

Arvada City Council Meeting, June 2, 2014

Notes taken by Susan Shirley

Neighborhood Improvement Grants to be Revisited; SAN Hits Two Over Fence

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

Public attendance at 6 p.m. was about 60 people, and at 7 a still relatively respectable 19.

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

Recognition of Teen Court Volunteers:

From Arvada.org: The Arvada Teen Court Program provides an opportunity for first-time offenders between the ages of 10 and 17 to be sentenced by a magistrate panel or jury of their peers, rather than by an adult judge. The defendants, magistrates, attorneys, bailiff and jurors are all teens.

Arvada Teen Court uses a justice philosophy called "Restorative Justice." This philosophy focuses on restoring the defendant's place in society. Restorative Justice consists of three parts: Accountability (increasing the defendant's awareness of the harmful effects their behavior has had on the victim), Competency (increasing the defendant's skills to make them more capable than when they entered the juvenile justice system) and Community Safety (connecting the defendant to his/her community and thereby providing for community safety). The goal is rehabilitation, not strictly punishment.

Teen Court is looking for volunteers, age 14 - 17, to serve as magistrates, jurors, bailiffs and attorneys; you can find more information at Arvada.org.

This program is in its 19th year. The teen offenders receive a 6 month deferred sentence; upon its successful completion, which is said to happen about 95 percent of the time, the charges are dismissed and the case is closed. The teen returns to a clean slate. Administrator Tami Rice and Judge David Cooke spoke briefly about the efficacy and benefits of the program. Rice cited these facts regarding the fifty-two offenders the court saw last year, saying that they served 1,782 hours of community service-- mostly in Arvada, 45 spent time on a jury panel, leading to 8 permanent volunteers in the program, attended 34 educational classes, and wrote 19 letters of apology. Teen volunteers from the community donated 960 hours of their time. They and several adult volunteers were recognized and extensively photographed for posterity.

Public Comment:

David Olsen of the Festivals Commission spoke about the upcoming 12th annual Trails Day, beginning at 10 a.m. Saturday at both Majestic View Park Nature Center and Two Ponds Wildlife Refuge. There will be raptors and also animals from Denver Aquarium at Two Ponds, a walk between the two venues as well as a shuttle, some bike rides, and free food. Mayor Williams said that he and his wife will be present on their tandem bike.

Two representatives from the Lake Arbor Fairways HOA spoke about their community's deep disappointment at the results of last meeting's vote on neighborhood improvement grants, in which no grants were awarded and comments were made that part of the reason for no awards was that it seemed to be giving public money for maintenance to be done by HOAs. The HOA representatives pointed out that they obtained a great deal of involvement from residents, met the criteria, and had what they felt were good, legitimate improvements in mind. The point was strongly made that, on Arvada's north side

between 80th and 88th avenues, there are many multi-family dwellings, most of which would involve HOAs and many of which feel that other areas around town are revitalized repeatedly while the north end is forgotten. Mayor Williams requested they stick around, as the issue would be re-addressed later in the meeting. He said, "We don't get 3 to 3 votes very often, and I feel badly about how that turned out, through no fault of the applicants."

Nancy Young spoke in favor of diversity, wondering why Arvada's festivals all seem to be diversity-neutral. She quoted from Maya Angelou's poem I Know Why the Caged Bird Sings.

Harriet Hall addressed the council about Park Place Olde Town. She said that she, Councilmember Mark McGoff, and former councilmember Shelley Cook met in 2013 to discuss the design of this large building. Hall, a founding member of Save Arvada Now (SAN) believes the building as currently planned does not fit with the culture and ambience of Olde Town, and that its 5-story contemporary design will cause it to be an eyesore. Harriet said that the 2013 meeting did not have the effect of changing her mind, and she later met with an architect to find a design which would help it to fit in better with Olde Town.

Hall said that her challenge was to achieve a design which was compatible with the area while not impacting the economic viability of the project. She now has some suggestions as to a project which will leave the same economic footprint, e.g. same number of units, same number of parking spaces, and will actually need only about half of the thirty-odd waivers and variances that the current plan required. The city has agreed to meet with Hall to look over her plan, and Hall's purpose for speaking was to tell the city how pleased she and her group are to have that opportunity.

