

Arvada City Council Meeting, March 17, 2014

Notes taken by Susan Shirley

Unanimous Passing of Permanent Marijuana Ban

Following the call to order, moment of reflection, and Pledge of Allegiance, the roll was called. 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.

Approval of Minutes: Approved, with no changes.

Recognitions:

The Arvada Chamber of Commerce has been awarding Woman of the Year and Man of the Year awards for more than sixty years. The nominations are made by the citizens of Arvada in November of each year.

The award for Woman of the Year goes to Lisa Steven, co-founder and executive director of Hope House, a resource for teenaged mothers. From the Hope House website: "A committee of past award winners chose Lisa due to the extraordinary contributions she has made over an extended period of time." Hope House, a non-profit organization, helps over 110 teen moms and their 165 children, and, with a budget of \$1 million, is now in the top 10% of non-profits in the entire U.S., largely thanks to the unflagging efforts of Ms. Steven. Ms. Steven thanked the Chamber for the recognition, saying it was "totally unexpected and totally an honor."

Man of the Year was awarded to Mike Litzau, Executive Vice President of Corporate Offices for Sooper Credit Union. As noted in a recent issue of the Arvada Press, "Mike Litzau is one of the most involved and giving individuals I have ever met in my life," Sooper President and Chief Executive Officer Dan Kester said. "He will go out of his way to think of ways to help his community and those less fortunate. He is tireless in his efforts to be there for his fellow citizens and is happiest when he is helping someone." Mr. Litzau said, "I echo Ms. Steven's comments about how humbling this is" to be honored in this way.

Recognition was given to Councilmember Don Allard for his service on the Jefferson Parkway Public Highway Authority Board of Directors. More information on the proposed parkway can be found here: http://www.broomfieldenterprise.com/broomfield-news/ci_24824399/jefferson-parkway-pushes-slowly-forward-year-after-courtroom and here: <http://www.davechandler.info/2014/01/20-years-later-and-theres-no-tollway-out-there.html>

Public Comment on Issues not Scheduled on Agenda:

Jody Weiland spoke, reminding citizens that the Kite Festival has moved to the Stenger Sports Complex. It will be held on Sunday, April 6. This free event features plenty of parking, lots of activities and food.

An organizer of February's Chocolate Affair said that the event attracted about a thousand people, and raised \$4,700 for the Ralston House.

New Business

Consent Agenda:

R14-033 is to authorize an agreement between the City and Conservation by Design, a Silver City, NM firm which was chosen to design, fabricate and install historic interpretive signage for the Gold Line stations.

R14-034 approves an Administrative Services Only agreement between the City and CIGNA Health and Life Insurance Company.

R14-035 adopts customer service standards for providers of cable television to Arvada.

R14-036 through -039 are for purchase orders for asphalt material. The sellers, respectively, are Aggregate Industries of Golden, Colorado; Denver's Brannan Sand & Gravel; Golden's Asphalt Paving, and Denver's Premier Paving. The purchase orders total \$600,000.

R14-040 pertains to an amendment to an agreement for a sewer crossing at the Leyden Ranch West Subdivision; R14-041 is for an easement for that same sewer line.

R14-042 authorizes an amendment to a lease agreement at 6801 Dover Street between the City and Comcast of Colorado.

The Consent Agenda items passed, 7 to 0.

Resolutions:

R14-043 amends the Operating and Capital Budget and authorizes additional expenditures in 2014. There was a brief presentation by Director of Finance Brian Archer, outlining the three areas affected: 2013 carryovers which were approved but not implemented; 2014 one-time items which were presented in October of 2013 for consideration; and TOD additional funding. A major component of the funding is to the General Fund for the Jefferson Parkway for \$1.4 million. Other items are two TIF expenditures for \$1.4 million and \$1.9 million. The TOD additional funding is for \$6.3 million dollars which, Archer says, puts Arvada in a position to nearly cash-finance the garage and bridge for the Gold Line development. Councilmember Bob Dyer asked that additional funding also be provided for maintenance at the Arvada Center.

