of service".

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve CB21- 034, An Ordinance Certifying the City of Arvada Mill Levy for 2021 for the Board of County Commissioners for Jefferson and Adams Counties on first reading, order it published in full, and a public hearing be set for October 18, 2021 at 6:15 p.m.

Suggested Motion:

I move that CB21-034, An Ordinance Certifying the City of Arvada Mill Levy for 2021 for the Board of County Commissioners for Jefferson and Adams Counties, be (approved on first reading, ordered published in full, and a public hearing set for October 18, 2021, at 6:15 p.m.) (rejected).

Prepared by:
Lisa Yagi, Assistant Finance Director

Reviewed by:

Approved by:

Jenna Belec, Executive Assistant	8/27/2021
Bryan Archer, Director of Finance	9/13/2021
Gail Walker, Legal Specialist-Contracts	9/13/2021
Kylie Justus, Assistant City Attorney	9/13/2021
Rachel Morris, City Attorney	9/16/2021
Lorie Gillis, Deputy City Manager	9/21/2021
Mark Deven, City Manager	9/21/2021

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 21-034
ORDINANCE NO. _____

AN ORDINANCE CERTIFYING THE CITY OF ARVADA MILL LEVY FOR 2021 FOR THE
BOARD OF COUNTY COMMISSIONERS FOR JEFFERSON AND ADAMS COUNTIES

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

Section 1. Pursuant to the provisions of CRS 39-5-128(1), the City of Arvada does hereby certify the levy at 4.31 mills to be assessed against all property within the City of Arvada for taxes to be collected in 2022 for the valuation year of 2021.

Section 2. This Ordinance shall be effective five days after publication, following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED IN FULL this 4th day of October, 2021.

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

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

Publication Dates: October 7, 2021



REPORT TO CITY COUNCIL ORDINANCE FIRST READING

**AGENDA ITEM
8.C.4.**

TO: THE HONORABLE CITY COUNCIL

DATE: October 4, 2021

SUBJECT: CB21-035 An Ordinance Appropriating Funds for Fiscal Year 2022 (Public Hearing to be set for October 18, 2021 at 6:15 p.m.)

Report in Brief

This is the public hearing for the budget appropriation ordinance. Pursuant to Section 10.4 of the Home Rule Charter, Council shall adopt an ordinance for the annual appropriation.

The ordinance is in the amount of \$262,859,447.

The Arvada team recommends that the City Council approve CB21-035, An Ordinance Appropriating Funds for Fiscal Year 2022 on first reading, order it published in full, and a public hearing set for October 18, 2021 at 6:15 p.m.

Financial Impact

The appropriation ordinance is in the amount of \$262,859,447.

Background

The Arvada team's presentation of the budget started on August 9 when the Finance and CMO teams presented the revised 10-year models along with a detailed review of current and previous revenue estimates. This included changes related to the COVID-19 pandemic and how they would affect the 10-year model.

On August 23, 2021, members from the Infrastructure Work System along with the Finance and CMO teams presented recommendations for funding the City's water and wastewater infrastructure. A follow-up presentation occurred on September 20 in order to continue this much needed conversation and answer additional questions from the City Council.

On September 10, 2021, the budget document was provided to the Council and posted to the City's website. The budget document includes the City Manager's transmittal letter which provides an overview of the budget document as well as the major changes and issues associated with the proposed expenditure of nearly \$263 million of public funds.

On September 27, the Council received a presentation focused on the major changes between the 2021-2022 Biennial Operating and Capital Budget approved last year by the City Council and the proposed update. The City Manager's Office and Finance teams facilitated the presentation in collaboration with Works Systems Leaders, who provided additional details and information associated with the proposed changes.

Discussion

The 2021-2022 Proposed Revised Biennial Operating and Capital Budget was released to the City Council and the Arvada community on September 10. Information within the Proposed Revised Biennial Budget provides an excellent overview of proposed allocations of resources and the priorities identified by the City Council and team members, as well as the relationship of each work system to the Strategic Plan, including milestones and performance measures.

[2021-2022 Proposed Revised Biennial Operating and Capital Budget](#)

A complete summary of the budget by section and funded priorities associated with the proposed budget is provided in the City Manager's Budget Transmittal Letter dated September 10.

Public Contact

Posting of the City Council agenda. The Proposed Revised Biennial Operating and Capital Budget has been available on the City website since September 10 and the Director of Finance presented a comprehensive review of the budget during the September 27 workshop.

Commission Recommendation

N/A

Strategic Alignment

The ordinance supports the following principle within the Organizational and Service Effectiveness Priority Area within the City Council Strategic Plan:

"Provides a well-managed, fiscally responsible government that operates effectively and efficiently while identifying revenue requirements to sustain current service levels and achieve future requested levels of service".

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve CB21-035, An Ordinance Appropriating Funds for the Fiscal Year 2022 on first reading, order it published in full, and a public hearing set for October 18, 2021 at 6:15 p.m.

Suggested Motion:

I move that CB21-035, An Ordinance Appropriating Funds for Fiscal Year 2022, be (approved on first reading, ordered published in full, and a public hearing date be set for October 18, 2021, at 6:15 p.m.) (rejected).

Prepared by:
Lisa Yagi, Assistant Finance Director

Reviewed by:

Approved by:

Jenna Belec, Executive Assistant	9/13/2021
Bryan Archer, Director of Finance	9/13/2021
Gail Walker, Legal Specialist-Contracts	9/14/2021
Kylie Justus, Assistant City Attorney	9/14/2021
Rachel Morris, City Attorney	9/16/2021

Lorie Gillis, Deputy City Manager 9/21/2021

Mark Deven, City Manager 9/22/2021

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 21-035
ORDINANCE NO. 21-_____

AN ORDINANCE APPROPRIATING FUNDS FOR FISCAL YEAR 2022

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

Section 1. Pursuant to the provisions of Section 10.4 of the Home Rule Charter, there is hereby appropriated money for fiscal year 2022 by fund in the following amounts:

Fund	Amount
General Fund	\$102,764,645
Grants Fund	\$187,999
Streets Maintenance Fund	\$10,269,631
Community Development	\$1,288,602
Arvada Housing Authority	\$5,827,286
Parks	\$11,585,697
Police Seizure	\$29,864
Police Tax Increment Fund .21	\$6,059,185
Police Tax Increment Fund .25	\$6,965,343
COP Debt Service	\$2,133,211
Debt Service Fund	\$5,364,782
Capital Projects Fund	\$6,997,769
Water Fund	\$52,546,099
Wastewater Fund	\$17,393,680
Golf Course Fund	\$7,015,082
Stormwater Fund	\$4,903,344

Solid Waste	\$6,238,247
Insurance Fund	\$2,487,138
Computers	\$5,674,966
Print Shop	\$443,526
Vehicles	\$6,217,114
Buildings	\$466,237
TOTAL APPROPRIATION	\$262,859,447

Section 2. This ordinance shall be effective five days after publication following final passage.

INTRODUCED, READ AND ORDERED PUBLISHED this 4th day of October, 2021.

APPROVED AND ADOPTED this _____ day of _____, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

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

By: _____

Publication Dates: October 7, 2021



REPORT TO CITY COUNCIL ORDINANCE FIRST READING

AGENDA ITEM
8.C.5.

TO: THE HONORABLE CITY COUNCIL

DATE: October 4, 2021

SUBJECT: CB21-036 An Ordinance Authorizing The City of Arvada to Enter into an Intergovernmental Agreement With Apex Park and Recreation District and Jefferson County School District R-1, for Meyers Pool Replacement Project.

