

Arvada City Council Meeting, May 19, 2014

Notes taken by Susan Shirley

HOA's SOL on 3-3 Vote; Neighborhood Improvements Grants Denied

Mayor Marc Williams was absent. In attendance were Mayor Pro-Tem Mark McGoff, and Councilmembers Don Allard, Bob Dyer, Bob Fifer, Jerry Marks, and John Marriott.

Public attendance at 6:00 was 12, and at 7:00 it was also 12.

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

Recognition and Proclamation:

Patricia "Trish" Gonske of the Human Services Advisory Committee was recognized by Councilmember Bob Dyer for her 15 years of service on that committee. The committee, which is made up of voluntary positions, advise the City on the allocation of funding for such items as food assistance, medical and health services, services for senior citizens, help for at-risk children, after-school programs, and more. Gonske, a Licensed Professional Counselor, is being honored for her thoughtful perspective, compassion, and reason. Dyer read, "She was a trusted member of the Committee and a friend to many in the City. Her quick wit and 'get it done' style was appreciated during difficult decision making sessions." Ms. Gonske thanked Councilmember Dyer and the City, citing her long history with Arvada of 35 years, including 17 at the Jefferson Center. She said it was "gratifying to be a part of seeing where well-deserved funds were going."

Councilmember Bob Fifer issued a proclamation for National Public Works Week, May 18 to 24. This honors the many people who provide everyday services in keeping our community running smoothly, as well as often being the first responders in times of natural disasters.

From the American Public Works Association's website: National Public Works Week (NPWW) is a celebration of the tens of thousands of men and women in North America who provide and maintain the infrastructure and services collectively known as public works. Instituted as a public education campaign by the American Public Works Association (APWA) in 1960, NPWW calls attention to the importance of public works in community life. The Week seeks to enhance the prestige of the often-unsung heroes of our society-the professionals who serve the public good every day with quiet dedication.

Public Comment:

Katie Tiernan of the Lutheran Medical Center Foundation spoke about the 7th Annual Leaves of Hope Run/Walk and Cancer Survivors Celebration, coming up on Sunday, June 1. More information about this family-friendly event is available at leavesofhope.org.

Nancy Young was next. Here is the text of her request to council:

"Good evening Mr. Mayor Pro-Tem, Council members, and citizens of Arvada:

The Hackberry Tree is very special to Arvada. When the first settlers arrived here in the 1850s, there were no trees - except a few cottonwoods along the river bottoms and a lone hackberry tree atop the tallest hill.

Hackberries are not native to Colorado - which makes our hackberry so much more special. Indeed, Arvada's tree was recorded by the botanist in Zebulon Pike's 1843 expedition.

Alas, our hackberry tree was cut down by vandals in 1937. A dendrochronologist determined that the tree began to grow in 1807 and lived to age 130 years. Were it still growing today, it would be dead center of Wadsworth at about 72nd.

There have been many attempts to plant hackberry trees to memorialize the original. One planted in McIlvoy Park died; another planted at the top of the hill also died. Two were planted in the Arvada Cemetery, but only one still survives.

Which brings me to two very healthy, beautiful hackberry trees next to the historic Arvada Masonic Lodge. It is my understanding that these two trees, valued at over \$13,000, will be cut down to make way for a 5-story, high-density rental apartment building.

I urge this Council to save these two trees! They could be replanted next to the "Welcome to Historic Olde Town Arvada" sign and would present a fitting memorial to our original hackberry tree and to our founders who revered it so."

Mayor Pro Tem McGoff requested that City Manager Mark Deven follow up on the matter.

New Business:

Consent Agenda:

R14-074 is to authorize an amendment to a \$127,396 maintenance agreement for Arvada's Public Safety Information System. The agreement between the City and Alabama-based Intergraph's division, Security, Government, and Infrastructure is a one-year extension of an ongoing contract for services to the Arvada Police Department.

R14-075 is to authorize a lease agreement between the City and Golden's Pioneer Sand Company for land owned by the City near Highway 93 south of Leyden Road. Pioneer has completed a decades-long sand and gravel mining operation there and wishes to continue its lease on 20 acres as a sales yard, agreeing to do reclamation work worth an estimated \$300,000 on the rest of the site. The City, in consideration of the reclamation work, agrees to waive lease fees of \$2,500 per month for ten years. From Arvada. Org:

"In addition, Pioneer has agreed to conduct grading operations in the southwestern corner of the property to which Arvada Modelers Association has agreed to relocate when the Jefferson Parkway becomes eminent (sic). Eventual use of the property is designed to be water storage."

