

Arvada City Council Meeting, November 16, 2015

Notes taken by Susan Shirley

RTD to Introduce Useful Bus Route to West Lakewood

There was an executive session beginning at 5 p.m., regarding Instructions to Negotiators pertaining to the Transit Hub project, as well as Legal Advice relating to proposed crime property legislation.

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The Arvada Housing Authority met in Council Chambers at 6 p.m.

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In attendance at the City Council meeting were Mayor Marc Williams, Mayor Pro Tem Bob Fifer, and Councilmembers Don Allard, Nancy Ford, Dave Jones, John Marriott, and Mark McGoff.

Attendance by citizens was about 38 people at 6 p.m.

Minutes from the October 19 meeting were approved with no changes.

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Proclamations:

Councilmember Bob Fifer presented a proclamation recognizing November as National American Indian Heritage Month, which has been celebrated since 1990 when it was declared by President George H. W. Bush. Wikipedia states that "this commemorative month aims to provide a platform for Native people in the United States of America to share their culture, traditions, music, crafts, dance, and ways and concepts of life. This gives Native people the opportunity to express to their community, both city, county and state officials their concerns and solutions for building bridges of understanding and friendship in their local area." Regent Cheryl Heyen of Arvada's DAR chapter accepted the proclamation. Heyen said that the DAR supports two colleges for Native Americans--Bacone College in Oklahoma, and Chemawa Indian School in Salem, Oregon. In addition, the DAR is a major sponsor of the Indian Youth of America Summer Camp Program. For more information, <http://indianyouthofamerica.org/donatesponsors/>

Councilmember John Marriott presented representatives of the Aging Well Project with a proclamation recognizing National Family Caregivers' Month. This recognition seeks to encourage those who care for family members in their homes, to also be sure to have appropriate amounts of rest and respite for themselves. The Caregiver Action Network says that caring for the caregivers allows the ill or aging family members to remain at home up to three times longer.

Councilmember Mark McGoff proclaimed the Saturday following Thanksgiving as Small Business Saturday in Arvada, with a reminder to shop locally at small businesses whenever possible.

Representatives of AEDA, Visit Arvada, the Arvada Chamber of Commerce, and small business were present to accept the proclamation. Karen Miller, co-owner of Paws 'n' Play pet shop in Olde Town, thanked Council for taking notice of small businesses. She pointed out that Small Business Saturday is largely symbolic--that supporting local, small businesses is something everyone needs to consider doing throughout the year, as a way of improving the collective quality of our lives.

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Public Comment: None

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Consent Agenda:

Software upgrade for vehicle fleet management, \$114, 034 for the first year (R15-139)

Property owner adjacent to Leyden Rock development: quit claim deeds and utility easement accepted from property owner, and fence easement granted to property owner. (R15-140)

Streets Maintenance, construction of a new salt and sand dome building at the Indiana shops, \$190,500 to Consolidated Resource, LLC. (R15-141)

Elks Lodge parking lot, amended agreement: the City agrees to surrender its rights under the existing agreement allowing public parking in the lot, "if the Elks property is redeveloped in a manner requiring the need for the parking lots during the time of the agreement," if the City has approved the redevelopment. (R15-142)

Modifications to Urban Renewal plans at Olde Town Station, Ralston Fields, Village Commons, and Northwest Arvada: Colorado HB 15-1348, the Urban Redevelopment Fairness Act, was passed on May 6, 2015, on a vote of 87-9 with four members of the Colorado House not voting. As a result, some minor modifications need to be made to the wording of several of AURA's urban renewal plans. This bill changes urban renewal in Colorado by requiring negotiations between urban renewal authorities and the taxing entities (such as counties, school districts, etc.) affected by renewal projects, giving those entities bargaining positions in any cases in which their revenues will be affected. (R15-143, 144, 145, and 146.)