Report in Brief

Meyers Pool is owned by the City of Arvada and, through an intergovernmental agreement, managed and operated by the Apex Park and Recreation District. Jeffco Public Schools is one of the largest users of Meyers Pool, which serves as home to five area schools and more than 900 student athletes. Meyers Pool is more than 40 years old, at the end of its useful life, and in need of replacement. A plan has been developed to keep the pool in operation until a new pool opens.

Based on mutually shared interests, elected officials from three agencies have come together to form an intergovernmental partnership to replace Meyers Pool. The partnership includes Jeffco Public Schools, Apex Park and Recreation District (Apex), and, the City of Arvada (Arvada). A steering committee, comprised of representatives from each agency, is leading the effort to replace Meyers Pool. The goal of this project is to build a facility to deliver aquatic services to Jeffco Public Schools boys and girls swimming and diving teams and the Jefferson County and Arvada swimming communities.

A feasibility study examining the projected operational revenues and expenses, staffing structure, market opportunities, and user preferences, including amenities and site for the new pool, has been completed. In addition, a recommended architectural program for the new pool has also been developed, based on extensive input from the aquatics community.

This Intergovernmental Agreement defines the roles and responsibilities of each partner, which are as follows:

City of Arvada:

- Provide land for the project;
- Finance 50% of the project expenses through an annual debt service payment; and
- Fund the majority of the capital maintenance and replacement plan as project owner.

Jeffco Public Schools:

- Provide land for the project (Warder Elementary School property);
- Lead agency in securing project financing;
- Finance 50% of project expenses through an annual debt service payment; and
- As an equity partner, it will not be charged any user fees.

Apex Park and Recreation District:

- Manage and program day-to-day operations; and

- Fund operating deficits (operating deficits are expected).

The Arvada team recommends that the City Council approve CB21-036, An Ordinance Authorizing the City of Arvada to Enter into an Intergovernmental Agreement with the Apex Park and Recreation District and Jefferson County School District R-1, for the Meyers Pool Replacement Project, on First Reading, ordered published in full, and a public hearing date set for October 18, 2021 at 6:15 p.m.

Financial Impact

Preliminary cost estimates for the project are estimated at \$33,000,000-\$35,000,000. Updated project costs will be presented once the facility has been designed. The cost associated with Arvada's contribution to this project is included in the City's 10-year Financial Model and Capital Improvement Plan.

Arvada and Jeffco Public Schools will also enter into a financing agreement which will require City Council and Jeffco Public Schools Board of Education approval.

Background

Based on the findings of the feasibility study and site analysis, efforts are focused on constructing the new facility, approximately 64,000 square feet in size, at the existing Meyers Pool parking lot site. Future parking would be sited where the existing aquatics center is currently located. The existing pool will be kept open while the new pool is under construction.

Implementing this goal requires the development of a “Meyers Pool-Warder Elementary School Campus Master Plan,” which will acknowledge both the needs of the expanded pool and the school. The campus masterplan will be used to guide the project as a portion of the Warder Elementary School Campus is required to support the parking needs of the new facility.

The existing Meyer’s Pool site was recommended for the new 50-meter pool based on the following site characteristics:

- This location has the highest population base of all sites examined, in a two-mile radius;
- The location is well known for aquatics activities;
- The site is on the east side of the service area where there are fewer recreation amenities available;
- The site is located near several schools; and
- The operating plan, which projects estimated revenue and expenses for a new facility, produced conclusions that are acceptable to the Apex Parks and Recreation District.

Jeffco Public Schools and Arvada will develop the “Meyer’s Pool-Warder Elementary School Campus Master Plan.” The campus masterplan will reflect the larger replacement 50-meter pool, including additional parking, while also preserving and enhancing the campus-like feel that currently exists at this location.

Based on information generated by the community and stakeholder engagement efforts, market analysis, project input and demand analysis, the new facility will include:

- A new 50-meter pool with on-deck seating for 300-400;
- A separate warmer water and shallower pool that will support a variety of community uses and programming;
- Spectator seating for 800, locker rooms for men, women and officials, along with universal changing rooms;
- A mechanical room, lobby, and office space; and,
- Support space, including additional parking for a facility that would be approximately 50% larger than the existing facility.

Discussion

This Intergovernmental Agreement further defines the roles and responsibilities of the partners, as follows:

- Jeffco Public Schools will operate as lead in securing project financing, including developing an annual debt service schedule;
- Jeffco Public Schools and Arvada would each be responsible for funding 50% of the total project cost;
- Arvada would operate as lead in soliciting design and construction services, and serve in the project manager role, with Apex and Jeffco Public School operating as co-leads;
- Apex would operate as lead in developing and implementing an operating plan, including a revenue plan, staffing plan, and an annual budget and program of service;
- Arvada will develop a capital maintenance and replacement plan, with the City creating a capital maintenance reserve fund of \$1.5 million over the first five years of the Agreement, or by December 31, 2026; and
- Jeffco Public Schools, Arvada and Apex jointly publish an annual financial and program report and meet quarterly to discuss facility operations.

The conditions associated with the Intergovernmental Agreement described herein reflect seven years of discussions between the three public agencies, comments from user groups and other community stakeholders, and the need to replace an aging community asset that provides highly valued community activities for a wide range of recreational and competitive aquatic participants. Users of all ages, abilities and interests will have the opportunity to utilize the new facility that will be constructed if this proposed Intergovernmental Agreement is approved by the Arvada City Council, Jefferson County School District R-1 Board of Education, and the Apex Park and Recreation District Board of Directors.

Public Contact

Posting of the City Council agenda. In addition, there have been several community meetings conducted by the partner agencies over the last seven years and previous discussions with the Arvada City Council, Jefferson County School District R-1 Board of Education and the Apex Park and Recreation District during public meetings.

Commission Recommendation

N/A

Strategic Alignment

Approval of this ordinance aligns with the Vibrant Community and Neighborhoods Priority Area within the City Council Strategic Plan; specifically, Milestone 3F which states:

By December 2022, replace Meyers Pool with a new 50-meter natatorium.

Alternative Courses of Action

N/A.

Recommendation for Action

The Arvada team recommends that the City Council approve CB21-036, An Ordinance Authorizing the City of Arvada to Enter into an Intergovernmental Agreement with the Apex Park and Recreation District and Jefferson County School District R-1, for the Meyers Pool Replacement Project, on First Reading, ordered published in full, and a public hearing date set for October 18, 2021 at 6:15 p.m.

Suggested Motion:

SUBJECT: CB21-036 An Ordinance Authorizing The City of Arvada to Enter into an Intergovernmental Agreement With Apex Park and Recreation District and Jefferson County School District R-1, for Meyers Pool Replacement Project.

PAGE: 4
ITEM: 8.C.5.

I move that CB21-036, An Ordinance Authorizing the City of Arvada to Enter an Intergovernmental Agreement with Apex Park and Recreation District and Jefferson County School District R-1, for Meyers Pool Replacement Project, be (approved on first reading, ordered published in full and a public hearing date be set for October 18, 2021 at 6:15 p.m.)(rejected).

