

Arvada City Council Meeting, February 2, 2015

Notes taken by Susan Shirley

Roll call revealed all Councilmembers were present: Mayor Marc Williams, Mayor Pro Tem Mark McGoff, and Councilmembers Don Allard, Bob Dyer, Bob Fifer, Jerry Marks, and John Marriott.

At 6 p.m., attendance by citizens was 28.

Minutes from the January 5, 2015 meeting were approved with no changes.

Public Comment:

Lyle Pearson of west Arvada has had no end of trouble with Baja Broadband. He has finally got them to the point where he personally gets rapid service, but he's aware that is only because he's the squeaky wheel. Baja has informed Pearson of some improvements they say they are working on, and Pearson came to see if City Council might be interested in holding them to those claims. City Attorney Chris Daly said that Baja has until June 17 to upgrade their video services and if it is not done on time they will be in breach of their agreement with the City, and the City can take disciplinary action against Baja. There is a meeting tomorrow with Baja for updates on their progress. Mayor Marc Williams told Pearson, "We hear you loud and clear."

Jane Schnabel invited everyone to participate in the 2015 Chocolate Affair, Saturday, February 7 from 11 to 3. The locations are: Arvada High School, Arvada Library, The Rising Church, The School House Kitchen, Arvada Beer Company, Silver Vines Winery, and Breadwinners. Tickets for tasting are \$1.00, or six for \$5.00, and proceeds benefit Ralston House. There will be a treasure hunt, a chocolate chip cookie and brownie contest, face painting, carriage rides, and the Tim Gershwin Jazz Trio at The Rising.

Nancy Young spoke about a proposed project for Olde Town which would be a true mixed use project, retail and commercial on the ground floor with for sale condominiums on the second floor. The project includes parking and complies fully with Olde Town Design Guidelines with no waivers. It looks like a project Save Arvada Now could support, with a few tweaks. The only drawback is that two existing homes, both dating back to about 1909, would need to be demolished. However, in one case, the house is crumbling and damaged beyond reasonable hope of repair, and the other is liveable but has challenges. Young said that Save Arvada Now is "looking forward to this developer receiving a friendly, cooperative reception from the City of Arvada."

Two citizens spoke in favor of a ban on the use of e-cigarettes wherever smoking is banned.

Consent Agenda:

Irrigation easements, Richards Farm: The Arapahoe North Irrigation Ditch provides water for the City-owned Moore Brothers Farm at 72nd and Alkire Streets, and is being piped through the Richards Farm development. (R15-011)

Utility easement from Jefferson County Schools on the property of Fremont Elementary School: This 20-foot easement is to provide water service to the Signature Senior Living Development. (R15-012)
Leyden Ranch signage, revocable encroachment license: The Leyden Ranch Homeowners Association wishes to construct signage within the rights-of-way of West 82nd and West 84th Avenues. Staff recommends approval. (R15-013)

Picket fence at Candelas: Lyon Homes wishes to put up a temporary, 3'4" metal "trap fence" to guide visitors between model homes. (R15-014)

Asphalt purchase orders to Asphalt Paving Company, Brannan Sand and Gravel, and Martin Marietta Materials, for asphalt to be used in street maintenance. Each of the three purchase orders is for amounts up to \$200,000, to be paid by the ton as materials are picked up from the vendors. This is the same dollar amount as for last year's asphalt purchases. (R15-015, -016, and -017)

Quiet zone equipment, Union Pacific Railroad, for crossings at Lamar, Carr, Olde Wadsworth, and W. 66th Avenue. (R15-018)

Majestic View Kennedy Property: An outdoor classroom and interpretive trail are anticipated at Majestic View Park, west of 72nd and Carr Streets. A \$103,250 grant from Jefferson County Open Space Funds, and a \$500 private donation, will help to fund the \$347,361 project, with the remainder coming from the City's Capital Improvement fund. The winning bidder was Goodland Construction, of Golden, Colorado. (R15-019)

Groundwater drainage, encroachment permit: Spring Mesa Metropolitan District intends to place a drainage pipe under City-owned Spring Mesa Park. (R15-020)

All items were passed, 7 to 0.

