

Arvada City Council Meeting, July 21, 2014

Neighborhood Grants Approved 4 to 3

Notes taken by Susan Shirley

In attendance were Mayor Marc Williams, Mayor Pro Tem Mark McGoff, and Councilmembers Don Allard, Bob Dyer, Bob Fifer, Jerry Marks, and John Marriott.

Public attendance at 6 p.m. was 15, and at 6:55 it was 5.

Minutes from the July 14 meeting were approved with no changes.

Proclamation: On a summer day in 2009, a driver became distracted by her iPod at the same moment a little girl playing outside was distracted by being five years old. The car hit the little girl, Bela, in front of her Arvada home, throwing her to the pavement and running over her foot. The upside of all this is that Bela, now nine years old, and her family, have a grassroots campaign each summer to raise awareness and a sense of caution in residential areas. "Brake for Bela" uses flyers, posters, and wristbands to remind drivers and children to pay closer attention to the risks in neighborhoods. The leading cause of death for children ages 2 to 14 is car crashes, and during summertime, there is a 16% increase in pedestrian deaths.

Mayor Pro Tem Mark McGoff read a proclamation, which was accepted by Nick Harper, colleague of Bela's mother Kristi. Harper said that Bela is now "healthy, happy, and fully recovered." He asked that drivers be mindful of pedestrians this summer, be aware of vehicle speeds, put cell phones away, and drive without distractions.

Public Comment: Cindi Kreutzer addressed the Council. She opened by saying that, although she despises the concrete wall at the new park, she loves watching the kids play there and has noticed how many people are using that park and especially the water features. She thanked the City for building the park. Next, Kreutzer referred to the 21 executive sessions Council has engaged in over the last year, without giving details on the topics of those meetings. Only the statute number is referred to. Mayor Marc Williams said that the topic is mentioned at the time a motion for an executive session is called for. City Attorney Chris Daly said he will look into the matter; that sometimes the items come up at the last second, but in any event the topic would be in the minutes of that meeting, which are published after approval. Mayor Williams said that in those instances where it is known ahead of time what the topic will be, it should be possible to put that into the agenda.

Consent Agenda:

R14-097 is to authorize an agreement between the City and Denver's Colorado Hardscapes for renovations to the entry to the Arvada Center. The amount is not to exceed \$220,590.

R14-098 and R14-099 are to allow installation of a fire escape and fenced patio at the building formerly housing DiCicco's, 5660 Olde Wadsworth. The owners of the Scrumptious Ice Cream shop at 7523 Grandview are preparing to open a restaurant which will include a patio on the sidewalk adjacent to Olde Wadsworth, as well as a rooftop seating area.

Councilmember Bob Fifer requested consideration of R14-099 separately, because he wanted to make a request which would be added as a condition of approval for the fenced patio. Fifer pointed out the limited space for pedestrians and asked that whenever the patio is not in use, the gates be left open to allow people to walk through the patio area. Scott Spears, the petitioner, agreed that that would not be a problem, especially during those months of the year when the patio receives only limited use. However, he said that the operating hours of the restaurant are expected to be from about 10:30 or 11:00 a.m. until about 11:00 p.m. or midnight; therefore, during summer months they can leave the gates open the rest of the time, but it will be just about half of each day. Fifer said there has been consideration of expanding the sidewalk right there but until that's done it will be helpful to have the gates open. The resolution passed, 7 to 0. Mayor Williams asked when the restaurant will open ("soon") and what kind of food it will serve ("really delicious.")

Resolutions R14-097 and R14-098 also passed on a 7 to 0 vote.

Resolutions: Arvada is planning to build a new Justice Center to house its Judicial and Police Departments, currently located in City Hall. Other city departments will then be able to move into City Hall, enhancing efficiency of collaboration. R14-100 is to retain Denver architecture firm Barker RInker Seacat to design and plan those changes, and also to analyze the site requirements of the Parks and Streets departments. The agreement is not to exceed \$128,853. This passed, 7 to 0.