Prepared by:
Rosa Kougl, Executive Assistant

Reviewed by:

Approved by:

Gordon Reusink, Director of Vibrant Community and Neighborhoods	9/21/2021
Bryan Archer, Director of Finance	9/22/2021
Gail Walker, Legal Specialist-Contracts	9/22/2021
Kylie Justus, Assistant City Attorney	9/22/2021
Rachel Morris, City Attorney	9/29/2021
Lorie Gillis, Deputy City Manager	9/29/2021
Mark Deven, City Manager	9/30/2021

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 21-036
ORDINANCE NO. 21-_____

AN ORDINANCE AUTHORIZING THE CITY OF ARVADA TO ENTER AN
INTERGOVERNMENTAL AGREEMENT WITH APEX PARK AND RECREATION
DISTRICT AND JEFFERSON COUNTY SCHOOL DISTRICT R-1, FOR MEYERS POOL
REPLACEMENT PROJECT

WHEREAS, Article XIV, Section 18(2) of the Constitution of the State of Colorado encourages and authorizes intergovernmental agreements; and

WHEREAS, C.R.S. §29-1-203 permits local governments to make the most efficient and effective use of their powers and responsibilities by cooperating and contracting with other local governments in order to provide any lawfully authorized function, service, or facility; and

WHEREAS, the George J. Meyers Swimming Center was built in 1979 and is in need of replacement; and

WHEREAS, Jefferson County School District, the City of Arvada , and Apex Parks and Recreation District have agreed to replace Meyers Pool; and

WHEREAS, a feasibility study examining the operational costs, staffing structure, market opportunities, and user preferences, including amenities and site for the new pool, has been completed as of June 2019 and presented to the governing bodies of each of the Parties; and

WHEREAS, the recommended architectural program for the new pool has also been developed, based on extensive input from the aquatics community; and

WHEREAS, the Parties have a common and compelling interest to work together on constructing, financing, and operating the new natatorium/aquatics center.

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

Section 1. Pursuant to the provisions of Section 13.5 of the Home Rule Charter, and Chapter 2, Sec. 2-2 of the City Code of Ordinances, the Mayor or Mayor Pro Tem is authorized to sign and the City Clerk to attest, in form approved by the City Attorney, an Intergovernmental Agreement by and between Apex Park and Recreation District, Jefferson County School District R-1, and the City of Arvada for the Meyers Pool Replacement Project, which is in substantially the same form as that attached hereto.

Section 2. This ordinance shall be effective five days after publication following final passage.

INTRODUCED, READ AND ORDERED PUBLISHED IN FULL this 4th day of October, 2021.

APPROVED AND ADOPTED this _____ day of _____, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

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

By: _____

Publication Dates: October 7, 2021

**INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN
APEX PARK AND RECREATION DISTRICT, JEFFERSON
COUNTY SCHOOL DISTRICT R-1, AND THE CITY OF ARVADA
FOR MEYERS POOL REPLACEMENT PROJECT**

- 1.0 PARTIES.** The parties to this Intergovernmental Agreement by and between Apex Park And Recreation District, Jefferson County School District R-1 and the City of Arvada for Meyers Pool Replacement Project (“Agreement”) are the Apex Park and Recreation District, a Colorado political subdivision and quasi-municipal corporation organized pursuant to Title 32, C.R.S, 13150 W. 72nd Ave., Arvada, CO 80005 (“Apex”), Jefferson County School District R-1, 1829 Denver West Drive, Bldg. 27, Golden, CO 80401 (JCSD), and the City of Arvada, a Colorado home rule municipal corporation, 8101 Ralston Road, Arvada, CO 80001 (“Arvada”), referred to individually as a “Party” and collectively referred to as “Parties.” The Parties agree as follows.
- 2.0 RECITALS.**
- 2.1** Article XIV, Section 18(2) of the Constitution of the State of Colorado encourages and authorizes intergovernmental agreements.
- 2.2** C.R.S. §29-1-203 permits local governments to make the most efficient and effective use of their powers and responsibilities by cooperating and contracting with other local governments in order to provide any lawfully authorized function, service, or facility.
- 2.3** Apex is a political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, C.R.S. JCSD is a public school district and political subdivision of the State of Colorado. Arvada is a Colorado home rule municipal corporation.
- 2.4** Arvada owns the George J. Meyers Swimming Center (Meyers Pool), a 50-meter aquatics facility operated and maintained by Apex for a variety of users, including JCSD high school swim teams.
- 2.5** Meyers Pool was built in 1979 and is at the end of its useful life. Arvada, Apex, and JCSD desire to partner together in financing and constructing a replacement facility.
- 2.6** In furtherance of this partnership, Arvada, Apex and JCSD convened a steering committee, comprising representatives from each agency, to lead the effort to replace Meyers Pool.
- 2.7** A feasibility study (the “Feasibility Study”) examining the operational costs, staffing structure, market opportunities, and user preferences, including amenities and site for the new pool, has been completed as of June, 2019 and presented to the governing bodies of each of the Parties.
- 2.8** The recommended architectural program for the new pool has also been developed, based on extensive input from the aquatics community.
- 2.9** Based on the findings of the Feasibility Study and site analysis, the Parties’ efforts are focused on constructing the new facility at the existing site. The goal is to keep the existing pool open while the new pool is constructed where the parking lot exists today. This goal requires the development of a “Meyers Pool-Warder Elementary School Campus Master Plan,” which will be prepared as part of the Design Phase and which acknowledge both the needs of the pool users and the school and which will be used to guide the Meyers Pool Replacement Project (hereafter referred to as the “Project”).

- 2.10** The Parties have a common and compelling interest to work together on the Project.
- 2.11** The Parties agree that it is in the best interests of the Parties to join in, promote and collaborate in building, using, and maintaining the facility that is the subject of the Project.
- 2.12** The Parties are desirous of affecting a cooperative relationship, which will achieve maximum community benefits while avoiding duplication of services, expenses, and efforts wherever possible as more fully set forth below.
- 2.13** The foregoing recitals are hereby incorporated into and made a part of the Agreement, including all defined terms referenced therein.
- 3.0 EXHIBITS.** Exhibit A, Feasibility Study, referenced herein, is attached and incorporated into this Agreement. In the event of a conflict or inconsistency between this Agreement and Exhibit A, this Agreement shall control.
- 4.0 PURPOSE.** It is the mutual intent of Apex, JCSD, and Arvada that the Parties enter into this Agreement for the purpose of defining roles and responsibilities of each Party during the design and construction phase, as well as during the operating phase of the Meyers Pool once constructed.
- 5.0 TERM, TERMINATION, AND AMENDMENT.** The term of this Agreement is 25 years from the date of execution unless this Agreement is terminated sooner as provided by **Sec. 5.1** and/or **Sec. 15.10**.
- 5.1 Withdrawal.**
- 5.1.1** Any Party may request to withdraw from this Agreement and its participation in the Project for good cause shown by notifying the remaining Parties in writing at least 1 year in advance of its desired date to withdraw. The non-withdrawing Parties must unanimously approve of the withdrawal from this Agreement; provided, however, that approval by any Party shall not be unreasonably withheld. No such withdrawal shall be effective until and unless satisfactory provisions have been made to discharge all of the obligations of the withdrawing Party under this Agreement.
- 5.1.2** Upon receipt of notice of intent to withdraw, the remaining Parties shall set a meeting to confer and discuss what provisions would be required for the withdrawing Party to satisfy and discharge its obligations. The Parties will also discuss whether and how to amend this Agreement.
- 5.2 Amendment.** The term and terms of this Agreement may be amended as needed upon written mutual agreement by the Parties.
- 6.0 PROJECT FINANCING PHASE AND OWNERSHIP.** The Parties having ownership interests in and responsible for the Project Financing Phase are JCSD and Arvada.
- 6.1 Ownership.**
- 6.1.1** The Parties agree that Arvada will own the Meyers Pool building.
- 6.1.2** Arvada will retain fee simple ownership over the land owned by Arvada.
- 6.1.3** JCSD will retain fee simple ownership over the land owned by JCSD.

