

Arvada City Council Meeting, January 6, 2014

Notes taken by Susan Shirley

All council members were present: Mayor Marc Williams, Mayor Pro-Tem Mark McGoff, and Councilmembers Don Allard, Bob Dyer, Bob Fifer, and John Marriott.

The minutes from the last meeting were approved.

Councilmember Dyer prefaced the moment of reflection by reminding those present of the December 29 passing of Sergeant Charles "Stony" Stonecipher, a 38-year veteran of the Arvada Police Department, and asked that we remember all those who risk their lives daily to protect us, including two Arvada officers who were drawn into a dangerous situation early Saturday morning.

There followed a recognition of Arvada's most recent appointee to the Adams County Open Space Advisory Board, Arvada resident Merle Menin. A small portion of Arvada lies within the boundaries of Adams County, and on a rotating basis all cities within that county are represented on its open space board. The board, among other duties, read, review, and score grant applications.

Councilmember McGoff remarked that Mr. Menin has been an "outspoken advocate for the rights of disabled citizens...and his contributions will be missed." He presented Mr. Menin with a plaque signed by Mayor Williams and all members of the council.

Mr. Menin thanked the council, and spoke briefly on the new park and business park planned for the Tennyson Street area, which will include the new facility for Wanco. Menin said this will bring a lot of business into the city, and is a great opportunity.

Several citizens spoke during the public comment portion, beginning with John Kiljian. Mr. Kiljian encouraged the council to support the proposed governance of the Arvada Center by a nonprofit organization. Kiljian went on to say that he believes the potential benefits to the city, the arts, and the citizens of Arvada will outweigh the risks.

Kiljian then said that he is not in favor of locating a recreation center on the Arvada Center property, although he would like to see a recreation center in east Arvada, particularly east of Wadsworth. However, he said that if the Council does approve a recreation center at the Arvada Center, the nonprofit governance board should be in charge of overseeing its operation.

Next to speak was Barbara Barth. Ms. Barth stated her preference for a two-story recreation and fitness center located near the light rail station in Olde Town. She said that if a center was built there it could draw a lot of people, especially if it included a regulation competition swimming pool, which could generate revenue, and also a regulation basketball court. She said it could be like the Wheat Ridge Recreation Center except without the meeting rooms.

Dot Wright, former president of the Arvada Chamber of Commerce, spoke in support of Jerry Marks as the District 1 replacement for the vacated seat of Rachel Zenzinger. Ms. Wright said that Marks, an Arvada native, is a proven leader, having served on several boards, the volunteer fire department, and the Rocky Mountain Hazardous Materials Alliance. He is a major philanthropist, Wright said, and has received many awards, including Entrepreneur of the Year. She said he is a forward thinker who developed a 1- 3- and 5-year strategic plan for the Chamber of Commerce, to foster continuity beyond the turnover of its directorship.

Another District 1 candidate, Kathleen Drulard, spoke briefly, thanking the Council for the openness of the process to fill the vacancy. Ms. Drulard, a 24-year resident of Arvada, is retired from the Colorado Department of Health and Environment.

Mayor Williams then outlined some changes which were made to the selection process scheduled for Friday, January 10. Rather than individual interviews, the Council will be conducting a candidate forum in the Council Chambers. Each of the five finalists will have the opportunity to make an opening statement, followed by questions from the Councilmembers, with Williams acting as moderator. If possible, this will be televised the same day on Channel 8. After the interviews, the Council will deliberate--which will be open to the public--and then cast secret ballots.

Councilmember John Marriott voiced his opinion that putting one's name in for consideration "takes some Moxie," and he congratulated the five people who have emerged as finalists.

New business is as follows:

R14-001 authorizes an increase in purchasing of salt from \$45,000 to \$250,000, from North American Salt Company of Overland Park, Kansas.

R14-002, -003, and -004 accept the annexation petition for Sunset Mesa, 8075 Simms Street. Sunset Mesa is a proposed development of twenty-three single-family units on 4.92 acres. The developer is Bill Lyons of Shadow Canyon Development Company, Greenwood Village. In November 2013, the Jefferson County Board of Commissioners approved the annexation to Arvada of Simms Street between 80th and 82nd Avenues.

