

## **Arvada City Council Meeting, October 19, 2015**

Notes taken by Susan Shirley

*Unanimity Shattered: Dyer, Allard Prove "No" Buttons Not Strictly Decorative*

In attendance were 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 about 64 people, with the majority there to observe swearing-in ceremonies for relief judges.

Minutes from the October 5 meeting were approved with no changes.

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### **Recognition:**

Councilmember Bob Fifer recognized the 350 volunteers from the Arvada stake of the Latter-Day Saints Church for their August 1 work on Majestic View Park. The volunteers contributed over 1,700 hours that day, doing cleanup, repairs, painting, gardening, and a drainage project. Craig Smith, director of public affairs for the Arvada area LDS church, was on hand to accept the recognition. He thanked Council, adding that the 4,000 Arvada area members of the LDS consider it not only a duty to serve and give back to the community, but a privilege as well.

Mayor Marc Williams remarked that if one was to count up all the many sorts of volunteer hours poured into our community, it is truly priceless.

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Public Comment: none

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### **Consent Agenda:**

One-year, renewable contracts with relief judges Miller Leonard, Todd Myers, and Dianne Van Voorhees. (R15-124, -125, and -126.)

Municipal Judge David Cooke had some comments before swearing in the new judges. He said the reason for additional relief judges is that the existing judges have full time jobs elsewhere, making scheduling very tight sometimes. Cooke thanked Mayor Pro Tem Mark McGoff for helping interview candidates, saying that it was a high priority to find nominees who would represent the values of our community. They believe they have found that quality in the three nominees sworn in at this meeting. Dianne Van Voorhees is the Director of Metro Volunteer Lawyers, the largest pro bono legal organization in the state; she is a 3rd generation Colorado native as well as a descendant of the Chippewa Indians. She was, in fact, recently honored by Denver Mayor Hancock for her work with

Denver's Indian centers. Van Voorhees is also the chair of the Juvenile Justice and Prevention Council. Miller Leonard, a 7-year Arvada resident, has had a variety of legal experience from all angles, including prosecutor, defense attorney, legal aid and public defender.

Todd Myers of Boulder is a practicing civil litigator, and volunteers for Colorado Lawyers for the Arts as well as senior centers. He has spent a great deal of time and effort as a mediator, which should help him in problem solving on the Arvada bench.

All three contracts were approved by Council on a 7 to 0 vote, and the nominees were sworn in by Judge Cooke.

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Authorization to City Manager to accept, convey, or transfer various properties to and from AURA, in furtherance of the Gold Line and TOD projects. (R15-127)

Spring Mesa, elimination of mill levy cap: Spring Mesa is a 306-acre area west of Quaker between 70th and 80th Avenues. The homeowners have the opportunity to refinance some debt, for a savings of about \$75,000, but in order to do that, the cap must be lifted. (R15-128)

Amended and restated service plan for Hometown Metropolitan District #1 (R15-129)

Undergrounding of a gas line at 7512 and 7514 Grandview. (R15-130)

Purchase of ten vehicles for the Utilities Department, to replace old vehicles and to add two to the fleet. (R15-131 and -132)

These items were approved on a 6 to 1 vote, with Councilmember Bob Dyer dissenting without comment.

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**Resolutions:**

\$1 million grant to Red Rocks Community College. The money is expected to be generated through AURA by way of the Hilton Garden Inn and the 24-hour Fitness which plans to move into the former Safeway building. AURA, upon receiving those funds, can then pay back loans it owes the City, and a portion of those funds will go toward this grant. The grant will be paid in two \$500,000 payments in January of 2016 and January of 2017; the 2017 payment is subject to approval by City Council at the time. (R15-133)

City Manager Mark Deven anticipates 3,000 additional students will arrive to pursue health care training at the Arvada campus. Red Rocks last year received a \$10.5 million grant from the State of Colorado, and is contributing \$7 million of its own money; an additional \$5 million is expected to come from various sources including the \$1 million from Arvada.

Red Rocks President Dr. Michele Haney spoke briefly to Councilmembers, thanking them for the gift and thanking City Manager Mark Deven for working with the college.