- 6.2 JCSD shall take the lead in securing project financing, including developing an annual debt service schedule.
- 6.3 JCSD and Arvada shall equally divide the cost of funding 100% of the total project cost. Arvada will fund 50% of the total project cost. JCSD will fund 50% of the total project cost. Arvada agrees to enter into an agreement with JCSD to equally divide payment of debt service.
- 6.4 Arvada agrees to enter into a financing agreement with JCSD to facilitate the financing of the Project.
- 6.5 JCSD enter into the necessary agreements to allow Arvada and Apex to use JCSD's owned land.

7.0 OWNER'S REPRESENTATIVE. As part of the total project cost, the Parties will hire an owner's representative for the design and construction phases of the Project. The Parties responsible for the owner's representative are: Apex, JCSD, and Arvada. Arvada shall operate as the lead in soliciting bids for and hiring an owner's representative, with Apex and JCSD operating as co-leads.

8.0 DESIGN PHASE.

- 8.1 Arvada shall operate as the lead in soliciting design services and serve as project manager, with Apex and JCSD operating as co-leads.
- 8.2 The Parties shall:
 - 8.2.1 Determine the type of facility. By way of example and not limitation, types may include competitive, instruction, community serving, and revenue generating.
 - 8.2.2 Define members of the following: Design Committee and Professional Staff Program Team.
 - 8.2.3 Further develop and refine the "Meyers Pool-Warder Elementary School Campus Master Plan," which shall be reduced in writing and executed by the Parties prior to the start of construction. A portion of JCSD's property at Warder Elementary School will be dedicated to the Project.

9.0 CONSTRUCTION PHASE.

- 9.1 Arvada shall operate as the lead in managing the construction process, with Apex and JCSD operating as co-leads.
- 9.2 The Parties shall determine an appropriate project delivery method.

10.0 ON-GOING OPERATIONS.

- 10.1 Apex shall operate as the lead in managing on-going operations, costs, and setting program fees, with Arvada and JCSD operating as co-leads and participating in capital repairs according to the terms of any financing agreement(s), capital maintenance reserve funding commitment, and annual capital maintenance plan made by and between the Parties or set forth in this Agreement.

10.2 Annual Review. Representatives for each Party will meet annually to discuss Program Fees set for the following fiscal year by the Apex Board of Directors, annual Operating and Capital Maintenance Plans for the following fiscal year and the Annual Financial Statements from the current year.

10.3 On-Going Operations shall include, without limitation:

10.3.1 Program Fees. Apex shall determine user fees based on assumptions of the June 2019 Feasibility Study, with an assumed inflationary escalator above the baseline set by the 2019 Feasibility Study and each year thereafter of a minimum of 2.5% per year and a maximum of 5% per year, which serves as the basis for total fees which are eligible to be waived for JCSD Priority Users. Thereafter, user fees for JCSD Priority Users will be charged at the rate set by the Board of Directors for high school lane rentals. A monthly accounting statement of user fees utilized shall be provided to the Parties within a reasonable time following the last date of the prior month. If, during the design phase, the design of the Project changes such that it affects the assumptions underlying the Feasibility Study, the Parties may agree to re-assess and re-visit the findings of the Feasibility Study or order a new feasibility study as they see fit and agree upon

10.3.2 Operating Plan. The Parties shall create an Operating Plan that includes, without limitation:

10.3.2.1 Partner Use Priority. The Operating Plan shall state the use priority of partners in relation to JCSD Priority Users, outside groups, Apex program users, and contractual users (fee based).

10.3.2.1.1 Definition of “JCSD Priority User.” Priority User is defined as a JeffCo Public Schools sports team as defined by the Colorado High School Activities Association (“CHSAA”) which is operating during a CHSAA recognized season. Priority User does not include any individual participant or outside user groups, or sports team operating outside of the CHSAA recognized season.

10.3.3 Staffing plans. The Operating Plan shall outline plans for staffing the facility. Apex will be the lead in preparing and managing the staffing plan as the primary agency performing day-to-day operation of the Meyers Pool.

11.0 CAPITAL MAINTENANCE, REPLACEMENT, AND REPAIRS.

11.1 Prior to operations commencing, the Parties shall create a Capital Maintenance Plan that includes, but is not limited to, identifying the Parties responsible for facility maintenance (both short and long term), assets required, repairs, replacements, sources of funding (short and long term), etc.

11.1.1 The Capital Maintenance Plan should also identify and include, without limitation, the definitions and responsible Parties for the following:

11.1.1.1 Daily Maintenance as identified in the Feasibility Study; and

11.1.1.2 Annual (planned) Capital Maintenance (repairs, replacements, modifications, expansions, and investments); and

11.1.1.3 Emergency (unplanned) Maintenance; and

11.1.1.4 Annual Facility Condition Assessment recommendations; and

11.2 Emergency Capital Repairs and Purchases.

- 11.2.1** The Parties agree that each Party will be informed of an emergency as soon as practicable. As the lead Party responsible for operations, Apex will have the primary responsibility for providing notice and identifying necessary repairs or purchases caused by an emergency. “Emergency” shall be defined as any capital repair and/or purchase that has an estimated purchase price in excess of \$25,000 to complete, and further that is deemed necessary to keep the Meyers Pool operational and is not identified in Sec. 11.1 as part of the Capital Maintenance Plan or for expenditure as defined in Sec. 11.3.
- 11.2.2** The Parties agree that each Party will have the ability to vote on any emergency maintenance, repair, or purchase provided that the Party submits its vote within 48 hours of being informed of the emergency. The affirmative vote of the majority of the Parties is required to authorize an emergency maintenance, repair, or purchase.
- 11.2.3** For the purposes of this section, a vote may be carried out by any authorized representative of a Party and may be done in person or via email.

11.3 Capital Purchases and Reserve Fund.

- 11.3.1** The Parties agree that for the purposes of this Agreement, the Project, and the Capital Maintenance Plan that “Capital” is defined as an expenditure related to an asset in amount greater than \$25,000.00 and excludes consumable product purchases needed for daily operations.
- 11.3.2** Apex agrees to pay for all consumable product purchases needed for daily operations.
- 11.3.3** Apex agrees to fund non-consumable purchases, replacements, and repairs that cost \$25,000.00 or less. In the event Apex’s non-consumable purchase, repair, or replacement costs exceed \$25,000.00 per year, the Parties agree to meet, confer, and decide how to pay for the excess amount. The affirmative vote of the majority of the Parties will decide how to proceed on payment for such expenses.
- 11.3.4** The Parties agree that each Party will be informed of and have the ability to vote on all Capital purchases, following the maintenance standards provided by the architect and any construction contract or financing obligation of the Parties governing the Meyers Pool. The affirmative vote of the majority of the Parties is required to authorize a Capital purchase.
- 11.3.5** Arvada agrees as the owner of the Meyers Pool Building to take on the responsibility of creating a capital replacement and reserve fund as the primary source of capital repair funding. Arvada agrees to fund the capital replacement and reserve fund in the amount of 1.5 million dollars by December 31, 2026.
- 11.3.6** For the purposes of this section, a vote may be carried out by any authorized representative of a Party and may be done in person, via mail, or via email.

11.4 Annual Financial Statement. The Parties shall cause to be performed Annual Financial Statement that includes, without limitation:

11.4.1 Report on annual income and expenses of the facility; and

11.4.2 Audit requirements per financing standards.

12.0 COMMUNICATIONS/MEETINGS. The Parties shall hold periodic meetings at mutually agreeable times to discuss the matters related to this Agreement, but at minimum, quarterly.