There will be a public hearing on March 3, 2014, regarding Sunset Mesa.

R14-005 authorizes a budget amendment for an agreement between the City of Arvada and Olde Town-based Culligan Construction Company, in an amount not to exceed \$100,000.

R14-006 establishes a golf advisory committee.

R14-007 authorizes easement agreements between the city and Brighton, Colorado's Farmers Reservoir and Irrigation Company.

All resolutions passed, 6 to 0.

R14-008 authorizes adoption of a City Council Policy Manual. Councilmember Mark McGoff explained that the Council has a variety of policies which are not all in writing and not all are readily referenced. A policy manual would remedy that situation. Examples given are the policy regarding vacancies on boards and commissions, art in public places, evaluation of appointees, the total compensation policy statement, and the reimbursement of council members' expenses for such things as travel.

Councilmember Bob Dyer said that he is "way past ready" for this manual to be implemented, although he pointed out that it is a work in progress and not all-encompassing.

R14-008 passed, 6 to 0.

R14-009 authorizes further exploration of an alternate structure and governance of the Arvada Center.

Speaking was Philip Sneed, Executive Director of the Arvada Center. Mr. Sneed laid out a timeline of the first five months of 2014 for the creation of a new non-profit entity, with a board of directors, articles of incorporation and bylaws. This would involve an ad-hoc task force to oversee the establishment of the non-profit entity.

Before June 1, 2014, there would be at least one workshop and multiple written and verbal updates, as well as opportunities for input and feedback from City Council and the public.

Mr. Sneed introduced the Arvada Center's new Chief Development Officer, Theresa Chamberlain, who is expected to be heavily involved with the recruitment and management of the board of directors.

A key point emphasized by Mr. Sneed is his strong opinion that the City Council should not be directly involved in the selection of board members, beyond the Council's selection of the ad hoc task force. Sneed's main reasoning is that the board needs to be an independent organization, not controlled by the city, and that in order to attract philanthropic donors who will give "four or five figures annually to the Center," the City Council needs to remain at arm's length from selections.

Sneed's hopes for the future of the Arvada Center include additional space for education, humanities, and the theater, all of which would be possible if the existing banquet facilities were relocated.

Councilmember Marriott spoke in favor of the resolution, with the caveat that the operating agreement needs to be very critical and well-written.

Councilmember Bob Dyer also recommended the resolution, pointing out that the City of Denver has many such partnerships, including those for the zoo, the Museum of Nature and Science, the Center for the Performing Arts, and the Botanic Gardens.

Mayor Marc Williams agreed that "the devil will be in the details," that we have great pride of ownership in the Arvada Center, we don't want it to fail or to reach the breaking point.

Resolution R14-009 passed, 6 to 0.

Ordinances, first reading:

CB14-001 would rezone 6205 Carr Street, Carr Street Liquors, from P-1 to B-1. A public hearing is scheduled for February 3, 2014, at 6:30 p.m.

This passed, 6 to 0.

Other business: City Manager Mark Deven introduced the topic of the use of Arvada Center property for the Eastside Recreation Center. Deven said that Arvada's current master plan is in conflict with that use, and that there are several possible ways to proceed: If the council approves a recreation center on the property, the master plan needs to be redone. If the council declines the recreation center on the property, the master plan needs to be updated anyway, because it includes approximately \$45 million for expansion, which is not the current direction the city intends to take. A third option is to defer a decision entirely on either or both the recreation center or the master plan.

Councilmember Don Allard said that he thinks it's premature to make a decision on the master plan now, which the governance board would then have to live with.

Councilmember Bob Fifer agreed and, in addition, said that he would like more citizen input on the subject, pointing out that locally there is a strong arts group and also a strong parks and recreation group, and Fifer would like to see if the two can coexist on some middle ground. Fifer said he feels it is vital to continue to check the pulse of the citizenry on this issue.

