

Arvada City Council Meeting, September 15, 2014

Notes taken by Susan Shirley

A-Line Gets Green Light; AURA Director Salary Bumped

In attendance were 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 12; at 6:30 it was 28.

Minutes from the August 18 meeting were approved with no changes.

Public Comment: Kathy Fetherston, Denver Laboratory Director for the Colorado Bureau of Investigation, addressed council. The CBI has long had a forensics facility in Lakewood, which they have begun to outgrow. A facility was found here in Arvada which meets all the needs of the department, and they will be setting up a state-of-the-art lab here which is expected to be ready to go in May, 2015.

Using this facility, the CBI will continue their work of collecting, preserving, and analyzing forensic evidence, and testifying as needed in court cases. The move to Arvada has the support of both the Governor and the Colorado Legislature.

Because it is a law enforcement facility, Fetherston declined to say exactly where it is, but did reveal that the exterior and landscaping will not change aside from security fencing being placed around the perimeter. The interior will undergo extensive modifications to meet the needs of the department.

CBI Director Ron Sloan, formerly Arvada's police chief, joined Fetherston. Mayor Marc Williams said "I am thrilled to have the CBI here as part of the community."

Russell Weisfield commented on the impending salary increase for Arvada Urban Renewal Authority's controversial director Maureen Phair, requesting that it be moved from this meeting's consent agenda to a forum in which there could be citizen input. Weisfield called it a matter of principle, saying that her contract is only two years old but has been amended once and is set to be amended again in this meeting. Weisfield also pointed out that there is no Arvada residency requirement for AURA executives, which opens the field considerably should Denver resident Phair ever need to be replaced. He concluded by saying that there may be some members from the Colorado Legislature who would be happy to more than triple their salaries.

Public comment ended, and there was no motion to remove Phair's contract amendment from the consent agenda.

Mayor Williams next called City Attorney Chris Daly to the podium. Commending Daly for his 19 years of service to the City, and congratulating him on his recent appointment as the Colorado State Chair of the International Municipal Lawyers Association, Williams presented Daly a certificate of recognition with thanks for his being active in a number of organizations. Daly, with over thirty years

of experience as an adviser to Colorado municipal governments, told the Arvada Report in an August interview that he is looking forward to seeing things from a national perspective.

Consent Agenda:

R14-112 is to approve a salary increase for Arvada Urban Renewal Authority Maureen Phair, from \$125,000 to \$130,000. The City website notes that salaries for Urban Renewal do not come from City funds, but are funded through TIF's, leases, investments, and administrative payments from JCMD.

At this juncture, Mayor Williams said that the record should reflect that standard practice between the City and an appointee is to do an annual review, followed by a contract amendment. The same procedure was done recently with respect to City Attorney Chris Daly, City Manager Mark Deven, and Municipal Judge David Cooke. Williams also noted the typo in the original report of Phair's contract amendment, which erroneously showed the increase being retroactive to 2012. This has now been corrected to be retroactive only to July of 2014.

R14-113 is for an agreement with the Denver firm Colorado Lighting, Inc., for lighting expansion and upgrades to LED lighting at the Arvada Center. The cost is not to exceed \$183,967, but the City expects rebates from Xcel for part of that cost.

R14-114 is to approve a one-time outlay of \$488,249 for computer hardware, software, and maintenance.

R14-115 is to provide \$30,000 to the Jefferson County Housing Authority for energy improvements and repairs to the Aspen Ridge Apartments, a 105-unit affordable-housing project on W. 63rd Place.

R14-116 is for \$50,000 for those repairs and upgrades at the Viking Square Apartments, a 55-unit affordable housing project on W. 58th Avenue. The City is working with iCAST, the International Center for Affordable and Sustainable Technology, to find ways to maximize energy efficiency in the two properties.

R14-117 authorizes repairs and painting to a 340,000 gallon water storage tank which has been out of service but is now needed for the Leyden Rock Development. An Arvada company, The Base Group, is expected to do the work as their bid of \$65,500 was by far the lowest received. The Base Group specializes in coating complicated steel structures around the country. Work should be completed around the end of October.

R14-118 is for \$1,120,504 for the installation of a water pumping station for Candelas and Leyden Rock. The contractor for this job is Aztec General Contractors of Colorado Springs.

