

## City Council Meeting, February 3, 2014

Notes taken by Susan Shirley

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

Minutes from meetings on January 3, 6, and 10 were approved. The meeting on the 3rd was to name the finalists for the District 1 vacancy. January 6 was a regular City Council business meeting, and January 10 was for the purpose of interviewing the finalists and voting on the new councilmember.

A proclamation was given by Councilmember Don Allard, for the HEAL (Healthy Living and Active Living Cities & Towns Campaign of Colorado.) HEAL is a partnership between LiveWell Colorado and the Colorado Municipal League. It provides cities with assistance to improve access to physical activity and healthy food, so as to use more efficiently the funds received through the Healthy Places Grant. Allard said that a healthy city makes the top of the list when businesses and people are deciding where to relocate. Max Gibson of Jefferson County Public Health congratulated the city on receiving the grant, and hopes that healthy living considerations will be helpful when updating the city's comprehensive plan.

Another proclamation, presented by Councilmember Bob Dyer, was to recognize the Arvada Harvest Festival, which is in its 89th year, and allied organizations for the Star Spangled Scholars Program, which provides hands-on education to all interested people about our nation's founding and the resourcefulness of the pioneers. Renee Nelson accepted a plaque on behalf of the Arvada Harvest Festival. She said that this year's addition of celebrating the bicentennial of America's flag will include participation from the local chapters of the Sons of the Revolution, Sons of the War of 1812, as well as local artisans and historians and "Smoketalker" and "Irish Lace" from Hands on History Colorado. There will be an essay contest for fifth graders on the meaning of the Star Spangled Banner.

Senator Rachel Zenzinger was honored next, in a recognition by Mayor Marc Williams. Zenzinger is now beginning her second month as District 19 Senator. Well-known for her accessibility, she is planning a new event, Coffee with Constituents, to be held, starting in February, on the second Thursday of each month at 7 a.m., at the Indian Tree Golf Course Club House.

Mayor Williams outlined some of the many awards and honors Zenzinger has received in past years from such organizations as the Arvada Chamber of Commerce, Northwest Metro Business and Professional Women, The Denver Post, and the Colorado Businesswomen's Association. He also gave a long list of extracurricular boards and councils Zenzinger has served on, which include the Arvada Food Bank, the Arvada Council for the Arts and Humanities, the Children's Charity Ball, the Ralston House, Kiwanis, Jeffco Transportation Action Advisory Committee, Goldline, APEX, Metrovisions, and DRCOG.

Senator Zenzinger spoke briefly, thanking the citizens of District 1, to whom she said she owed a large part of her success. She said that many people worried about her "swimming with the sharks," but that she feels well-prepared because of what she has learned serving on Arvada's City Council. She gave mention to the city staff as "probably the best in the state," and thanked the people she has met and represented.

Public Comment:

Jane Schnabel, of the Arvada Festivals Commission, spoke about the 13th annual Olde Town Chocolate Affair, to be held Saturday, February 8, from 11:00 a.m. to 3 p.m. This family event benefits the Ralston House, and in 2013 raised approximately \$4800. There will be five tasting venues: DiCicco's, the D Note, Scrumptious, the Historical Society, and the Silver Vines Winery. For more information, visit [historicarvada.org](http://historicarvada.org).

Cindi Kreutzer asked about the anticipated length of time the street closings will affect Garrison, Independence and Allison Streets. She said the first she had heard about it was in the recent Arvada Report. Mayor Williams promised to get her that information.

Ricky Martinez spoke next. He is an employee of Rocky Mountain Reinforcement of Greenwood Village, Colorado, and said he is currently on strike against that company, along with several co-workers who were attending tonight's meeting. They number among their grievances a bad record of safety violations as well as failure to provide breaks and water to workers. A very cursory online search for Rocky Mountain Reinforcement shows a bankruptcy as well as a Better Business Bureau alert.

Mr. Martinez requested that the city not allow this company to work on the transit projects. He mentioned that the NLRB has forced the company to make restitution to workers in another area, and that the company has been caught cheating workers on some federally funded sites.

Mayor Williams promised to pass on the information to the department that deals with RTD.

New Business: Consent Agenda

R14-010 authorizes an agreement between the City and Burnsville, Minnesota-based VTI Security for providing, installing, and upgrading the city's video cameras, in an amount not to exceed \$95,554.75.

R14-011 is a resolution to allow the city to obtain laboratory services for utilities operations, not to exceed \$107,145 per year.

R14-012 is a loan and grant agreement between the city and SustainAbility and Scott Parker in the amount of \$150,000 for new recycling equipment and infrastructure.

Arvada, Wheat Ridge, and Denver-based SustainAbility (Go Green Recycling) collects all "typical" recyclables at their locations at 6945 Indiana Court in Arvada, and 4930 Iris Street in Wheat Ridge. plus electronic waste and hard-to-recycle items, many for free, others for a small fee. They also provide employment for a number of people with developmental disabilities, who create repurposed goods. SustainAbility's Arvada location has an educational center and a store for the repurposed goods.

R14-013 authorizes a master lease agreement and cost-per-copy schedule between the city and Centennial, Colorado-based Automated Business Products, for sixty months in the projected amount of \$260,000, subject to annual funds appropriation.

A motion was made to accept all items in the consent agenda. The vote to approve was 7 to 0.