13.0 NOTICES. Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, or by email with read receipt requested, addressed to the parties as follows:

If to Apex: Lauri Dannemiller, Executive Director
Apex Park and Recreation District
13150 W. 72nd Avenue
Arvada, CO 80005
laurid@apexprd.org

If to JCSD: Tim Reed, Executive Director, Facilities
Jefferson County School District R-1
1829 Denver West Drive, Bldg. 27
Golden, CO 80401
Tim.Reed@jeffco.k12.co.us

If to Arvada: Mark G. Deven, City Manager
City of Arvada
8101 Ralston Road
Arvada, CO 80001
mdeven@arvada.org

With a copy to:

Rachel A. Morris, City Attorney
City of Arvada
8101 Ralston Road
Arvada, CO 80001
rmorris@arvada.org

Such notice shall be deemed to have been given when deposited in the United States mail or when sent via email.

14.0 INSURANCE.

14.1 Each Party to this Agreement agrees to, at its own expense, keep in full force and effect during the term of this Agreement, and during the term of any extension or amendment of the same, insurance or self-insurance reasonably sufficient to insure against the liability assumed by that Party pursuant to the provisions of this Agreement and any financing agreement related to the Project cost.

14.2 WORKERS' COMPENSATION. The Parties shall at their own respective expense keep in full force and effect during the term of this Agreement statutory workers' compensation insurance suitable to cover each Party's respective employees. At no time shall any Party bear responsibility for accidental injury to the employee of another Party performing services pursuant to this Agreement.

15.0 MISCELLANEOUS.

15.1 ENTIRE AGREEMENT. This Agreement contains the entire understanding between the Parties hereto relating to the subject matter contained herein and supersedes any and all prior agreements, arrangements, communications, or representations, whether oral or written.

15.2 ADDITIONAL DOCUMENTS OR ACTION. The Parties agree to execute any additional documents or take any additional action that is necessary to carry out this Agreement.

15.3 SEVERABILITY. If any term, section or other provision of this Agreement shall, for any reason, be held to be invalid or unenforceable, the invalidity or un-enforceability of such term, section or other provision shall not affect any of the remaining provisions of this Agreement, and to this end, each term, section and other provision of this Agreement shall be severable and continue in full force and effect.

15.4 AMENDMENTS. Unless otherwise provided for herein, this Agreement may be amended only by a written document approved by formal authority of the governing bodies of all of the Parties. Course of conduct, no matter how long, shall not constitute an amendment to this Agreement.

15.5 RELATIONSHIP OF PARTIES. This Agreement does not create a partnership, joint venture or agency relationship between the Parties. None of the Parties shall have any authority to bind any other Party to any agreement, understanding or other instrument, in any manner whatsoever.

15.6 NO THIRD PARTY BENEFICIARIES. Nothing in this Agreement shall be deemed to create any third party benefits or beneficiaries, or create a right or cause of action for the enforcement of its terms, in any entity or person not a Party to this Agreement.

15.7 SUBCONTRACTORS. A Party may subcontract any task it is required to perform under the terms of this Agreement without the prior written consent of the other Parties.

15.8 EMPLOYEES OF PARTIES. Employees, agents, contractors, and volunteers of each Party will remain so of that Party. Nothing in this Agreement requires any Party to fund the activities of another Party.

15.9 ASSIGNMENT. Neither party shall assign this Agreement without the prior written consent of the other party.

15.10 AVAILABILITY OF FUNDS AND CONSTITUTIONAL LIMITATIONS ON DEBT.

- 15.10.1** The Parties agree to enter into this Agreement pursuant to Colo. Rev. Stat. § 29-1-203. The financial obligations of any one Party payable after the current Municipal Fiscal Year or District Fiscal Year are contingent upon funds for that purpose being appropriated, budgeted, or otherwise made available. A Party may also rely on state or federal funding to satisfy its payment obligations under the Agreement. The Parties' payment obligations under the Agreement are subject to and conditioned upon the continuing availability of all funding for the purposes set forth in the Agreement.
- 15.10.2** In the event funds are not appropriated, budgeted or otherwise made available, in the event of non-appropriation pursuant to Section 15.10.1, the non-appropriating Party shall notify the other Parties in writing of the non-appropriation within 3 business days. The remaining Parties have the first right to cover and assume the non-appropriating Party's obligations for the upcoming fiscal year. If the Parties elect to cover, the non-appropriating Party's obligations shall resume the following year. If the Parties do not elect to cover, the non-appropriating Party may seek to withdraw pursuant to Section 5.0 or reach another satisfactory agreement unanimously consented to by all Parties.
- 15.10.3** No provision of this Agreement shall be construed to pledge or to create a lien on any class or source of the Parties' monies. No provision of this Agreement shall be construed to restrict the future issuance of any bonds or obligations of the Parties payable from any class or source of the Parties' moneys.
- 15.11 GOVERNMENTAL IMMUNITY.** This Agreement is not intended, and shall not be construed, as a waiver of the limitations on damages or any of the privileges, immunities, or defenses provided to, or enjoyed by, the Parties, and their past and present directors, officers, employees and volunteers, under federal or state constitutional, statutory or common law, including but not limited to the Colorado Governmental Immunity Act, Section 24-10-101, C.R.S., *et seq.*, as may be amended.
- 15.12 COOPERATION BY THE PARTIES.** Each Party will use its best efforts to cooperate in the fulfillment of the Project.
- 15.13 COMPLIANCE WITH LAWS.** The Parties shall comply with all laws that apply to performance under the Agreement, including any limitations imposed in financing agreements related to ongoing operation and maintenance of the Project.
- 15.14 WORKER WITHOUT AUTHORIZATION AND CRIMINAL RECORD CERTIFICATION.** Where required by law, the Parties, and their respective subcontractors, agents, and employees, shall complete criminal records checks. No individual who has been convicted of, pled nolo contendere to, or received a deferred sentence or deferred prosecution for a felony, or a misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children shall be allowed to work on JCSD property. In accordance with State law regarding contracts for services provided to certain units of local government, any contractor or subcontractor performing work on behalf the Parties must certify in any contract entered in to with such contracting agent that such agent will comply with the E-Verify certification process and will ensure that all personnel performing work pursuant to contract is lawfully present in the United States.

15.15 DEFAULT AND REMEDIES. Time is of the essence. If any condition, obligation, or duty is not timely made, tendered or performed by any Party, then the Party(ies) who is(are) not in default may choose to do any of the following:

15.15.1 Terminate this Agreement; or

15.15.2 Elect to treat this Agreement as being in full force and effect; or

15.15.3 Recover such damages as may be proper; or

15.15.4 Substitute the defaulting Party with another entity capable of assuming the defaulting Party's obligations; and/or

15.15.5 Seek any other remedy permitted in law or equity, including specific performance.

15.16 WAIVER. Any waiver by any Party hereto of a breach of any provision of this Agreement shall not operate as or be construed to be a waiver of any other breach of such provision or of any breach of any other provision of this Agreement. To be effective, any waiver must be in writing. Failure by any Party hereto to insist upon strict adherence to any term of this Agreement on one or more occasions shall not be considered a waiver or deprive such Party of the right thereafter to insist upon strict adherence to that term or any other term of this Agreement.