R14-044 authorizes an agreement between the City and Konica Minolta Business Solutions U.S.A. (Ramsey, NJ) for the purchase of printing equipment. Currently the City is leasing but has judged it advantageous to purchase equipment which is expected to be in service for about seven years.

The resolutions passed, 7 to 0.

Ordinances (First Reading) Public hearings will be held on April 7, 2014 at 6:30 p.m. for both items:

CB14-015 is an ordinance to approve the Jefferson Parkway Public Highway Authority and the City of Arvada Advance and Reimbursement Agreement.

CB14-016 amends some of the provisions of the Land Development Code pertaining to Floodplains.

Public Hearings:

CB14-009 extends the cable television agreement between the City and Comcast of Colorado IX, LLC (Englewood, CO) to extend the term of the franchise to March 31, 2015. City Attorney Chris Daly said that the city is currently in negotiations with Comcast officials and have a few issues to resolve, so he recommends extending the current franchise for one year, though he expects it will take less time to resolve, and that the city has had a good relationship with Comcast. Comcast Director of Government Affairs Jon Lehman addressed the Council, saying that, if the public has issues with their Comcast service, they can contact the city staff, who will pass along information to Lehman.

CB14-009 passed, 7 to 0.

CB14-010 adopts the cable franchise agreement between the City and TDS Baja Broadband, LLC (Madison, Wisconsin.) Daly said that negotiations with TDS have not gone as well as those with Comcast. The service west of Indiana Street remains problematic, although when TDS took over a few months ago the city and TDS were able to frame a workable agreement. The agreement would expire in 2024, but there are significant upgrades which need to happen along the way, including on-demand and whole-home DVR. TDS offers a major system upgrade within 15 months; the city wants twelve months. as things stand TDS agrees to put forth their best efforts to complete the work within a year; in turn the city will allow fifteen months if legitimately needed; but if the work is not done in 15 months the city has the right to terminate the contract for material violation on the part of TDS. Dave Johnson of TDS spoke, saying, "TDS got your message loud and clear that things have to change," and said that TDS is proactive, not reactive.

There was no public comment, but several council members had comments. Councilmember Fifer said he would like to meet with Johnson again in six months for a progress report. He added that he gets many phone calls about the poor service.

Councilmember Bob Dyer pointed out that his District 4 is entirely within the franchise area of TDS. He has not heard a lot about TDS which is complimentary to them. He described one instance in which, just after being informed of a five percent rate hike, a woman was told by TDS that the four-day outage ESPN and ESPN2 was the fault of the network, not the cable company. Dyer said he is very concerned about customer service, which he says is not improving and not responsive. Johnson replied that TDS has recently added 11 call center representatives and hopes that will help to improve service.

Mayor Williams said, "It is our strong mandate that the new entity bring equivalent service and products to the people of the west side."

CB14-010 passed, 6 to 1, with Dyer dissenting.

CB14-011 would authorize an agreement between the City and Jefferson Center Metropolitan District No. 2, pertaining to water rates at Candelas; CB14-012 would amend sections of the city code pertaining to water fees. Deputy City Manager Bill Ray said that at the last minute there came about a need to delay consideration of these items, and requested the public hearing be moved to April 7 at 6:30 p.m. There was no public comment, and the delay was approved by Council, 7 to 0.

CB14-013 would rezone land at 10625 W. 58th Avenue in Arvada from R-L (Residential-Low Density) to R-I (One and two family residence.) The hearing has been rescheduled for April 21, 2014 at 6:30 p.m.

CB14-014 is to amend Chapter 53 (Medical and Non-Medical Marijuana) and Article III (Nuisances) of Chapter 38 (Environment) of the Arvada City Code (Ordinance No. 4436.)