Consent Agenda:

R14-084 accepts easements from Simply Storage Holdings at 4911 W. 58th Avenue, currently under construction. This is between Sheridan Boulevard and Tennyson Street.

R14-085 is to authorize an agreement between the City and Denver attorneys Fairfield and Woods, P.C., for \$55,200 for Land Development Code Uses Analysis. Fairfield and Woods will be advising the City on potential changes and other areas of concern with respect to the Land Development Code and how its use will be affected by expected changes and developments, as well as intricacies of public notices and hearings.

R14-086 authorizes a \$1.5 million water main replacement contract between the City and Brannan Construction Company of Denver.

All consent agenda items were approved on a 7 to 0 vote.

Next was a proposal to revisit the community grants for neighborhood Improvements. Councilmember Marks said that Rule 9B allows the issue to be suspended and revisited later, so that in case of a tie there can be a chance to vote again and get a more definite yes or no.

Councilmember John Marriott said that, although he voted no on the grants, he would be in favor of a motion to reconsider just because the council had one member absent last time and he is sensitive to the grant applicants because of that. Councilmember Bob Fifer agreed that there should be a reconsideration, but he wanted to make it very clear that the city council last year expressed reservations about the HOAs and about the purposes for the grants being inclusive or exclusive. He said it's hard to justify city tax dollars supporting exclusive communities. He is in favor of unbundling the grant applicants and voting on them individually. Councilmember Don Allard echoed the concerns of Marriott and Fifer, saying he is against spending taxpayer money for private benefits. City Manager Mark Deven said that the public and private groups can be voted upon separately.

Councilmember Dyer said that he thinks if HOAs are a problem, then that should be made clear in the language of the criteria ahead of time--that here is what council will and will not accept. He also said that there is a huge difference between a voluntary and a mandatory HOA.

Councilmember McGoff said he is in favor of presenting the applicants as a block. Mayor Williams said they can be presented in a block, with the option after the presentation to separate them for voting.

The motion to revisit the neighborhood grants passed, 7 to 0.

Resolutions:

R14-087 authorizes an amendment to a software licensing agreement between the City and Crested Butte's Managing Results, LLC, for \$68,173.

R14-088 pertains to an intergovernmental agreement between the City and Jefferson County, for street improvements to W. 58th Avenue between Eldridge Street and Ward Road, and to McIntyre Street from the county line southward to W. 60th Ave. The City and the County will both be paying portions of the costs; Jefferson County will be managing the project along W. 58th Ave., and Arvada will manage the McIntyre Street project.

R14-089 authorizes an intergovernmental agreement between the City and DRCOG. DRCOG has awarded a grant of nearly \$203,000 to Arvada for upgrades to the traffic control equipment along Ralston Road, between Simms Street and Hill Petroleum, just east of Lamar Street. Current outdated equipment does not allow for proper coordination of the traffic signals. Arvada intends to purchase the equipment, install it by the end of 2014, and be reimbursed by DRCOG once the signals are in operation. Councilmember Dyer clarified that the signals at 64th and Rensselaer and 64th and Oak, are not included as they were recently replaced.

The resolutions passed, 7 to 0.

Ordinances, First Reading: Public Hearings for these items will be June 16 at 6:30 p.m.

CB14-026 is for the organization of the Olde Town Arvada Business Improvement District;

CB14-027 and -028 pertain to the rezoning and use permit for land at 11815 W. 64th Avenue, to allow an assisted living facility known as Signature Senior Living.

These items passed, 7 to 0.

Public Hearings:

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.

There was no public comment, and this item passed, 7 to 0.

Arvada City Center Outline Development Plan Amendment, Grandview Avenue and Wadsworth Bypass: This amendment to the Outline Development Plan adds parking garage, bus transfer station, and residential as allowable land uses.

Director of Community Development Mike Elms explained that the purpose of tonight's vote was to bring some consistency to a couple of different elements of Arvada's planning. The 1981 Arvada City Center Outline Development Plan allowed land uses for retail, commercial, office, or educational facilities. Since 1981 that plan has received several amendments, notably in 1996 for the Allison Pointe Apartments and in 2001 for the Water Tower Project.