Resolutions:

Sales Tax Incentive Agreement: Wall Development Group has signed a 10-year lease to place a 4,400 square foot Sherwin-Williams store at 64th and McIntyre in the King Soopers Shopping Center. Some problems, including poor soil conditions, have created difficulties resulting in Wall requesting assistance from the City to allow the project to be economically viable. The City and AEDA are working with Wall to develop incentives, and this agreement would result in up to \$200,000 in sales tax revenues to be paid to Wall over a seven year period. (R15-021)

Ryan Stachelski, Deputy Director of Arvada Economic Development Association, explained the logic behind assisting with the development. This parcel of land has problems with bentonite, and would need significantly more construction work done to compensate than a property without bentonite. The property has never been previously developed even though the King Soopers center was built in about 2000. Stachelski says it is very likely that without some incentive, this parcel will not be developed at all. In addition, the proposed tenant, Sherwin-Williams, will bring in a high volume of business and resulting sales tax. Only half of 3% is to be kept by Wall Development Group, leaving the remaining half as well as the police increment of .46%.

Councilmember John Marriott said that he would be voting against the incentive, saying that he is for economic development but each person has their own idea of conditions to be met, to justify economic incentives; he said this project does not meet what he feels is required for this type of incentive. Mayor Williams said, "This one gets pretty darn close...it does not involve 'corporate welfare,' does not touch the police increment portion, and will not put a financial burden on the city."

This item passed on a 6 to 1 vote.

Olde Town Transit Hub: This resolution authorizes an agreement between the City and Kiewit Building Group for construction of the Olde Town Bus Transfer Facility and Parking Garage. Kiewit submitted a guaranteed maximum price of \$25,467,820. (R15-022)

Bob Manwaring, Director of Public Works, explained the particulars of the Guaranteed Maximum Price Contract: Under this scenario, Kiewit is responsible for overruns unless the project changes from what is in the contract. Certain other factors could also nullify the guarantee, for example a labor strike or a sudden drought of concrete, but under normal circumstances the guarantee stands. There is also a \$400,135 contingency fund for meeting unexpected problems.

The construction schedule is tentatively as follows:

Excavation through June 2015

Structure construction begins July 2015

"Substantial completion," July 2016

Final Completion, September 2016.

RTD wishes to have final completion in July of 2016.

This item passed, 7 to 0.

Street improvements to the northwest corner of 64th and Sheridan, including replacement of a 35-year old signal (R15-023)

This item passed on a 7 to 0 vote.

Sculpture donation: Doug Wilson was a well-known Colorado sculptor for over forty years, and also a mentor and teacher who is said to have been very generous with his time and energy. His works--dramatic, patinated steel abstract forms which are numbered, not named--have been displayed nationwide. Following his 2011 death, his family has decided they would like a permanent home for a particular one of his works, and has offered it to the Arvada Center. The family is willing to have the metal sculpture refurbished at their own expense, which lessens the maintenance cost to the City. (R15-024)

Philip Snead, Executive Director of the Arvada Center, said the fair market value of the sculpture is \$33,600. The Arvada Council for the Arts and Humanities has voted unanimously to accept the gift. It has not yet been decided just where on the property the sculpture will be placed.

The donation was accepted on a 7 to 0 vote.

Ordinances, First Reading: Public Hearings for these items will be on March 5, 2015, at 6:30 p.m.

Amendments to the Intergovernmental Agreement between the City and the Jefferson Center

Metropolitan District: Changes in the current agreement pertain to water rights, sales tax sharing, and reimbursement for infrastructure improvements. (CB15-006)

Acquisition of property at 64th and Sheridan for the purpose of widening the street on the northwest side of that intersection. Affected properties include the easternmost portions of the Savannah Suites property and the property at 6415 Sheridan Blvd., and strips on the east and south sides of 6405 Sheridan and 5275 W. 64th Ave. (CB15-007)

Hometown South: The developer, Century Communities, is requesting that the rights-of-way platted in 2006 at 64th and McIntyre Streets be vacated, as the plan has changed and new rights-of-way will be platted. (CB15-008)

MKS Residential is requesting rezoning of an area along W. 56th Avenue from Heavy Industrial to Planned Unit Residential, along with approval of their preliminary development plan and a height exception to allow three-and-four story buildings. This developer has worked closely with residents of the surrounding neighborhood to ensure a good fit for the area, which includes the Stocke-Walter Historic District. (CB15-009)

These items passed, 7 to 0.