Chemicals for water treatment plant, \$869,025 to nine suppliers. (R15-147)

Laboratory services for water treatment plant, \$116,680 to nine labs. (R15-148)

Acceptance of general warranty deed to allow high-priority completion of sidewalk in the 5800 block of Pierce Street. (R15-149)

Submission of open space grant for improvements to Terrace Park, near 54th and Dudley. (R15-150)

Transportation contract between the City and Jefferson County Seniors' Resource Center, SRC. SRC provides transportation to low-income, frail, elderly, and disabled Arvada citizens. This year's payment from the City will be \$155,812. (R15-151)

Essential Home Repairs program:

Arvada provides 0% and 3% loans to low-and moderate-income owners of single-family owner-occupied homes, for necessary repairs. The City contracts with FirstBank to provide a maximum of three 0% and three 3% loans in 2016. (R15-152)

Accepting a petition for annexation of Spano Corner, 5190 Marshall Street, for redevelopment for office, industrial, and retail uses, and setting a public hearing date of January 4, 2016. (R15-153)

All items were approved on a 7 to 0 vote.

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Resolution:

Creation of an Arvada Culture and Arts Commission. This commission is to have seven members, appointed by City Council. Initially it will be responsible for managing the Art in Public Places program, and to create a Public Arts Master Plan. Later, its varied responsibilities will include such things as sponsorship of public events, outreach and support of artists, applying for grants, creation of a cultural district, and working with the Festivals Commission, Parks Advisory Committee, the Historical Society and other organizations. (R15-154)

City Manager Mark Deven said that during the decision-making process surrounding the change in governance of the Arvada Center, it's been decided that the responsibility for public art should remain with the city. Deven said he and his staff looked at ways in which other cities handle that, and have settled on the idea of a commission.

Councilmember Bob Fifer asked how the commission will apply for grants; Deven said they will apply as the City.

Councilmember Mark McGoff clarified the timetable for the advertisement, recruitment and application process.

Councilmember Nancy Ford noted that, of the seven commission members, one member is allowed to be a non-resident of Arvada. Ford wondered why; Deven said it's a matter of recruiting people of different backgrounds, so including a non-Arvada resident "gives us flexibility."

This item was approved on a 6 to 1 vote, with Councilmember Dave Jones voting against approval but without comment.

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Ordinances, First Reading: Public Hearings for these items will be December 7, 2015, at 6:30 p.m.

Richards Farm Metropolitan Districts 1 and 2: Intergovernmental agreement between the City and the districts. (CB15-042)

Hometown Metropolitan District 1, amendment and restating to intergovernmental agreement between the City and the district. (CB15-043)

Hometown Metropolitan Districts 3 and 4, termination of intergovernmental agreement as redundant. (CB15-044)

Emergency Operations Plan: This item amends the City Code to include, by name, the Emergency Operations Plan adopted for use in 2002. It also formally directs periodic updates to the plan. (CB15-045)

Floodplain maps: To meet FEMA requirements, the City Code needs the addition of an effective date, January 20, 2016, for the revised Flood Insurance Rate Maps. (CB15-046)

Additional appropriation for 2015 budget: Near the end of a calendar year, the budget can be given a final appropriation to allow for changes that may have occurred during the year and which were not previously funded through resolutions. This year's appropriation of about \$7.5 million will go toward such items as the Jefferson Parkway Public Highway Authority (\$1.2 million,) street maintenance needs (\$588K,) funding related to Olde Town Transit Hub (\$3.1 million) and various other expenditures. (CB15-047)

Valley Farms rezoning, 6265 W. 52nd Avenue, from residential medium density to Clear Creek-A Industrial and Commercial Subdistrict. The applicant, Brew Labs LLC, wants to redevelop the property for office and light industrial uses. (CB15-048)

All items were approved on first reading, 7 to 0.

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Other:

Water for fire protection: the Wild Grass subdivision at the northwest corner of 88th and Alkire Streets is applying for water service for only the purpose of fire protection, as required by the Arvada Fire Department. Other water needs will be filled by individual homes' wells and septic systems. The Planning Commission voted 1 in favor of the request, 4 against, and 2 absent. During that meeting, Commissioner John Sullivan pointed out that Arvada currently has water resources for 120,000 people, and has "drawn a line around the City to show what we can do." (Item 8A)

Mr. Chris Elliott is the developer of the Whisper Creek Development. In the creation of that, a 59-acre parcel was left which is the subject of this meeting. Elliott gave an overview of the history of the "orphan parcel," which is outside the boundaries of Arvada's Comprehensive Plan and not eligible for annexation. Westminster's Mayor Herb Atchison wrote to Arvada's City Council, requesting denial.