Mayor Pro Tem McGoff clarified that the Masters level physicians assistant program is the only one in the state; Haney said it is the only Masters program ever to be granted by a community college anywhere in the nation; CU has such a program but they are very rare even at the university level.

Councilmember Bob Fifer observed that there are health services gaps here in Arvada. For example, there is no hospital. Now, he said we can give more services to the community as Red Rocks helps us grow out health care services here.

Mayor Williams said this is a win-win-win, and the additional students should help drive economic development here.

The grant was approved, 7 to 0.

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Federal grant for hiring of police officers:

The Community Oriented Policing Services (COPS) program funded through the Department of Justice, is paying about 43.6% of the cost of seven new police officers for three year. Arvada currently has three police sectors and will be adding a fourth in the Candelas area. The new officers will help to staff that sector. (R15-134)

Deputy Chief of Police Charles Lynn Johnson spoke about the process by which Arvada received the grant. He said that, of the 17 agencies in Colorado which applied, only Arvada received the money from this very competitive grant. The grant was based on merit, and how well police departments connect with the communities they serve. He said it takes about nine months to go from a recruit to a police officer, so the people hired now can be on the street in about the third quarter of 2016.

Councilmember Don Allard wondered if there would be sufficient money in the budget to pay the officers after the grant runs out in three years. City Manager Deven said the 10-year model has the police funds fully balanced.

Mayor Williams said these are officers Arvada Police Department would have wanted to bring on anyway; the grant just helps to defray a lot of the expense.

This item was approved on a 7 to 0 vote.

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### **Public Hearings:**

2016 budgets and pay plan: for full details, see:

[http://www.arvadarecords.org/councilpacket/current\\_week/08.A.04.%20R15-138,%20A%20Resolution%20Approving,%20in%20Content,%20the%20Arvada%20Urban%20Renewal%20Authority%20\(AURA\)%20Budget%20for%20Fiscal%20Year%202016.pdf](http://www.arvadarecords.org/councilpacket/current_week/08.A.04.%20R15-138,%20A%20Resolution%20Approving,%20in%20Content,%20the%20Arvada%20Urban%20Renewal%20Authority%20(AURA)%20Budget%20for%20Fiscal%20Year%202016.pdf)

This item is for the approval of the 2016 Budget, the 2016 Capital Improvement Fund Budget, the 2016 Pay Plan, and the Arvada Urban Renewal Authority (AURA) Budget. (R15-135, -136, -137, and -138.) City Manager Deven recalled that Councilmembers at the July workshop encouraged a more conservative approach to the budget; because of that, this budget includes the assumption of a slowdown in sales tax revenue between 2017 and 2019, and there is an adjustment to building revenues to match historical averages, not the current higher than normal levels. In addition to the more conservative expectations, street maintenance is level funded throughout the model at \$6 million per year.

Deven said one challenge still being worked out is the so-called Cadillac tax, the excise tax the City would be penalized for offering excellent health insurance to its employees. Inexplicably, this provision of the Affordable Care Act could cost taxpayers \$3 million if not repealed or adjusted. City staff is working on seeking help for the problem at the legislative level.

Public comment on this item:

Jim Solison of Arvada, a 50-year resident, spoke on the same subject he spoke on exactly a year ago; he is "tired of the giveaways" and opposes the \$85 sales tax rebate the City provides to lower-income residents. City Manager Deven and Mayor Williams explained that Arvada charges sales tax on food, which many cities do not. To help prevent that being a burden to lower income residents, who spend a high percentage of their incomes on food, the rebate is offered.

Solison also objects to the Department of Justice grant and hoped there were no strings, expressing a concern that the DOJ might try to take over the police department; Deven said the only strings are that the City has to pay its share, 57% of the cost, and the officers have to be utilized in a manner consistent with community-based policing; "that is what we're about," he said. Solison's final query had to do with not being able to find the budget online; Deven checked and found that it's online now, and can be found by searching "2016 budget" in the search box on the City website.

Councilmember Allard commented that the sales tax rebate has been in existence "a long, long, time," and its purpose is to give poor people some relief because of the sales tax on food.