R14-101 is to authorize the City to send five police department recruits to the newly formed police academy operated jointly by Jefferson County and the City of Lakewood. The academy has a 20-week program designed to prepare recruits for all aspects of police work. The total cost to the city for training of these five recruits will be \$22,500. This also passed, 7 to 0.

Reconsideration:

R14-080 is a revisiting of the Neighborhood Improvement Grants proposal, which failed in May of this year on a tie vote. Staff was instructed to review the applicants and come back with recommendations. There is \$46,000 available and staff is recommending six of the nine applicants for funding in the amount of \$43,813. The projects recommended are as follows:

- Lake Arbor Fairways, Community Garden
- Meadowglen Homeowners Association, Landscaping
- Lake Arbor Homeowners Association
- Little Sprouts Community Garden
- Deer Creek Village Condo Homeowners Association
- Forest Springs Homeowners Association Improvement Project

In addition, two of the items discussed in May are being worked on by staff and by Councilmembers Fifer and Marriott. Those items are the stagnant storm water at Alkire Estates, and the interrupted well water on Gyda Drive.

Public comment came from two people: Stephanie Sisnroy, speaking about the Little Sprouts Community Garden, and Cheryl Scialfa, speaking on behalf of the Lake Arbor Fairways HOA.

Sisnroy pointed out that Little Elementary School has about 60% of its student population receiving free or reduced lunches; that the community garden is a great resource for lower income students to get hands-on learning about growing organic food.

Scialfa talked about the nonfunctional basketball court at Lake Arbor Fairways, which would be replaced by a community garden for the use of the residents of the 372 townhomes there. She said that there is plenty of volunteer help, but without the funds from the grant they cannot make the garden a reality.

Mayor Williams then had a disclaimer, saying that he is newly a resident of one of the proposed recipients of the grants, Forest Springs. He said that he would not request recusal because he did not believe he would be influenced by the fact that he would be living there; however, he invited any councilmembers who did have concerns to speak up. He also said that he calculated out the benefit to his lot at Forest Springs, and it amounted to \$35.78. Williams proposed to write a check in that amount to the City, so that there would be zero financial gain. City Attorney Daly said he certainly can handle it that way, but that the definition of "interest" is "direct, substantial pecuniary benefit" which probably would be more than the \$35.78 under discussion. Williams said he would do that to avoid the appearance of impropriety.

Councilmember Bob Fifer said that last time and for several years the Council has had discussions about HOA's. Fifer said he has reservations about taxpayer money going to HOA's, which often are like a form of government and which money will not be used on public land. He said he would like to unbundle the different requests and consider them individually on their merits.

Councilmember John Marriott said that he would be against unbundling this time but if they were unsuccessful as a group it could be revisited individually.

Mayor Pro Tem McGoff agreed with Councilmember Marriott that the items should be considered together. A vote was taken, with Allard and Fifer voting to unbundle, and the other five councilmembers voting no.

Councilmember Marriott said that he would be voting against the grants once again, not because they were all bad proposals but because some of them were. He said that his reasons still stand, that he gave in May, including his objection to using taxpayer dollars to pay for HOA's deferred maintenance. He said he understands things can be tough for HOA's, but that they are tough for citizens too.

Councilmember Don Allard said he agreed with Marriott and Fifer, and that he has not been in favor of that program since its inception.

Councilmember Jerry Marks said that he would be voting yes, because the money is in the budget and that now is not the time to change the program; staff and the applicants all did what they were supposed to do. Marks said the program should be reviewed in future years to make it more acceptable to all councilmembers. He said that a lot of money has been spent on Olde Town, but not so much on the west side of town.

Councilmember Fifer said that he would be voting no since the items would not be unbundled. He especially did not like public funding going for items that would be under the exclusive use and control of a private community.

Councilmember Dyer said that there are a number of other criteria for the grants besides the presence of public land. He added that the city frequently offloads expenses onto HOA's that would normally be paid by the city, yet there was resistance to giving \$40,000 to some HOA's. He concluded by saying that he is not sure if the program should continue after this year.

Mayor Williams apologized for not being present for the May 19 vote. He said he would be voting in favor of the grants, because the applicants and staff did follow all the rules. He said a separate discussion can determine the viability of the program itself.