Councilmember Bob McGoff said he does not want to defer a decision on the rec center; that he is opposed to locating a rec center on Arvada Center property. He said he does, however, approve of deferring changes to the master plan until the new Arvada Center board is in place.

The members voted 5 to 1 not to support locating the Eastside Recreation Center on Arvada Center property. No mention was made, in the motion, of the master plan. The dissenting vote came from Councilmember Allard, who explained that he would like to explore the subject further.

Public Hearings:

CB13-050 approves amending the City of Arvada retirement plan with regard to provisions of the Colorado Civil Union Act and Third Party Advisor Access to the Self-Directed Brokerage. There was no public comment and no questions from Council. This passed 6 to 0.

CB13-051 restates Arvada's retirement plan, in accordance with IRS regulations to do so periodically.

CB13-052 adopts the new floodplain map dated February 5, 2014. A number of properties which were on the previous map are deleted from the floodplain area in the new map; however, many properties not previously considered to be in the floodplain in the past are now part of that area in the new map. Mark Deven said that affected property owners were notified in 2013, that efforts will be made to work those properties back out of the floodplain, and that as information about the improvements in the Garrison Street area filter up to FEMA, some changes are inevitable.

Mayor Williams related that none of the recent work around Garrison Street caused the new properties to be included in the floodplain. The changes were because of remapping, and Williams is confident that staff is doing everything in their power to help those property owners.

This passed, 6 to 0.

CB13-053 regards the eminent domain issue with respect to property located at 7500 to 7510 Grandview Avenue. The city would like to acquire that property for expansion of the RTD plaza and pedestrian walkway, having found that their original plan was "insufficient," according to Director of Public Works Bob Manwaring.

One of the property's two owners, Denise Levy, addressed the Council. Ms. Levy laid out a case for some fundamental changes in the way this type of acquisition is handled by the city, asserting a need for "humane policy toward good citizens who own property" the city wants. She described the lack of communication from the city, saying that the first time she heard of the city's plans were when the secretary of the appraiser called to set up an appointment. Calls from her attorney to the city were not returned, and when Ms. Levy had the chance at last to speak to Mayor Williams, she felt that he was "not polite" and that she was "devastated by his tone of voice." She has been in Arvada for 20 years, and said a much better way to approach this type of issue would be through face to face consulting with the property owners.

Levy bemoaned the unprofessional way she perceived this case was handled, saying it seemed like "excess punishment for the crime of choosing a prime location in the heart of Olde Town." She pointed

out that the infrequency of this type of eventuality is all the more reason to have procedures laid out.

Mayor Williams said that he did not remember the conversation, and that he does not think he was rude but that he apologizes if Ms. Levy did believe he was rude. He went on to say that the power of condemnation should be used sparingly, but that because of where the building is located the Council believes it is necessary and appropriate to acquire. He said that condemnation is a last resort and that Levy should be receiving a formal offer, which she and the other owner can accept, reject, or make a counter offer.

Williams followed that by agreeing that the situation was not handled well.

Councilmember McGoff said that there needs to be a policy and procedures surrounding communication with property owners in such cases.

Councilmember Fifer discussed with Ms. Levy her plans for selling her business. Ms. Levy said that the plan was to sell her business and retire, living off of the income from the property; that plan to retire is now in question pending developments with the city.

CB13-053 passed, 6 to 0.

There was no further public comment.

Reports from council: Councilmember John Marriott said that he often shovels the sidewalks of an elderly neighbor across the street from his home at the corner of Carr and Grandview. He went there today and found that someone had already shoveled those walks. Marriott voiced his appreciation for Arvada's great community spirit of paying forward, and thanked the anonymous person who shoveled the walks for the neighbor.

Reports from City Manager: Mark Deven requested a cancellation of the February 10 workshop, because there is a planned retreat February 7 and 8 to discuss strategic planning for the Performance-Based Budget Initiative. A motion to cancel the workshop was made and approved, 6 to 0.

With that the meeting was adjourned.