15.17 FORCE MAJEURE. No Party will be liable for any failure or delay in performing an obligation under this Agreement that is due to any of the following causes (which events and/or circumstances are hereinafter referred to as "Force Majeure"), to the extent beyond its reasonable control: acts of God, accident, riots, war, terrorist act, epidemic, pandemic, quarantine, civil commotion, breakdown of communication facilities, breakdown of web host, breakdown of internet service provider, natural catastrophes, governmental acts or omissions, changes in laws or regulations, national strikes, fire, explosion, and generalized lack of availability of raw materials or energy.

15.18 GOVERNING LAW AND VENUE. The laws of the State of Colorado shall govern this Agreement. Venue for any action arising under this Agreement or for the enforcement of this Agreement shall be in the appropriate court for Jefferson County, Colorado.

15.19 PARAGRAPH CAPTIONS. The captions of the paragraphs are set forth only for convenience and reference and are not intended in any way to define, limit or describe the scope or intent of this Agreement.

15.20 EXECUTION. This Agreement may be executed in several counterparts, and by electronic PDF, each of which will be an original, and all of which together will constitute one and the same instrument.

16.0 BINDING EFFECT AND AUTHORITY. This Agreement shall inure to the benefit of, and be binding upon, the Parties, their respective legal representatives, successors, and assigns; provided, however, that nothing in this paragraph shall be construed to permit the assignment of this Agreement except as otherwise expressly authorized herein. The undersigned to this Agreement warrant that each has the authority to execute and enter into this Agreement, that their signatures are authorized and binding, and that all actions and approvals necessary for the execution and delivery of the Agreement have been properly taken by their respective governing boards.

17.0 EFFECTIVE DATE. This Agreement shall be effective on the date of execution, below.

DONE this _____ day of _____, 2021.

[Signatures begin on next page].

APEX PARK AND RECREATION DISTRICT

Vicki Pyne, Apex President and
Chairman of the Board of Directors

ATTEST:

Ken Harrell, Apex Secretary/Treasurer

JEFFERSON COUNTY SCHOOL DISTRICT R-1

Susan Harmon, JCSD President,
Board of Education
1829 Denver West Drive, Bldg. 27
Golden CO 80401

ATTEST:

Stephanie Schooley

JCSD Secretary, Board of Education

[Signatures continue on next page.]

CITY OF ARVADA, a Colorado home rule municipal Corporation

Marc Williams, Arvada Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, Arvada City Attorney

By: _____



REPORT TO CITY COUNCIL PUBLIC HEARING

AGENDA ITEM
10.A.

TO: THE HONORABLE CITY COUNCIL

DATE: October 4, 2021

SUBJECT: CB21-030 An Ordinance Repealing, Retitling, And Reenacting Section 2-31, Compensation of Councilmembers and The Mayor, of Article II, City Council, of Chapter 2, Administration, of the Arvada City Code (Ordinance No. 4777)

Report in Brief

This ordinance provides that beginning in January of 2024, members of the City Council, including the Mayor and the Mayor Pro Tem, will receive a pay increase. This ordinance also provides that beginning in January of 2025, pay increases for members of the City Council, including the Mayor and the Mayor Pro Tem, will be aligned with those of the Executive Job family, if any, as published in the City's pay plan for that year. No current member of the City Council will benefit from any such increase in pay.

The Arvada team recommends that the City Council approve CB21-030, An Ordinance Repealing, Retitling, And Reenacting Section 2-31, Compensation of Councilmembers and The Mayor, of Article II, City Council, of Chapter 2, Administration, of the Arvada City Code, on final reading, numbered 4777 and ordered published by title only.

Financial Impact

The financial impact will be built into the next 10-year model, starting with the year 2024. Currently, the estimated market rate adjustment increase for the Executive Job Family is budgeted at 2%. The estimated annual cost of this increase in 2024 will be \$2,040 with a total estimated cost to the model of \$59,400. There is sufficient funding in the model for this change.

Background

Arvada's City Charter provides that members of the City Council be compensated as set forth by ordinance. Members of City Council spend a great deal of time interacting with constituents, preparing for and attending City Council meetings and workshops, and serving as Council-appointed representatives to other governmental or quasi-governmental boards and commissions. City Council plays a critical role in assessing competing public interests and in developing the policies that form the basis for the day-to-day work of the City. Compensation for members of City Council should be appropriate to the amount of time and effort they spend performing their duties.

Discussion

The recommended action to align the City Council's compensation to the Executive Job Family will allow for annual market rate adjustments, if any, to a council member's compensation. Linking the potential annual compensation increase to the Executive Job Family makes sense as the City Council guides and directs the actions of the City team through their legislative actions that are implemented by the City Manager, City Attorney and Presiding Municipal Court Judge, who are the City Council's appointees. In association with the direction provided by the Council's legislative actions, the Council appointees implement such actions through their direction to the Deputy City Manager, Chief of Police, Department Heads and Chief Communications Manager, who are members of the Executive Job Family. Collectively, the City Council, Council appointees and the members of the Executive Job Family act in unison to implement actions required to govern the City of Arvada.

Market range adjustments are determined annually in a manner that is consistent with the City's Total Compensation Philosophy. In association with the requirement to provide a competitive salary and benefits package in order to be an employer of choice in the Denver/Boulder region, annual surveys are completed for the various job families within the City's compensation program. These surveys help to determine potential changes to the City's total compensation program. Recommendations for any changes to the total compensation program are determined based on the information generated by the survey and the City's ability to fund potential increases.

Public Contact

Posting of the City Council agenda.

Commission Recommendation

N/A

Strategic Alignment

The recommended action aligns with the Organizational and Service Effectiveness Priority Area of the City Council Strategic Plan.

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that the City Council approve CB21-030, An Ordinance Repealing, Retitling, And Reenacting Section 2-31, Compensation of Councilmembers and The Mayor, of Article II, City Council, of Chapter 2, Administration, of the Arvada City Code, on final reading, numbered 4777 and ordered published by title only.

Suggested Motion:

I move that CB21-030, An Ordinance Repealing, Retitling, And Reenacting Section 2-31, Compensation of Councilmembers and The Mayor, of Article II, City Council, of Chapter 2, Administration, of the Arvada City Code, be (approved on final reading, numbered 4777 and ordered published by title only) (rejected).

Prepared by:

Toni Riebschlager, Law Office Administrator

Reviewed by:

Approved by:

Rachel Morris, City Attorney	9/20/2021
Lorie Gillis, Deputy City Manager	9/21/2021
Mark Deven, City Manager	9/22/2021

Enclosure, exhibits & attachments required to support the report

SUBJECT: CB21-030 An Ordinance Repealing, Retitling, And Reenacting Section 2-31, Compensation of Councilmembers and The Mayor, of Article II, City Council, of Chapter 2, Administration, of the Arvada City Code (Ordinance No. 4777)

PAGE: 3
ITEM: 10.A.

COUNCIL BILL NO. 21-030
ORDINANCE NO. 4777

AN ORDINANCE REPEALING, RETITLING, AND REENACTING SECTION 2-31,
COMPENSATION OF COUNCILMEMBERS AND THE MAYOR, OF ARTICLE II, CITY
COUNCIL, OF CHAPTER 2, ADMINISTRATION, OF THE ARVADA CITY CODE

WHEREAS, a municipal corporation may fix the compensation for its employees and members of its governing board or council; and

WHEREAS, Arvada City Charter subsection 4.4 provides that the compensation of members of the City Council shall be prescribed by ordinance, and that the Mayor shall receive additional compensation; and

WHEREAS, fair compensation for elected officials facilitates transparent pay practices, and may create opportunities for an even more diverse array of individuals to serve in city government; and

WHEREAS, transparency about the compensation of elected officials is a hallmark of a well-managed and fiscally responsible government.