Resolutions:

R14-014 is to authorize a police recruit training agreement between the cities of Arvada and Lakewood, for Police Academy training, in an amount up to \$21,500. Or \$22,500. City Manager Mark Deven said Arvada will be able to send five recruits through training for that amount, and that it is customary for most cities in Colorado to have regional academies, which is a money-saver.

R14-014 passed, 7 to 0.

R14-015 and -016 concern intergovernmental agreements between the City of Arvada and Urban Drainage and Flood Control District, the City of Westminster, and Adams County for funding of major drainageway planning for Leyden Creek and Little Dry Creek.

Deven said that, in the September 2013 floods, Cameo Estates was the only area where homes were inundated, and it was with water from Leyden Creek. The last update to the Leyden Creek Master Drainageway Plan was in February, 1986, and Deven said it is clearly long overdue. The plan for Little Dry Creek is similarly outdated. Funding is available for both plans.

R14-015 and -016 passed, 7 to 0.

R14-017 pertains to the Garrison Street Trail, which is being created as a multi-use trail between W. 57th Avenue and Ralston Road at Garrison Street. According to the city's website, the trail will improve travel safety for students of Arvada K-8, and enhance the neighborhood's bicycle and pedestrian circulation. It will be concrete, and 8 feet wide.

This resolution authorizes a contract amendment between the city, the State of Colorado, and CDOT, which corrects an oversight in that \$3,300 should have been initially set aside for education expenses.

R14-017 passed, 7 to 0.

Ordinances (First Reading)

There will be a public hearing on the following items on March 3, 2014 at 6:30 p.m.

CB14-002 would authorize an intergovernmental agreement between the city and Berkeley Water and Sanitation District, providing access to a particular sewer main.

CB14-003 would establish civil penalties for parking violations and establish fees for late payment of such penalties.

CB14-004 through -008 would annex land at 8075 Simms Street (Sunset Mesa Annexations 1 through 4) into the city, and rezone that land from Agricultural to Planned Unit Development.

CB14-002 through -008 passed, 7 to 0.

Public Hearings:

CB14-001 is an ordinance rezoning the property at 6205 Carr Street from Professional Office to

Neighborhood Business District. There is an application by the property's owner to open a liquor store there.

Mike Elms, Mark Deven, Mayor Williams, and Councilmembers Dyer and Fifer all stressed that the Liquor Board will be making the determination as to whether a liquor store will be allowed at that location; that tonight's council meeting was for the rezoning issue only. Mike Elms said the planning commission recommended approval, 6 to 0.

The owner of the property was represented by his architect, Ved Varma, who said that the only real option is to demolish the "eyesore," which has too many levels, is not ADA compliant, is "delapidated," has virtually no roof, allows water in, and has other violations of building and safety codes. He said there is no demand for a professional office there and that it is in an isolated area, and no one has expressed interest in the building for professional use. His client owns the building next door and finds it convenient to operate retail businesses side by side.

This building was originally a gas station, and the zoning was B-1. Subsequently it was rezoned as Professional Office, and Chapman Veterinary Clinic occupied the building for many years.

A number of residents from the nearby neighborhood spoke out against its being rezoned to allow a liquor store, citing concerns about traffic, schoolchildren walking by each day, the fact that it is essentially a residential street, and that a lot has changed in the neighborhood since the 70's when a gas station sat at that site. One resident said that City Council has been sent a petition against the zoning change, containing fifty or more signatures. Another disputed Mr. Varma's claim that the property has sat vacant for any significant time, or that efforts have been made to find another tenant or buyer. He said there have been no signs outside the building indicating it was for sale or lease.

There was discussion about variances, especially regarding setbacks, about parking, and access to the lot. Councilmember Dyer asked Mr. Varma what his client planned to do if the liquor license was denied. Mr. Varma said he would have to confer with his client about that.

There was also discussion as to whether the city had complied with the notification requirements. Mike Elms said that everyone within a 400-foot radius had been notified.

After further discussion and some reiteration that the vote was for zoning, not for a liquor store, the rezoning passed, 7 to 0.

Reports from City Council: Councilmember Mark McGoff announced that Sister Cities International has joined with Red Rocks Community College to offer an international scholarship, open to high school students in Arvada, to study renewable energy, sustainability, and international studies.

Councilmember Dyer made a motion to appoint councilmembers as representatives and alternates to a long list of committees, councils, boards and districts. The motion passed, 7 to 0.

Councilmember Jerry Marks said that he was one of about 60 people attending the recent Lake Arbor HOA meeting, and that that community is very supportive of the new police station there.

Reports from City Manager: Mark Deven requested the February 24 City Council workshop be cancelled in order to allow time to interview applicants for Arvada's openings on boards and

commissions.

Reports from City Attorney:

Request for a Motion to Call a Special City Council Meeting for Friday, February 7, 2014 at 12:00 p.m. for the Purpose of holding an Executive Session for Legal Advice. The items under consideration are the near-expiring of the Baja Broadband Cable TV contract, the current moratorium on recreational marijuana, and instructions to a negotiator with respect to the acquisition of property in Olde Town.

A motion was made and the vote was 7 to 0.

Finally, Mark Deven announced that Kipling Street will be totally closed overnight, from February 10 through 15, from 9 p.m. to 5 a.m., for work associated with the Gold Line. See the city's web page for more details.

The meeting was adjourned.