Then, in 2010, the Arvada Transit Framework Plan was adopted, which included "mixed use" south of

the railroad tracks. Mixed use includes residential, office, retail, and commercial. The idea for tonight's vote would be to bring the two documents into alignment.

Harriet Hall requested that the Stocke Walter neighborhood be removed from the amendment. She also pointed out that she was completely unable to locate the Outline Development Plan online despite repeated searches. Nancy Young pointed out some possible irregularities in public hearing procedures relating to this meeting and the east side of Wadsworth bypass.

Arvada resident Edna Opal Turner addressed the council next. She has lived in the same home on Grandview since 1963, and said she has always been proud of Arvada, its police department, building department, etc., but "now I don't know. Mr. Elms promised me 25 years ago that there would be no high density housing" in the historic areas of town. She said that improvements are inevitable, but not if they destroy what we have. She noted the height restrictions and the waivers given for the parking tower and multi family housing. She remembers the first AURA development destroying businesses and forcing people out of their homes. Turner spoke about several homes in her neighborhood being broken into and ransacked, and she believes that higher density will bring more crime into the neighborhoods, as well as a higher mil levy on property owners. Speaking directly to council members, she said, "I don't think I'm supposed to make suggestions, but how about moving some of this high density other places--maybe in your district?"

Mike Elms said that the intent of the amendment was to try to look at overlap between the existing plans, and that he would be comfortable with removing the area on the east side of Wadsworth Bypass from the ODP; that, if necessary it could be addressed later as a separate amendment. He said there are no current plans to put anything over on that side, and that's why he hadn't believed a public hearing was necessary.

A vote was taken on the amendment with the east side of the Wadsworth Bypass specifically removed from current action, and the amendment passed 7 to 0.

Public Comment: No additional public comment.

Reports from City Council: Councilmember Marriott brought up one of the applicants which was not recommended by staff to receive a neighborhood improvement grant. He said he and Councilmember Fifer have spoken with the residents of the area on Gyda Drive whose wells are no longer working following the construction of the Gold Line. The residents are willing to solve the problem by connecting with the Allen-Reno Ditch, and Marriott and Fifer want to see if there can be collaboration between the city and the residents, perhaps including waiving of some fees to help with the situation. There was some further discussion and City Manager Mark Deven will have his staff look into the matter.

Councilmember Fifer would also like city staff to examine a possibly serious problem at Alkire Estates, involving discharge drainage. In addition, Fifer said that he was appointed by Councilmember Marriott to the Metrovision Implementation Committee. Mayor Williams said that former councilmember (now Senator) Rachel Zenzinger did a great job on that committee and that Fifer is very ably following in her footsteps.

Next, Mayor Williams said that the June 16th city council meeting will feature a public hearing about Hometown South. Williams said that he and his wife, Luanne, are moving to a part of town called Forest Springs, and that the HOA of Forest Springs has been very vocal in opposition to Hometown South. Williams said that, as an attorney, he feels it is very important for him to avoid even the appearance of impropriety; and he has asked Mike Elms and City Attorney Chris Daly to advise the applicant of his degree of involvement with Forest Springs. The applicant has asked that the Mayor recuse himself. Williams said that, although he believes he could maintain an open mind, because of

the request of the developer and the need to avoid the appearance of impropriety he is asking the city council to allow him to be recused.

A vote was taken to recuse Mayor Williams from deliberation on the fate of the Hometown South development. Councilmember Dyer voted no, all other members voted yes except for the Mayor who did not vote, resulting in a 5 to 1 vote to recuse Mayor Williams.

Reports from City Manager: The June 9 City Council Workshop will cover the Capital Improvement Plan, Arvada Center Governance, and the expansion of Red Rocks Community College. There will be no City Council workshop on June 23.

Report from City Attorney: None, but Chris Daly did explain that the meeting would be continuing their executive session upstairs which was cut short for the beginning of the public portion.

The meeting ended at 7:40.