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

Section 1. Section 2-31, Compensation of councilmembers and the mayor, of Article II, City Council, of Chapter 2, Administration, of the Arvada City Code is hereby repealed, retitled, and reenacted to read as follows:

"Sec. 2-31. Compensation paid to elected officials.

(a) Defined term. The following phrase, when use used in this section, shall have the meaning ascribed to it in this subsection:

Elected official means the mayor, mayor pro tem, or other member of the Arvada city council.

(b) Compensation. Compensation paid to elected officials shall be as follows:

COMPENSATION PAID TO ELECTED OFFICIALS		
Position	Monthly Compensation Through and Including December 31, 2023	Monthly Compensation Beginning January 1, 2024
Mayor	\$1,500.00	\$2500.00
Mayor pro tem	\$1,250.00	\$1766.67
Other members of city council	\$1,150.00	\$1666.67

Table 2-31(b)

Payment for any partial month where payment is required under this section shall be pro-rated for the number of days served in the elective position for that month, and based on the monthly compensation set forth herein.

(c) Annual increases. Beginning on January 1, 2025, and on each January 1st thereafter, each elected official's pay shall be increased (but not decreased) by the same amount as the percentage increase, if any, in the Salary Range Adjustment for the Executive Job family as published in the city's pay plan for that year.

(d) Payment process. Compensation paid to elected officials shall be payable in installments at the same time and in the same manner as compensation paid to regular city employees.

(e) Deferred Compensation. Each elected official shall be authorized to participate, at their cost, in the city sponsored 457 Deferred Compensation Plan and the Retirement Health Savings Plan. The contribution or contributions, if any, made by an elected official to either the 457 Deferred Compensation Plan or the Retirement Health Savings Plan shall be voluntary, shall be made as an authorized deduction from their respective pay, shall not be added to existing pay, and accordingly shall not be deemed additional compensation."

Section 2. 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 declares that would have adopted this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. This ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 20th day of September, 2021.

PASSED, ADOPTED, AND APPROVED this 4th day of October, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

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

By: _____

Publication Dates: September 23, 2021
 October 7, 2021

~~REDLINE/STRIKETHROUGH VERSION~~

FOR INFORMATION ONLY -- NOT PART OF THE ORDINANCE

Underlined indicates new material
~~Strikethrough~~ indicates deleted material

Sec. 2-31. ~~-~~Compensation paid to elected officials~~of councilmembers and the mayor.~~

(a) Defined term. The following phrase, when use used in this section, ~~Each councilmember~~ shall have the meaning ascribed to it in this subsection:

Elected official means ~~receive the mayor, sum of \$1,150.00 per month. The mayor pro tem, or other member of the Arvada city council.~~

(b) Compensation. Compensation paid to elected officials shall be as follows:

COMPENSATION PAID TO ELECTED OFFICIALS	
Position	Monthly Compensation
Mayor	\$1,500.00
Mayor pro tem	\$1,250.00
Other members of city council	\$1,150.00

Table 2-31(b)

Payment for any partial month where payment is required under this section ~~receive \$100.00 per month more, and the mayor~~ shall be pro-rated for the number of days served in the elective position for that month, and based on the monthly compensation set forth herein.

(c) Annual increases. Beginning on January 1, 2024, and on each January 1st thereafter, each elected official's pay shall be increased (but not decreased) by the same amount as the percentage increase, if any, in the Salary Range Adjustment for the Executive Job family as published in the city's pay plan for that year.

(d) Payment process. Compensation paid to elected officials shall be payable in installments at the same time ~~receive \$1,500.00 per month. The mayor~~ and in the same manner as compensation paid to regular city employees.

(e) Deferred Compensation. Each elected official ~~each councilmember~~ shall be authorized to participate, at their cost, in the city sponsored 457 Deferred Compensation Plan and the Retirement Health Savings Plan. ¶

~~(b) —~~ The contribution or contributions, if any, made by an elected official ~~the mayor or any councilmember~~ to either the 457 Deferred Compensation Plan or the Retirement Health Savings Plan shall be voluntary, shall be made as an authorized deduction from their respective

pay, shall not be added to existing pay, and accordingly shall not be deemed additional compensation."=



REPORT TO CITY COUNCIL PUBLIC HEARING

**AGENDA ITEM
10.B.**

TO: THE HONORABLE CITY COUNCIL

DATE: October 4, 2021

SUBJECT: CB21-031 An Ordinance Authorizing an Additional Appropriation to the Community Development Fund for Fiscal Year 2021 (Ordinance No. 4778)

Report in Brief

Council action is requested on the attached ordinance authorizing additional appropriation to the 2021 Community Development Fund, Fund 9, totaling \$1,406,470. The source of these funds is from Federal COVID relief programs that have been allocated to local governments in order to assist residents in need in response to the economic impact of the pandemic.

The Arvada team recommends that CB21-031, An Ordinance Authorizing an Additional Appropriation to the Community Development Fund for Fiscal Year 2021, be approved on final reading, numbered 4778 and ordered published by title only.

Financial Impact

The City of Arvada received a total of \$1,406,470 in additional grants due to the COVID-19 pandemic. This included a direct payment from the United States Department of Housing and Urban Development (HUD) for a Community Development Block Grant in the amount of \$406,470 in CARES funding to assist households affected by the COVID-19 pandemic and a grant allocated by Jefferson County in the amount of \$1,000,000 to aid residents of Arvada by providing emergency rental assistance.

The initial agreement with Jefferson County included \$499,000 to be used for emergency rental assistance. The City Council approved a budget amendment on July 19, 2021 (CB21-025) to increase the Community Development Fund to authorize the expenditure of this amount in that Fund. On August 2, 2021, Arvada City Council approved an amendment to the Jefferson County agreement to increase the total amount to \$1,499,000 (R21-099). VCN is requesting a budget amendment to include the additional \$1,000,000 that was added to the amended Jefferson County agreement to the Community Development Fund budget.

Background

On September 13, 2021, Arvada City Council approved a funding agreement with the U.S. Department of Housing and Urban Development for \$406,470 in Community Development Block Grant Coronavirus funding. This funding was approved to assist with public services such as non-congregate sheltering, case management and emergency rent/mortgage assistance.

On August 2, 2021, Arvada City Council approved an intergovernmental agreement between the City of Arvada and Jefferson County Human Services totaling \$1,499,000 in emergency rental assistance funding to assist Arvada residents impacted by COVID-19. A budget amendment is necessary to include both grants into the Community Development Fund budget and therefore authorize the expenditure of these funds to meet the needs of Arvada residents for Emergency Rental Assistance.

Discussion

The City of Arvada continued to provide much needed rental assistance to the residents of Arvada, saving many from the threat of eviction and possible homelessness. While the pandemic restrictions were lifted and employers have begun hiring and bringing back employees from furlough and unemployment, residents are still struggling to pay rent and bring their income

back up to pre-pandemic levels and consistency. This program is making a significant difference in the lives of Arvada's vulnerable residents, all who have been directly impacted by the COVID pandemic, and continue to feel the economic impact.

Public Contact

Arvada residents impacted by COVID-19 seek rental assistance through emails and phone calls to the Housing team. In association with the Council's consideration of the recommended action, the Council agenda was posted.