R14-080, the Neighborhood Grant for 2014, was approved on a 4 to 3 vote, with Allard, Fifer, and Marriott casting the dissenting votes.

Ordinances, First Reading: Public Hearings for these items will be August 4, 2014 at 6:30 p.m.:

CB14-029 is to allow the imposition of court costs in cases of failure to properly display a handicapped placard when parking in a handicapped spot.

CB14-030 is for amendments to the City Code and the Land Development Code pertaining to penalties for certain types of offenses. The current wording for these says the penalty is a fine of "not more than \$999" and the new wording says "not to exceed the limits established in sections 1-5" of the Codes.

CB14-031 is to allow the Municipal Court to enter a judgment by default against defendants in non-criminal traffic cases for failure to appear or otherwise answer a summons or complaint as directed.

CB14-032 approves an intergovernmental agreement between the City, Hyland Hills Park and Recreation District, and Wanco, Inc. for formation of a regional park as well as expansion of Wanco, Inc.

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From the CBA notes of the October 21, 2013 meeting:

"Wanco is an Arvada manufacturer of traffic signs, one of only three major companies in the world which manufacture variable message boards. This 200-employee family company has been in existence since 1984, and in Arvada since 1998 in their facility at 59th and Tennyson. Their 165,000 square foot facility has become too small and the question became how to stay in Arvada but be able to expand substantially to meet their requirements.

This agreement will make partners of Hyland Hills, Wanco, and Arvada by creating a new regional park plus a 100,000 square foot expansion for Wanco. They will be able to add 75 to 100 new employees, making them one of Arvada's largest employers. Deputy City Manager Bill Ray said that the first phase will begin immediately after the master plan is adopted, and should be completed just as the Gold Line is finished.

Bob Fifer asked if the park will be annexed into Arvada. Mr. Ray said that, although the matter at hand is a memorandum of understanding and not decisive of those sorts of details, that annexation makes sense. Bob Fifer agreed. Don Allard commended the staff for completing a complicated negotiation. Shelley Cooke called it an "elegant solution" and said that the jobs provided will be very high-quality, well-paying jobs. Mayor Williams said that it was of great importance not to lose a major employer, and that the plan also meets the needs of the recreation district."

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Arvada is providing \$500,000 toward the costs of the initial design and development; Wanco is adding \$750,000, and Hyland Hills \$2.5 million.

All ordinances passed, 7 to 0.

Public Comment: none

Reports from City Council:

Councilmember Fifer described his recent trip to Washington, D.C., in which he attended 6 meetings in 4 hours with officials of the FCC. At stake is local control over the placement of cell phone towers. Fifer said that if the CML was not advocating for local control, the FCC would be able to put towers anywhere they wished. Fifer also said that the FCC was very interested in Arvada's approach to placing fiber optic conduit when roads are being redone; the FCC found that to be an innovative approach.

Councilmember Marriott said that he filled in for Fifer at DRCOG and that Fifer is doing a terrific job, and has the respect of all the members of DRCOG.

Councilmember Marks moved to have Mayor Williams and Councilmember Allard appointed to the policy committee of CML. The motion was approved, 7 to 0.

Reports from City Manager: City Manager Mark Deven moved to cancel the August 11 workshop for lack of anything to discuss. That motion was approved, 7 to 0. Deven said that the July 28 workshop will be "very busy," and that after August 11 there will also be a number of things to consider.

Mayor Pro Tem Mark McGoff brought up a recent problem which was solved by the City Manager's office. A resident near 86th and Sheridan had a very significant mess behind her backyard following removal of a homeless encampment. She sent photos, which McGoff said showed a "huge mess" which was "just awful." The City Manager's office, seeing that the site was within Jefferson County, asked the County if they had the resources to clean up, which the County did, using community service and community corrections people. Deven said that the people did a tremendous job, removing 63 bags of debris, and even cutting back some of the brush and trees that had hidden the encampment from sight. The resident was just ecstatic and very appreciative of the help.

Report from City Attorney: none

The meeting adjourned at 6:55.