If developed, this parcel would hold between four and six lots of approximately ten acres each. Elliott said it's zoned for that, through Jefferson County, but needs fire protection. Elliott stated that, even with a hydrant, there is still no guarantee that Arvada Fire Department will agree to be the fire protection for those homes. Currently, the State Forestry Service is responsible for the undeveloped land.

Councilmember John Marriott asked if Jefferson County would allow, in lieu of a hydrant, a vault or tank to hold water for the purpose of firefighting. Elliott agreed that he has that option, he just thinks the hydrant is a better, safer option. Councilmember Marriott asked what if there was only one home--

would the requirement be the same? Elliott said that with only one home there wouldn't be a plat, so no need to designate a fire protection district.

Councilmember Dave Jones said that he grew up in Coal Creek Canyon and they didn't have hydrants, but used alternatives such as tanks or pumps.

Councilmember Mark McGoff, referring to the staff report to Council, said that City Attorney Randall Sampson had summed up the problem, saying, "under the approval criteria, it comes down to: it is either in the best interest of the City to provide the service, or it is not." McGoff said he had not heard anything in this meeting how it would be in the best interest of the city to provide water service outside the city, and unless he did, he would be voting to reject the request.

Mayor Marc Williams said he would favor annexation if the parcel was eligible, but that with current concerns about the Gross Reservoir project, we have to take care of in-city water use first. Williams also expressed concern about failure of the wells or the septic systems and subsequent need of the homeowners to be allowed City water and sewer service.

Councilmember Marriott said he would be voting to reject the request, but that he feels for the applicant and that it was a close call, coming down to the unsurety of the overall water supply. Councilmember Don Allard agreed, noting that he is a strong proponent of personal property rights, but that he does have concerns about the septic tanks/leach fields and there being no way to regulate the maintenance of those, possibly resulting in water quality problems within Standley Lake.

The application was rejected on a 7 to 0 vote.

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Presentation of third quarter financial report:

This report can be found at: http://www.arvadarecords.org/councilpacket/current_week/08.B.%20Presentation%20of%202015%20Third%20Quarter%20Financial%20Report.pdf (Item 8B)

Finance Director Bryan Archer said that the City's revenues have been positive, from the beginning of the year and throughout the year. A few items, such as property tax and interest income, are below what was budgeted, but sales tax is up 6.6% over 2014, which is better than was budgeted. Building revenues are still up, since 2012; however, for the first time since 2011, there was not a quarter-over-quarter growth in the number of single-family permits issued, and the finance department will be keeping an eye on that. However, Archer said that it is building activity which is driving the majority of the City's financial growth.

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Public Hearings:

Public hearing on the 2016 annual action plan for Housing and Community Development Plan. This is for information purposes only, and must be conducted prior to a City Council vote on approval of the action plan. No action need be taken at this hearing. (Item 9A)

Allocation of block grant for Community Development: An estimated \$400,000 will be divided among human services (\$75,000,) program administration (\$75,000,) and the Essential Home Repairs Program (\$250,000.) (R15-155)

Approval of Human Services Funding Pool Funds as follows, for 2016: Ralston House, \$15,000; Meals on Wheels, \$12,000; Arvada Health Project for Children through Carin' Clinic, \$20,000; Arvada Community Food Bank, \$30,000; ARMS Emergency Service program, \$22,000; Jefferson Center for Mental Health, \$25,000; Project Angel Heart, \$15,000; Jeffco Action Center, \$12,750; and smaller amounts to A Precious Child, Hope Neighborhood Initiative, Food Bank of the Rockies, family services at Willow Green, Special Olympics, teen suicide prevention through Second Wind Fund, crisis hotline through Family Tree, Metro Crisis Services' mental health services, Colorado Homeless Families, Angel Eyes, and the Audio Information Network. (R15-156)

Members of Arvada's Human Services Advisory Committee said that extra attention was paid in this year's allocations, to mental health, due to increased concerns nationwide surrounding mental health issues.