Commission Recommendation

N/A

Strategic Alignment

Approval of this item aligns with the Vibrant Community and Neighborhoods Priority Area within the City Council Strategic Plan, as stated in the following Principle:

"Improves access to quality housing that is affordable for a broad range of income levels and provides resources, housing, and neighborhood assistance services to Arvada residents, neighborhoods, property owners, and stakeholders."

Alternative Courses of Action

N/A

Recommendation for Action

The Arvada team recommends that CB21-031, An Ordinance Authorizing an Additional Appropriation to the Community Development Fund for Fiscal Year 2021, be approved on final reading, numbered 4778 and ordered published by title only.

Suggested Motion:

I move that CB21-031, An Ordinance Authorizing an Additional Appropriation to the Community Development Fund for Fiscal Year 2021, be (approved on final reading, numbered 4778 and ordered published by title only) (rejected).

Prepared by:
Rosa Kougl, Executive Assistant

Reviewed by:

Approved by:

Gordon Reusink, Director of Vibrant Community and Neighborhoods	9/10/2021
Bryan Archer, Director of Finance	9/13/2021
Gail Walker, Legal Specialist-Contracts	9/13/2021
Kylie Justus, Assistant City Attorney	9/13/2021
Rachel Morris, City Attorney	9/16/2021
Lorie Gillis, Deputy City Manager	9/21/2021

SUBJECT: CB21-031 An Ordinance Authorizing an Additional Appropriation to the
Community Development Fund for Fiscal Year 2021 (Ordinance No. 4778)

PAGE: 3
ITEM: 10.B.

Mark Deven, City Manager

9/22/2021

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 21-031
ORDINANCE NO. 4778

AN ORDINANCE AUTHORIZING AN ADDITIONAL APPROPRIATION TO
THE COMMUNITY DEVELOPMENT FUND FOR FISCAL YEAR 2021

WHEREAS, the City Council of the City of Arvada adopted Ordinance No. 4660 (Council Bill No. 18-043), which authorized the annual appropriation for Fiscal Year 2021; and

WHEREAS, the City Council adopted Ordinance No. 4771 (Council Bill No. 21-025), which authorized an additional appropriation to the Community Development Fund for Fiscal Year 2021; and

WHEREAS, Section 10.8(a) of the Arvada Home Rule Charter provides that City Council may make additional appropriations by Ordinance during the fiscal year for unanticipated expenditures required of the City; and

WHEREAS, the City received the following grants due to the COVID-19 pandemic:

- Jefferson County Grant in the amount of **\$1,000,000.00** to aid residents of Arvada by providing emergency rental assistance dollars; and
- Community Development Block Grant in the amount of **\$406,470.00** in CARES funding to assist households affected by the COVID-19 pandemic.

Total = \$1,406,470.00

WHEREAS, the City Council of the City of Arvada finds that an additional appropriation to the Community Development Fund, Fund 09, is necessary in order for the City to meet unanticipated expenditures of the COVID-19 grant monies described above; and

WHEREAS, the City Council of the City of Arvada further finds that such additional expenses and budgeted expenses do not exceed budgeted revenues and reserves for Fiscal Year 2021.

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

Section 1. The following sums of money as may be needed or deemed necessary to defray the expenses and liabilities of the City of Arvada are hereby appropriated for the Community Development Fund for the Fiscal Year 2021.

Fund	Current Budget	New Request	Revised Budget
Community Development	\$ 1,817,627	\$ 1,406,470	3,224,097

Total	\$ 1,817,627	\$ 1,406,470	\$ 3,224,097
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Section 2. This Ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this 20th day of September, 2021.

PASSED, ADOPTED AND APPROVED this 4th day of October, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By: _____

Publication Dates: September 23, 2021
October 7, 2021



REPORT FROM CITY COUNCIL

AGENDA ITEM
12.A.

DATE: October 4, 2021

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

Reviewed by:

Approved by:

Enclosure, exhibits & attachments required to support the report

Council Member	Committee
Marc Williams	Arvada Urban Renewal Authority E-470 Authority (alternate) Jefferson Parkway Public Highway Authority Northwest Parkway Authority (Associate Member) (alternate) Urban Drainage and Flood Control District West Connect Coalition *Metro Mayors Caucus
Dot Miller	Adams County Economic Development Association Arvada Municipal Court/Judicial Committee CML Policy Committee Jefferson County Community Corrections Board (alternate) Smart City Advisory Committee
Bob Fifer	Apex Coordinating Committee Arvada Fire Protection District Coordinating Committee Arvada Transportation Committee Denver Regional Council of Governments Jefferson County R-1 Schools Coordinating Committee Jeffco Transportation Action & Advisory Group (JEFFTAAG) Smart City Advisory Committee
Nancy Ford	Arvada Center for the Arts and Humanities Arvada Sustainability Advisory Committee Arvada Visitors Center Committee (alternate) Rocky Flats Stewardship Council
David Jones	E-470 Authority (alternate) Jefferson County Community Corrections Board Jefferson County R-1 Schools Coordinating Committee Jefferson Economic Development Council (JEDC) Jefferson Parkway Public Highway Authority Northwest Parkway Authority (Associate Member) (alternate) West Connect Coalition (alternate)
John Marriott	Adams County Economic Development Association (alternate) Apex Coordinating Committee Arvada Audit Committee Arvada Economic Development Association Board Arvada Municipal Court/Judicial Committee CML Policy Committee Denver Regional Council of Governments (alternate) Jeffco Transportation Action & Advisory Group (JEFFTAAG) (alternate) Olde Town Business Improvement (BID) District Rocky Mountain Metropolitan Airport Community Noise Roundtable
Lauren Simpson	Arvada Audit Committee Arvada Fire Protection District Coordinating Committee Arvada Visitors Center Committee Smart City Advisory Committee

*Asterisked committees are not appointed by Council



REPORT TO CITY COUNCIL

AGENDA ITEM
13.A.

TO: THE HONORABLE CITY COUNCIL

DATE: October 4, 2021

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, City Manager, Mark Deven, 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	9/16/2021
Lorie Gillis, Deputy City Manager	9/21/2021
Mark Deven, City Manager	9/22/2021

Enclosure, exhibits & attachments required to support the report

2021 CITY COUNCIL WORKSHOPS, PRESENTATIONS AND RETREATS (TENTATIVE)

WORKSHOPS	Date	Lead
Pay Plan	Oct 11	Finance
Sub-Area Plans	Oct 11	CED
Communications Update	Oct 25	CMO
ARPA funds presentation	Oct 25	Finance
Bond Project Update	Nov 22	PW
	Dec 13	
2022		
Master Plan Update on Storm and Wastewater	Jan 10	PW
TBD's		
CIP Update	TBD	Finance
Council Retreat Update	TBD	CMO
Pocket Neighborhoods	TBD	
Meyers Pool	TBD	CMO
City Marketing Plan	TBD	CMO
Traffic Violation Fee	TBD	PW
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 collocate opportunities, IGA member updates, and connections to current assets (city buildings, traffic, signals, utilities, radio, etc.).	TBD	PW
Community Survey Update The purpose of this item is to continue a discussion with Council about the Community Survey results and what the City team is doing to apply what is learned. Discussion will include an update on action plans targeting key drivers of the City's 5-star rating as well as how Worksystems are targeting specific measures.	TBD	CMO
Problem Properties	TBD	P.D.
Water Storage – Plan B (include with master plan presentation)	TBD	Utilities
Activation of Historical Assets	TBD	VCN
N.W. Arvada	TBD	CED
Body Worn Cameras	TBD	PD
Customer Service Philosophy	TBD	CMO
Ask Arvada Update	TBD	CMO
Diversity and Equity Committee	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	May 14	
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