Councilmember Bob Dyer said that he didn't recall getting anything from AURA showing what their budget was that Councilmembers were supposed to approve in this meeting.

The votes were as follow:

CB15-036, Appropriating funds for 2016, 7 to 0  
R15-135, Adopting the budget for 2016, 6 to 1 with Allard dissenting with no comment  
R15-136, Adopting the Capital Improvement Fund Budget and allocating for specific projects, 7 to 0  
R15-137, Adopting the Pay Plan for 2016, 7 to 0  
R15-138, Approving the AURA budget, 6 to 1 with Dyer dissenting, possibly because AURA had apparently not provided anything concrete to consider.

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Certification of the mill levy rate of 4.31 mills. There is no change from last year and in fact, Mark Deven said there has been no change in twenty years. (R15-139)

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Utility rates:

Approval of a 2.45% increase in sewer rates for 2016, along with a 4% water rate increase, and a 3% hike in the cost of tap fees, which will now be \$19,000, and goes toward capital improvements. The added amount for sewer and water on the average single family's residential bill is expected to be under \$2.00 per month. (CB15-038, 039, and -040)

The increases, Deven said, are to offset operating and capital costs. Councilmember John Marriott added that services to Arvada have had rate increases and these need to be passed on.

The sewer and tap fee items, CB15-038 and -040, were passed on 7 to 0 votes, while the water increase was passed on a 6 to 1 vote, with Councilmember Dyer casting the no vote without comment.

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Quail Village, rezoning for lower density, preliminary development plan and preliminary plat: Empire Homes plans to build 22 townhomes in five buildings on a 1.83-acre site along West 64th between Quail and Oak Streets. That is currently zoned for a density of over 21 dwellings per acre, and Empire requests rezoning to about 12 dwellings per acre. They are also seeking approval of their preliminary development plan and preliminary plat. The Arvada Planning Commission voted 5 in favor of all items, with 2 members absent. (CB15-041 and items "G" and "H")

The applicant, Karen Henry, was on hand with the designer, the developer, and other professionals involved in the project. A brief presentation offered a look at the setup of the project, which contains several sizes and layouts of buildings. The homes will be two-and-three bedrooms with 2-car attached garages and a landscape buffer on each side. The color scheme varies from building to building, with a predominance of olive and reddish tones; a similar color scheme can be found at 72nd and Simms, the Maple Leaf Apartment. There will also be 11 on-street guest parking spots, total; that fact generated some comment and inquiries from Council as to whether the covenants would be written to ensure the residents would park inside their garages and not in the guest spaces. (They likely will be written that way.)

Councilmember Dyer asked about the price range (\$300K) and elicited the information that the construction defect liability insurance added about "five figures per unit" to the price.

Mayor Williams asked if the applicant would like to add the sort of plat note which was recently passed by Council, allowing a requirement of binding arbitration rather than lawsuits to settle construction defects cases. The applicant agreed that they would appreciate being able to do that; City Attorney Chris Daly recommended they talk to staff about the best way to go about that. Daly said Deputy City Attorney Randall Sampson wrote that ordinance, and can explain to the applicant how the declarations and covenants need to be written.

Councilmember Bob Fifer wondered about the single egress and ingress access, and asked if the fire department had found that to be sufficient; the applicant said the fire department was most concerned with being able to turn around, and found that they could, so the plan was deemed sufficient.

Councilmember Jerry Marks observed that it might be difficult to make a left turn onto Ralston Road; the applicant said a traffic study had been done and found no problem.

All items were approved, 7 to 0.

Following the vote, Councilmember Marriott said he thinks this development is very appropriate for the location, and the fact that it is for-sale units makes it very desirable.

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Public Comment: none

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**Reports from City Council:**

Councilmember Allard requested the minutes be clarified with respect to the capital improvement projects which have been approved by Council.

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**Reports from City Manager:**

The next scheduled business meeting of City Council will be November 16. The next workshop will be November 23, and will cover the topics of the pavement condition assessment and an update to the Parks Master Plan.

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**Report from City Attorney:** none

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The meeting was adjourned at 7:35.