Councilmember Bob Fifer said that, while mental health is a big issue, there is a large aging population within Arvada, and he thinks more could be done for them. Fifer also asked if there is any follow-up with awardees and was told each awardee files a quarterly report and that there is also a process in place to build in site visits annually.

Councilmember Dave Jones asked about programs for the hearing or mobility impaired; the answer is that there were no applicants in those areas this year, but there is the Audio Information Network for the print impaired, and Special Olympics.

R15-155 and -156 were both approved on 7 to 0 votes.

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Candelas, approval of single-family development on a parcel zoned for multi-family residential, and amending the preliminary development plan and plat. (Items 9B, 9C, and 9D)

The applicant, Tri-Pointe Homes and property owner Brian Daly, representing Arvada Residential Partners, are hoping to build 97 single-family homes on a 17.6 acre parcel in the Candelas area which, prior to this meeting, was zoned for multi-family housing, i.e., single family attached housing or townhomes. The applicant will be building "more attainable" homes with a price in the \$400,000 to \$500,000 range, and will be including more park land and far more open space in their plan than is required. Attendees at a neighborhood meeting were in favor of the proposal. The applicant cited the construction defects law as their main reason for staying away from building townhomes or condominiums.

Arvada resident Brandon Figliolino spoke in opposition. He had also spoken against approval at the October 20 Planning Commission meeting. Figliolino pointed out that a variety of housing styles is desperately needed in our area, and that the proposed project will do nothing to help affordability. Figliolino said it makes no sense to settle for a few dozen houses now, on a parcel which is zoned for multi-family and which, if the applicants wait for State reform of the construction defects law, could

provide much more help with respect to affordability. He said that just because something conforms to the Land Development Code, doesn't mean it's right for the city.

In rebuttal, Brian Daly said efforts to attract apartment builders have failed, but that once the Jefferson Parkway is a reality, multi-family will become more viable.

Councilmember Bob Fifer said he is an advocate for more dense living, but appreciates the planning of diverse housing stock, and knows that Tri Pointe does a "good product." He asked if the homeowners are being made aware that the Jefferson Parkway will be nearby; Daly said every homeowner signs an acknowledgement of notice when they purchase the homes.

Councilmember Dave Jones said he is appreciative of the density reduction, and wondered if there would be any ranch style or other main-floor master bedroom styles. Daly said that, because of the small footprint and the desire to include a two-car attached garage, there was no way to include any bedrooms on the main floor.

Mayor Marc Williams said he sees this as a mixture of housing "until we can get farther along on multi-family housing," and hopes Denver takes action on that soon.

All items were passed, 7 to 0.

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Public Comment: None

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Reports from City Council:

Councilmember Mark McGoff said there was a new event, Saturday, November 7. Two Ponds Wildlife Refuge and Majestic View Park each hosted a Veterans' Walk. Vets and family members had time to reflect on the views, and on the debt we owe to veterans for preserving our freedom and our beautiful country. Some people spoke, indicating why they were walking, who they might have in mind, and acknowledging veterans. McGoff said it was a very successful new event, with 26 people participating at Two Ponds and 52 at Majestic View.

Councilmember Bob Fifer gave an update on JEFFTAAG, the Jefferson County Transportation Action and Advocacy Group. The group had had concerns about bus routes being changed because of the light rail and Gold Line. The City sent a letter and met with RTD. RTD will be introducing a route from Quaker and 64th to Ward Road Goldline Station, then to Youngfield, Lakewood, Colorado Mills, to the West Line station, and from there to Red Rocks Community College in Lakewood.

Mayor Marc Williams asked City Attorney Chris Daly if, following Tuesday evening's meeting with the incumbents of Arvada's Boards and Commissions, the councilmembers could have a discussion among themselves about committee assignments. Daly said it would be OK as long as no formal action was taken.

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Reports from City Manager:

The November 23 workshop will include a presentation of the Pavement Condition Index, 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 9 p.m.