It was clear from the outset that those individuals and groups opposed to the sale or growth of marijuana in Arvada, did a very good job of mobilizing people willing to write original (not form) emails, make phone calls, and appear to speak at tonight's meeting. The public response was far beyond overwhelmingly in favor of making the moratorium into a permanent ban. Mark Deven gave a brief synopsis of the history behind decriminalization and legalization of marijuana in Colorado, adding that it is still prohibited at the federal level and there is a real concern as to how the federal government will view these laws in future administrations. Deven also pointed out his opinion that there may be other negative impacts, including no consistent bank structure, leading to large amounts of cash and a higher risk of robbery and burglaries; the need to add a compliance officer at some point, similar to the liquor enforcement office which is more than a full-time position within the city, and an increase in people driving under the influence.

There were a number of citizens who spoke in favor of a permanent ban. Two former city council members, Craig Smith and John Malito, encouraged the ban. Much of the feedback from citizens centered around not wanting teenagers to have access, not wanting the city's morals to drop, fear of an increase in crime, and the potential change of the character of the city. One business owner and her associate spoke against the ban, citing statistics which showed that, in Denver, marijuana dispensaries have less of an impact on crime rates than either liquor stores or banks. Studies have repeatedly found that the rates of crime near a dispensary are on par with those near other businesses.

Nancy Young quoted Thomas Jefferson, saying, "Government which governs least, governs best," and said that the ban increases the potential for Arvada to be a haven for illicit marijuana sales.

Mayor Williams drew attention to a recent article in Your Hub, by Dave Chandler, and said that that individual "does not represent the people of Arvada."

He said that the reactions he has seen from the public show that the "vast, vast, vast majority support the ban," and that he personally didn't even want medical marijuana sold here, much less retail. He added that the council received a letter signed by the principals of all five area high schools, in support of a permanent ban.

Councilmember Bob Fifer said that, as the parent of elementary children, he was against marijuana sales here. He feels that the industry is currently "reckless and immature."

Councilmember Bob Dyer said that he has been in favor of a permanent ban all along, because his constituents were overwhelmingly opposed to Amendment 64. Dyer pointed out that this is an ordinance, which can always be changed down the road if so desired.

Councilmember Jerry Marks said that he supports the ban and cited the conflict with federal regulations, as well as community support for a ban.

Councilmember Don Allard said that, although he believes in property rights and the rights of small businesses, he supports the ban. He said that people need not to rely only on government entities but to give personal support to the War on Drugs.

Councilmember Bob McGoff said he has received a "blitz of emails" in favor of the ban. He said that he and Jerry Marks visited two outlets to see firsthand how they worked, and were very impressed with the level of security there. However, he said it is not acceptable to do nothing, and one thing about Amendment 64 is that it gives cities the option to make their own decisions with regard to retail sales of marijuana. He added, "I did not give it a thought, about the revenue."

Councilmember John Marriott said, "My initial response was that we might be better served to continue the temporary moratorium," and that we only have seventy days' worth of experience on the subject. But having received massive amounts of phone calls and emails in favor of the ban, it came down to the fact that "we are elected to use our judgment," but that there is a fine line between representing the people and councilmembers' own personal views, and it is clear that the citizens want a permanent ban.

CB14-014 passed, 7 to 0.

Reports from City Council: Jerry Marks moved to make Ken Olsen the appointee to the Police Pension Board. The motion passed 7 to 0.

Councilmember Fifer mentioned the State of Washington's new legalization of marijuana, and said that their law does not give local entities any control, even allowing the state to assign where shops can do business.

Mayor Williams talked about his trip to Washington, D.C., saying it was a great opportunity for lobbying. Mike Kaufman agreed to support the Marketplace Fairness Act, which would provide for collecting taxes on online sales; Williams was also able to put in a word about how Arvada is being expected by the railroad to front costs for the quiet zone, at a cost of \$320,000 up front for twenty years' maintenance.

Reports from City Manager: There will be a workshop next week with more information on the City Council Policy Manual, and presentations by the city attorney, human resources, and the Arvada Center.

Reports from City Attorney: none.

The meeting was adjourned at 8:00.