

## Arvada City Council Meeting, March 16, 2015

Notes taken by Susan Shirley

All councilmembers were present: 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 26, at 7:30 it was 10.

Minutes from the March 2 meeting were approved with no changes.

Recognition: Adams County Mayors and Commissioners Youth Awards: This award recognizes young people in their teens who have overcome adversity and made positive changes in their lives, and whose efforts often go unrecognized. This year's four nominees who live in Arvada are Julissa Barajas, 18, of Hidden Lake High School; Aidan Clark, Raven Green, and Gillian Kroyer, all 13-year-old students at Moore Middle School. Certificates from City Council will be presented to the students at an awards banquet, April 30 at Riverside Golf Course.

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### Public Comment:

Nathan Mudd, Arvada attorney in the firm Helm, Less, Smith & Williams, is finalizing the application for the 2015 Farmers Market, heading into its seventh year. He said he lives and works in Olde Town, and gave kudos to the City for what's going on in Olde Town, saying it's "becoming the jewel we talked about ever since I've been there."

Cory Hulse, Regional Manager for Citadel Security, said the security firm has just completed its first week providing security for the courthouse. He thanked Council for the opportunity and said his firm is looking forward to working here in Arvada.

Katy Winner, homeowner at the Lakes at Westwoods, actually spoke during both comment portions. According to Winner, her new, small community of 46 homes has had the grave misfortune of having their community built and essentially abandoned by the builder, who wrote policies and covenants which are now overseen and guided by a property management company. The builder failed to follow through on the landscape plan and other important responsibilities. Winner asked who will oversee ongoing projects to be sure they are done, and done correctly. She said, "It's more than code and policy creation and enforcement, it's community building."

Winner also noted that a new Colorado law will require property managers to be licensed and to have a storefront.

Mayor Marc Williams replied that the staff will look into the problems with the builder at the Lakes, and respond.

Nancy Young of *Save Arvada Now* addressed Council about the recent conflict of interest involving a member of the Design Review Committee. Young pointed out the nearly decade-long tenure of not only several members of the committee, but also the Planning Department staff which attends the committee's meetings. She said, "*Save Arvada Now* fears that such a tight knit, small group could potentially steer all decisions in a direction that is not honest, objective and unbiased, nor in the best interests of the citizens of Arvada and our priceless historical assets."

Text of Nancy Young's remarks:

Good Evening Mr. Mayor, members of Council, and Citizens of Arvada.

On behalf of *Save Arvada Now*, I would like to thank City Manager, Mr. Deven, for his reply to concerns we expressed at the March 2 City Council meeting. These concerns involve a conflict of interest by a member of the Design Review Committee. This person failed to recuse himself from an official discussion about a proposed development. He had a known, personal economic reason to oppose the project being discussed.

According to Mr. Deven, the City Attorney and Planning departments are working with Design Review Committee members to remind them about their legal responsibilities regarding conflicts of interest. He was unable to provide additional information since staff had not yet had an opportunity to meet with all of the parties concerned.

*SaveArvadaNow* views these actions as a positive first step. Frankly, they look like just "a slap on the hand" and do not address, what appears to us, to be a much deeper issue. Several members of the Design Review Committee have served together for nearly a decade. Furthermore, Planning Department staff attending the Committee's meetings is also the same in this period.

This situation gives the appearance of a "cozy" relationship among these long-standing participants. *SaveArvadaNow* fears that such a tight knit, small group could potentially steer all decisions in a direction that is not honest, objective and unbiased, nor in the best interests of the citizens of Arvada and our priceless historical assets.

We believe that a slap on the hand is insufficient to restore public confidence. *SaveArvadaNow* strongly recommends that the City consider much deeper changes in the people involved and the structure of the Design Review Committee to assure that such flagrant conflicts of interest do not occur in the future.

The citizens of Arvada deserve integrity in government. Thank you.

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Consent Agenda:

Concrete replacement by Silva Construction, \$1,053,695, curbs/gutters, etc., nine major areas around the city. (R15-039)

Road crack sealant by A-1 Chipseal, \$214,215, eleven areas around the city. (R15-040)

Improvements made to NE corner Ralston Road and Olde Wadsworth, grant from RTD, \$13,750. The project, which was completed in October 2014, had a total cost of \$120,831, which included replacement of the signal, sidewalk, and controller cabinet. Because the improvements resulted in better ability for their buses to turn right onto Olde Wadsworth from Ralston, RTD agreed to this reimbursement. (R15-041)

Annexation petition: Accepts petition to annex the Davenport property at 4955 Carr Street, for the purpose of receiving City water service at an existing duplex. Public hearing will be set for May 4, 2015, to determine eligibility of the property for annexation. (R15-042)

Landscape maintenance, rights-of-way and medians, Schultz Industires, \$100,488. This is for assisting the city in maintenance of 40 such properties, which includes mowing, trimming, and weed and litter control. (R15-043)

Surplus city property, Ward Road Pond Site: Arvada acquired the property near I-70 and Ward Road in 1974 for \$15,000, originally intending it to be used in the City's water system. However, its small size prevented it from being cost-effective for that use, and the property was leased to the State Wildlife Division for use as an urban fishery from 1987 to 2013. That program has expired, the City foresees no further need for the property, and intends to declare it as surplus so that it can be sold. (R15-044)

All items passed, 7 to 0. Councilmember Don Allard noted that City Council does need to approve the sale once a buyer is found.