R14-076 authorizes a \$501,347 contract between the City and 53 Corporation, LLC of Castle Rock, for miscellaneous drainage/stormwater projects, Project No. 14-DR-20. These projects will be at Virgil Way at Violet Way, Cole Court from W. 76th Place to W. 76th Avenue, Deframe Street at 68th Ave.,

Simms Street north of W. 82nd Place, W. 62nd and Dover, Balsam Street at W. 54th Place, W. 52nd Place from Quay Street to E. of Pierce Street, W. 56th Pl. and Lamar Street, and southwest of Yankee Ct. at W. 77th Drive.

R14-077 is for a contract between the City and WL Contractors of Arvada, for \$105,682 to create a larger turn radius for buses next to the Arby's on Ralston Road at Olde Wadsworth. The traffic light will be upgraded as well, and since it will take a few months for its manufacture, work won't begin until September 2014 and should finish in about mid-October.

R14-078 is for a \$93,219 purchase order to Fort Collins' Spradley-Barr Ford for three 2015 Ford Interceptor vehicles. The City is replacing single-purpose vehicles, such as the Smart car used for parking enforcement, with multi-use vehicles, especially now that the community police stations are decentralizing police operations. The versatile Interceptors replace two elderly unmarked detective sedans and a Smart car.

R14-078 accepts a storm sewer easement at 5495 Harlan Street for a line which was constructed outside of the regular easement.

All consent agenda items passed, 6 to 0.

Resolutions:

R14-080 allows the expenditure of funds in the 2014 Neighborhood Improvement Program. Grants of up to \$46,000 were available, and City staff has recommended giving \$43,813 to six of the nine neighborhood groups which applied:

\$10,000 to Lake Arbor Fairways, for a community garden replacing an outdoor basketball court;

\$9,573 to Meadowglen HOA, 81st and Pomona, for landscaping;

\$7300 to the Lake Arbor HOA, Wadsworth and Pomona, for a masonry entry sign to replace their deteriorating wooden sign. The Homeowners' Association is adding \$2,000 to what is received from the City;

\$6,290 for the Little Sprouts Community Garden, 8448 Otis Drive;

\$5,600 to Deer Creek Condo HOA, for entry signs and landscaping at 72nd and Devinney and 72nd and Eldridge; and

\$3,900 to Forest Springs HOA at 66th and Kendrick for pond improvements. Neighbors will be donating labor, and the Kiwanis are donating \$100.

There was a prolonged and interesting discussion surrounding the grants and their proposed recipients; another post will appear tomorrow going into greater detail as to what was said. In general, those opposed to the grants were concerned that, in Councilmember John Marriott's words, this is a "collection of deferred maintenance items for HOA's," and he was not sure that is one of the goals of this program. The votes were as followed: In favor of allowing the grants were Mayor Pro Tem McGoff and Councilmembers Bob Dyer and Jerry Marks; opposed were Councilmembers Don Allard,

Bob Fifer and John Marriott. The 3 to 3 vote meant that the funding failed and there will be no neighborhood grants under this resolution.

R14-081 accepts a petition for organization of an Olde Town Business Improvement District, or BID. There will follow notices, publication, and a hearing.

Last week's City Council workshop included a close look at this item. You may refer to the notes from the May 12, 2014 workshop for more info. Tonight's business was to accept the petition, similar to the acceptance of a petition for annexation. Acceptance of a petition allows the next steps in the process to begin; in this case the next step would be a first reading, followed by a public hearing, and eventually, if all conditions were met, this would be an item in the TABOR election in November, requesting the approval of voters for a 5.5 mil levy.

The dissenting vote in this case came from Councilmember Allard, who said that he doesn't favor giving special treatment to a particular business area as opposed to other business areas. The special treatment in the case of this BID would be matching funds from the city, estimated at \$68,000 per year going to Olde Town. A further objection came from Councilmember Fifer, who does not find that the specific responsibilities are spelled out clearly, and who also had questions about the sunset provisions.