R14-119 and R14-120 are for purchase orders for sand and salt from Pioneer Sand Company of Colorado Springs and North American Salt Co. of Overland Park, KS.

R14-121 is for a \$70,745 purchase order to RTD for design and construction of modifications to the catenary (power) lines for the Gold Line. The existing lines will be lowered to allow for a pedestrian bridge in Olde Town.

R14-122 expresses the City's wish to change an existing agreement with Jefferson County regarding some land in the vicinity of the Pattridge Open Space. Parcels are being assembled for the construction of the Jefferson Parkway, and a particular piece of open spaceland has a reversionary interest, meaning that if that land is ever used for anything except open space, recreation, or park land, it reverts to the County. Arvada wishes to have the reversionary interest taken off of a larger piece of land and placed onto a piece of land outside the open space area, which also increases the City's open space system.

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

With time to spare before the 6:30 start of Public Hearings, Mayor Williams initiated the Council comment portion of the meeting beginning with his announcement of the citizens selected for the Citizens Capital Improvement Projects committee. A partial list follows, and information will go out this week to the appointees. If anyone receiving it would post the full list here, it would be very much appreciated. The first meeting of the committee will be October 2. Councilmember Don Allard said he hopes the committee can do its work in less than a year, given adequate guidance by staff; he reiterated his belief that the Council is "turning over to some committee what's really our job."

Apologies for spelling:

Larry Coates
Nancy Ford
Janet Steinkamp
Melissa Beck
Harriet Hall
T. O. Owens
Louanne Princep
Michelle DeLaria
Cynthia Kreutzer
Ascenzo DiGiacomo
Bob Wilson
Don Wood

Councilmember John Marriott gave a lofty review of the Warbirds of the Rockies event this past weekend. He enjoyed Saturday's event so much that he returned on Sunday with his son and his father. Marriott encouraged everyone to attend in the future, saying it is one of the top two or three model airplane events in the U.S., with the best pilots in the world flying high-end planes. Mayor Williams added that this was the first year for this event to be held in Arvada, and that it drew a large number of tourists, and pilots from twenty-five states and seven countries.

The update from the City Manager's office is that next week's City Council workshop will cover the topics of the Arvada Center's governance, and department budget hearings by the Arvada Center, IT, Public Works, the City Attorney's office, Municipal Court, and Economic Development. Other departments will have their hearings in October.

Public Hearings:

Mayor Williams asked to be recused from consideration of the items relating to the Richards Farm annexation and development. Williams' law partner has represented the Richards family for a number of years, and although Williams has not represented the family, he said it is important to avoid even the appearance of impropriety. He was recused by a 6 to 0 vote of the other members, and left the room during discussion and voting on those items only.

Item 07A is for public comment on Community Development needs. This is required by HUD so that the City may receive the 2015 Community Development Block Grant.

Representatives appeared on behalf of the Jefferson Center for Mental Health, Archway Housing, Audio Information Network, and the Carin' Clinic.

The Jefferson Center served over 2,500 clients in the last fiscal year, with over 75% of those clients experiencing serious mental illness and over 80% receiving income of less than \$10,000 per year. Funding would go toward group therapy, for example in the arena of addiction recovery; peer counseling, which is done by people who have had serious mental illness and are now recovered to the point of being able to help and guide others within the system; and transition services, which help to alleviate stress on those with significant mental health issues by providing them with assistance in areas such as shelter and transportation, and care in between scheduled appointments.

Archway Housing is a family services non-profit organization which operates affordable housing within the Denver metro area. Grant funding would benefit the Willow Green Townhomes at 6985 Sheridan. Not only a housing project, Willow Green also provides a number of supportive services for residents, including after school and summer programs, a small food bank, and a community garden. Funds would also support the salary of an on-site family services coordinator.

Audio Information Network of Colorado is expanding their programs in K-12 schools in Arvada and the rest of Colorado. Arvada is a supporter of the network, which has the following information on their website: "AINC is among the nation's leading resources for blind, visually impaired and print-disabled individuals, providing its listeners with free access to recorded programming 24 hours a day, 7 days a week. The only service of its kind in Colorado, our services allows registered listeners to access audio programs online, through downloaded podcasts, on TV or over the phone. With recorded content from over 100 newspapers and magazine articles, our statewide programs provide over 1,500 listeners with everything from national news to local news and community events."