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Resolutions:

2015 Spring Cleanup, Waste Connections, \$325,000 maximum, based on 1,800 tons. Waste Connections was the only bidder, and past Spring Cleanups have generated between 1,100 and 1,800 tons of material. Cleanup is scheduled for weekdays between May 4 and May 22, with information in water bill inserts, Arvada Report, the City website, and KATV. (R15-045)

City Manager Mark Deven observed that this is one of the City's most popular programs.

Councilmember John Marriott wondered why the cost is higher than in former years, and also why only one company bid on the job. Deven gave his opinion that the other companies are busy with construction jobs, because the economy is more robust than it was several years ago.

This item passed, 7 to 0.

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Ordinance, First Reading: Public Hearing for this item will be April 6, 2015, at 6:30 p.m.

Rezoning, 87th Parkway and Indiana Street, southeast corner. To be rezoned from Business/Professional to Residential, with the intent of building 50 patio homes on the 12.9 acre parcel (3.87 du/ac.) This development is to be named Whisper Creek III at Wildgrass. (CB15-012)  
This passed on a 7 to 0 vote.

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Other: End of year 2014 Financial Report

Revenue and highlights of the General Fund, Arvada Center, Parks, Tax Increment, Capital Projects, Water, Wastewater, Storm Water, Golf, Hospitality, and Internal Service Funds. Detailed yet strangely riveting information is available here [http://www.arvadarecords.org/councilpacket/current\\_week/08.A.%20Presentation%20of%202014%20End-of-Year%20Financial%20Report.pdf](http://www.arvadarecords.org/councilpacket/current_week/08.A.%20Presentation%20of%202014%20End-of-Year%20Financial%20Report.pdf)

The Cliff's notes is that 2014 was a very good year, with revenue exceeding expenditures and expenditures coming in below budget. Use tax and building fees and permits skyrocketed, generating a surplus. Tap fees for the water department generated a surplus as well, which can go toward the anticipated--not to mention controversial--expansion of the Gross Reservoir, located in Boulder County. Councilmember Bob Dyer pointed out that tap fees go to the acquisition of additional water supplies, while money from ongoing water usage pays for capital maintenance. Mayor Williams said he has recently spoken to our two Senators about the slowness of the process in getting the reservoir underway.

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Public Hearings:

Richards Farm Metropolitan District Service Plan: This hearing is to comply with the City Code, and is for information purposes only. No action is to be taken at this time. (Item 9-A)

This 31 acre, 126 single-family project will have two metropolitan districts to assist with the unusually high costs associated with it. The districts will be largely in lieu of HOAs and will thereby significantly reduce HOA fees, according to Chris Elliott of 7353 Investments.

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Criminal Justice Records Maintenance System: As noted following the March 2, 2015 meeting, Arvada will be partnering with a number of other nearby cities to purchase, maintain, and use cooperatively a system for keeping and sharing criminal justice records. Arvada's share for the first two years amounts to 29% of the total and includes the purchase and set up of software. It is expected to be around \$440,000, with costs dropping thereafter to the amount needed to maintain and manage Arvada's share of the system, anticipated to be around \$123,000 a year after 2016. (Item 9-B)

Councilmember Bob Fifer emphasized that, although the agenda for this meeting showed an initial outlay of around \$24,000, the total commitment for the first three years is about \$500,000. However, the plan is expected to save about \$100,000 a year because the costs will be lower than what is being spent maintaining Arvada's current system.

This item passed, 7 to 0.

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Comcast, Cable television agreement, extending to September 30, 2015. (Item 9-C) City Attorney Chris Daly said that the City and Comcast are working on an agreement and are not quite able to agree on every provision. While noting that Comcast has done a very good job and is good to work with in negotiations, Daly said that cable franchise matters are very complex and have a lot of facets. Daly wants to make sure the City's interests are protected and, to that end, requested a six-month extension to continue studying the agreement.

This request was approved on a 7 to 0 vote.

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Reports from City Council:

Councilmember Marriott reported on his work with the Sustainability Advisory Committee, now planning the Sustainability Festival, to be held May 9 at Ralston Central Park.

Councilmember Fifer, along with Mayor Williams and City Manager Deven, are recently returned from a conference of the National League of Cities in Washington, D.C. Fifer said Arvada is ahead of the curve on the FCC requirements all cities will need to comply with. Fifer also said such conferences are good for networking with cities in our region, noting that Golden in particular would like to meet and discuss collaboration on several topics.

Councilmember Mark McGoff attended the Land Use Institute at DU. This year's theme was Resilient Cities, with the keynote speaker being Timothy Beatley, author of a book entitled Resilient Cities. McGoff said the city was well represented by several staff members, and that the institute helps keep everyone up to date on land use planning.

Mayor Williams said that he and Councilmember Fifer appeared at the High Tea for Seniors on Saturday given by the Festivals Commission. It was the eleventh year for the event, which is for people age 90 and over, plus one guest of any age, and featured a swing band, elegant food, and tea.

Williams also said that he was in Olde Town for the St. Patricks Day celebration, and had a great time.

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Reports from City Manager:

Deven requested a nomination of Pete Adler to continue serving as one of the two representatives to the Wastewater Reclamation District Board. His term extends from July 1, 2015 to June 30, 2017. The nomination was made, and passed on a 7 to 0 vote.

Deven also requested Council attendance at the ICAST meeting, Friday at 10 a.m., which will recognize efforts toward energy efficiency at the Aspen Ridge apartments at 11051 W. 63rd Place.

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Report from City Attorney: none

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The meeting was adjourned at 7:30.