Other:

Appointments to E-470 Authority: Councilmember Don Allard has been the Director to the Board up to now, and there has been no alternate. On a 7 to 0 vote, Don Allard will return as the Director, with Councilmember Jerry Marks as the alternate.

Public Hearings:

Olde Town Business Improvement District requests an increase in the size of the Board of Directors from five to seven. (CB15-001) City Manager Mark Deven recommended the change, and added that the two new directors, if the increase passes, will be Kelly Floyd of the Arvada Beer Company, and Scott Spears of Scrumptious and the School House Kitchen.

There was no public comment, no questions from Councilmembers, and the item passed 7 to 0.

Approval of the Intergovernmental Agreement between the City and the Jefferson Center Metropolitan District #2, as amended and restated on January 5, 2015. (CB15-002) There was no public comment. The attorney for the Jefferson Parkway Public Highway Authority spoke briefly, saying that the plans have been updated and the new document assures Arvada of necessary rights of way and easements. This item passed, 7 to 0.

An ordinance amending the City Code as pertains to the disposal of City-owned real property. It provides that the City Council would determine that the property is in fact surplus, and would approve any contract for the sale. Park property is exempt from this ordinance and would still require a vote of the citizens to be disposed of. (CB15-003)

City Manager Mark Deven said that this ordinance would make it easier, less cumbersome, and more efficient to dispose of surplus property. The City Code did not speak to being able to sell the Ward Road pond, for example, in an efficient way. Deven recommended approval.

Following brief discussion among Councilmembers, this item passed, 7 to 0.

Wanco: annexation and rezoning of property at 5902 Tennyson Street. Hyland Hills Park and Recreation District is selling the 5.6 acre parcel to Wanco, Inc., for expansion of their business. More information about the Wanco arrangements can be found on page two of this document: <http://earthside.typepad.com/f.../council-meeting-10-21-13.pdf> (R15-025, CB15-004 and -005)

Gene Baumgartner, Wanco Facility Manager, was sworn in and addressed Council. He said the expansion will allow for the formation of 75 to 150 new jobs, making Wanco one of the largest companies in Arvada. Mayor Marc Williams congratulated Wanco and Arvada staff for the hard work and collaboration everyone put in over the past two years, and thanked Adams County and Hyland Hills for their support. He said "You're providing funding for parks and recreation, and you bring in the kind of jobs cities and counties covet--you bring in money from around the country and the world, a positive influx of dollars. For those who say manufacturing has gone away in the U.S., you are a prime example that is not true. I am thrilled this came together."

Councilmember Bob Fifer also commended Wanco for making possible a park in an underserved part of town.

All three items, the eligibility for annexation, the annexation, and the rezoning, passed 7 to 0.

Public Comment: none

Reports from City Council:

Councilmember Bob Fifer Spoke briefly on the work he's been doing with DRCOG, saying it has had its challenges but has improved some over time. He said he tries to represent Arvada collaboratively with the other members.

Councilmember Jerry Marks will be having his first community meeting of the year on February 12 at the Lake Arbor Community Station. The topic will be Aging in Place.

Councilmember Bob McGoff is a member of the Rocky Flats Stewardship Council. He said that the Stewardship Council received a briefing from Fish and Wildlife that they intend to proceed with the controlled burn of 702 acres just north of Candelas. Fish and Wildlife asserts that the area will burn on its own if it is not tended to now. The burn is scheduled for sometime in mid-March or April, depending on air and weather conditions. McGoff said that there are no legal or political means to stop the burn but that Arvada and others have offered alternatives, including having goats graze the area. There has been public testimony opposing the burn, as well. As there are problems associated with each of the alternatives, for now it appears that the burn will be happening as planned.

Mayor Marc Williams said "Go see Harvey at the Arvada Center--it's a great production."

Councilmember McGoff pointed out that the playwright, Mary Coyle, was a Colorado native, a Denver West High School graduate, and she worked for the Rocky Mountain News.

Reports from City Manager:

City Manager Mark Deven asked for a vote on appointing Jerry Marks as the alternate to the Rocky Flats Stewardship Council. This passed, 7 to 0.

Deven also asked for a vote to cancel the February 23 workshop, as the Council will be conducting interviews for boards and commissions. This passed, 7 to 0.

There will be a workshop, February 9.

Report from City Attorney: none.

The meeting adjourned at 7:35.