The resolution passed, 5 to 1, with Councilmember Allard dissenting.

Ordinance, First Reading; Public Hearing to be set for June 2, 2014 at 6:30 p.m:

CB14-025 is the result of the State of Colorado extending the APEX Center's special non-standard stormwater permit, which has been in effect for several years; the City and APEX need to formalize the terms in an intergovernmental agreement.

This ordinance passed, 6 to 0.

Public Hearings:

R14-082, CB14-020, and CB14-021 pertain to the rezoning and annexation of Britton Park at 5574 W. 69th Avenue. This 7.71 acre park is 79% contiguous with city boundaries. The land was purchased in 2013, and construction is scheduled to begin this summer. The designers for this project were also involved in designing for the Wheat Ridge Park, Ralston Central Park, and many other projects, and will be designing for the Griffith Station Park as well. There was no public comment, and the votes on all three items were 6 to 0.

R14-083, CB14-022 and CB14-023 pertain to the annexing and rezoning of the property of Allied Waste at 18900 W. 82nd Ave. near Leyden. There was a brief presentation and some information from Director of Community Development Mike Elms, who said that these 5.8 acres will be used for the westernmost access to Leyden Rock, and for open space. There will be no residential development on this parcel. All three items passed, 6 to 0.

Public Hearing on the Leyden Rock Phase III Preliminary Development Plan at 18900 W. 82nd Ave, and Public Hearing on Leyden Rock Phase III Preliminary Plat, 18900 W. 82nd Ave: This PDP is for 347 acres upon which are planned 412 single-family residential lots. The planning commission unanimously recommended approval, and tonight's votes on these two items was unanimous as well, 6

to 0.

CB14-024, tonight's eminent domain issue, is to determine the necessity of, and to authorize, acquisition of the property needed for the bus transfer station and parking facility. This is in reference to the land adjacent to the Landmark Olde Town Theater and also the Tiller Lot, currently leased to Sullivan One Limited Liability Company and assigned to the theater. City Manager Mark Deven said that he wants to emphasize "we are continuing to seek a voluntary agreement," but this needs to be resolved by August 1, so this is a "potential condemnation" situation. There was a slight revision to the easement to allow parking in one area to be for the exclusive use of the theater. There was no public comment, nor questions from Council, and the vote to approve was 6 to 0.

Public Comment: None

Reports from City Council: Councilmember Bob Fifer wants to recognize the veterans and active servicemembers, reminding us that Memorial Day is coming up and is a time to remember those who have made the ultimate sacrifice for their country.

Councilmember John Marriott said that he was present at a wreathlaying for last week's National Police Week, for the two Arvada Police officers who lost their lives in the line of duty: Officer Robert G. Beghtol in 1961, and Officer W. Michael Northey in 1979. Marriott noted that it is easy to take the police for granted, but that "very few of us can lose our lives in our daily work."

Mayor Pro Tem Mark McGoff moved to appoint Craig Kocian to the Metro Wastewater Reclamation District Board of Directors. This was approved, 6 to 0.

Reports from City Manager: There will be no City Council workshop next Monday because of Memorial Day. The next workshop will be June 9 and will be about the governance of the Arvada Center, and about the proposed expansion of Red Rocks Community College.

Reports from City Attorney: None.

The meeting adjourned at 7:45.

Here is a closer look at the City Council's May 19 discussion on Neighborhood improvement grants.

This program is in its fourth year. A presentation by Neighborhood Program Coordinators Kevin Nichols and Linda Hoover showed that it is intended to facilitate physical improvements around the city while also strengthening relationships between neighbors. There is a total of \$46,000 this year which was earmarked for distribution to applicants, with up to \$10,000 being available to each applicant.

Applications were weighed using these criteria: Benefit to the neighborhood, neighborhood involvement, degree of need, age of neighborhood, the presence of funding partners, the presence of public land, and sustainability. Applications are reviewed by the Neighborhood Revitalization Team, who in turn make recommendations to City Council. Funding cannot happen until it is approved by a majority vote of City Council.

This year, there were nine applicants, of which six were selected to receive grants. The applicants recommended by the team were:

Lake Arbor Fairways, a multi-family complex with a 372-unit HOA. They installed a basketball court some time ago, but it fell victim to vandalism and crime, and has been padlocked and sitting idle. Lake Arbor residents, 76 of whom have volunteered labor, would like to take out the basketball court and put in its place a community garden which would be for the exclusive use of residents there.

Meadowglen HOA, at Wadsworth and Pomona, want to replace the north and west side landscaping; they are spending around \$250,000 to replace their fence, leaving them little to no money for landscaping.

Lake Arbor HOA, at Wadsworth and Pomona, have a deteriorating wooden sign and hope to substitute a masonry sign; this HOA is voluntary, with dues of \$25 per year. They were also given funds last year by the city, but showed no progress; Bob Fifer in his extensive questioning about the various properties favored putting strong conditions on this one to show forward progress.

Little Sprouts Community Garden, 8448 Otis Drive, plans some added plots, including some to use as an outdoor classroom, and a central gathering area. They have a \$500 PTSA contribution and a GOCO grant. In the past the city did give money to this school for a playground.

Deer Creek Village HOA on 72nd near Devinney and Eldridge, asked for \$10,000 for signage, mailboxes, landscaping, and furniture.

Forest Springs HOA at 66th and Kendrick hope to make some improvements to their ponds, including better aeration, plants, and modifications to slow down the freezing of the water in winter to allow wildlife to use the ponds year round. Fifer noted that the city has already invested a lot in that neighborhood, including the addition of the community police station.

The three applicants not receiving a recommendation from the panel were:

Alkire Estates, which has a drainage problem for which they requested \$10,000. This was turned down on the basis of low community involvement;

Wyndham Park requested \$10,000 for a gathering space. The panel felt this request would have a lower community benefit than some of the others;

Gyda Drive residents at around Gyda and Garrison have in many cases lost their well water following construction of the Gold Line. A solution was to connect eight houses to the Allen-Reno ditch; however, this solution would only have benefited those eight homes.

There was lively discussion among the councilmembers. Councilmember John Marriott noted his disappointment that all the recommended properties except for the school were HOA's. He said that, while he appreciates that things are difficult for many HOA's, times are tough for non-HOA property owners too. He said it may be necessary to find ways to make it easier for other neighborhood groups to apply for funding in order to get a more even distribution of applicants. "Not to pick on HOA's," he said, but this seems like a "collection of deferred maintenance items for these HOA's," and is not sure that is one of the goals for this program. He said he intended to vote against the grants as things stood

right then.

Councilmember Fifer, in addition to his comments here, agreed with Marriott, pointing out that this grant program is in its fourth year yet doesn't seem to have generated much diversity of applicants. He also thinks the money might be better spent on some of the special use parks, such as the Westwoods Dog Park and the Disc Golf park.

Councilmember Don Allard said that three of the projects seemed purely esthetic; also he was unclear as to what sustainability means in the context of the criteria for approval. He said, "I think we ought to revisit the program to see if it's doing any real good."

Mayor Pro Tem McGoff said that he believed the grants would be fully consistent with the original City Council initiative, and that the applicants were fully evaluated by a broad spectrum of staff using the stated criteria.

Councilmember Bob Dyer said that, if funding was approved, he thought Lake Arbor HOA should be held strictly accountable for making progress, in light of the fact that they also received money last year. He said that if there was no progress by August 1 the money should be returned to the fund.

Director of Community Development Mike Elms said that there is a plan underway to encourage a larger percentage of non-HOA neighborhood groups to form.

Linda Hoover, program coordinator, said that the team is looking for ways to tweak and get more neighborhood involvement. They are also researching to find out how much of the city is covered by an HOA. She said one improvement would be to have the funding approved much earlier in a calendar year so as to have the money go out for projects to commence in early spring. She announced a meeting on Wednesday, May 21, at the Vineyard on Olde Wadsworth across from Lowe's, where people can learn more about neighborhood involvement and starting up of groups.

Following this discussion and some technical difficulties with the electronic voting system, a voice vote was taken which resulted in a 3-3 split, defeating the funding for this resolution. Voting in favor of the grants were Mayor Pro Tem McGoff and Councilmembers Bob Dyer and Jerry Marks; voting against were Councilmembers John Marriott, Bob Fifer, and Don Allard.