Volunteer opportunities abound at the network for anyone, especially those who are fluent in Spanish. Contact information can be found at [aincolorado .org](http://aincolorado.org).

Carin' Clinic is Arvada's non-profit medical clinic for children from birth to 19 years who are uninsured or are receiving Medicaid coverage. The clinic's goal for the next year is to also become a provider for Colorado Health Plan Plus. The clinic has recently been able to add dental and mental health services to their offerings.

The Human Services Advisory Committee will review the applications and report their findings to the City Council, which will present awards at their November 17 meeting.

CB14-033 acknowledges the dissolution of Boyd Ponds Metropolitan District No. 1 and terminates the Intergovernmental Agreement between Arvada and that District. There was no public comment, and this item was approved on a 7 to 0 vote.

Next is a hearing on changes to City ordinances governing large vehicle parking on public streets. CB14-034 is meant to address some blatant problems the Code Enforcement division has been having with a small number of recreational vehicles. In most cases, when there is a conflict among neighbors, the parties can be made aware of what the City codes will allow, and the problem is solved. However, in a few cases, there are continuing and serious problems, which cause undue distress to the neighborhood and use up a large amount of City time and effort. Changes are proposed which will redefine sizes and weights allowable in a residential neighborhood, as well as the length of time such major vehicles can be parked without moving. Small dump trucks will also be included for the first time.

A resident spoke in favor of the tighter controls, saying they are good for reasons of both safety and property values.

Councilmember Bob Dyer had concerns about the dump trucks being included. He mentioned that some pickup trucks are modified to enable the beds to tilt, but in every other respect are normal dump trucks. Opinions of the City Attorney's office differed as to whether those pickup trucks would be subject to the restrictions. The language of the ordinance was modified to make clear that it does not pertain to modified pickup trucks with standard-sized beds, and CB14-034 was approved on a vote of 7 to 0. It will become effective on September 23.

At this juncture, the recused Mayor Williams left the room, and discussion began on items R14-123, CB14-035 and -036, and a Preliminary Development Plan and Plat, all regarding the annexation of the Richards Farm at W. 72nd Ave. and Alkire Street, just north of the APEX center. There is a plan to build 126 single-family homes on approximately 32 acres. There was a presentation by the developer, Matt Cavanaugh of Remington Homes, a three-generation Arvada builder.

Richards Farm has been a dairy farm and cattle ranch, and hay continues to be grown on the land. 25% of the property is contiguous with Arvada, more than is required for annexation. The single-family home lots will be sized from 5,500 square feet to 12,700 square feet, with 15% meeting affordability guidelines at or under 6,000 square feet. There will be a generous setback along 72nd Avenue, a 34-foot wide buffer on the west end, and 12% open space. 325 trees will be planted, more than replacing those which will need to be removed for building. Fences will be three-rail wooden ranch-style fences around most of the property, with a taller fence on the side next to the Moore Farm to accommodate the Moore's bull.

A resident spoke, saying she has lived in her home just north of Richards Farm since 1978. Area residents have had serious groundwater problems since the time of last year's flooding, which worsened in July of this year. She expressed concerns that the development will exacerbate those problems. Cavanaugh responded with details of the plan for storm water drainage, and also gave his opinion that the groundwater levels are made higher currently by the extensive irrigation done on that parcel, which would not be the case in the completed development.

A Boy Scout who was present at the meeting expressed his dismay at seeing more open land fall to housing, saying that his family had moved here partly because of their attraction to the views and open space.

Following detailed discussion and questioning by councilmembers about groundwater mitigation, roads, and sidewalks, votes were taken. All items passed, 6 to 0.

Mayor Williams re-entered the room for the final items on the agenda.

CB14-037 would allow the use of the parking lot at 7355 Ralston Road as a shuttle lot for the A-Line. After the Planning Commission's hearing on the subject, additional traffic and parking conditions were added in response to concerns of area property owners; however, at least one of those conditions, the restriction to a shuttle destination of DIA, was dropped during this hearing.

A-Line President and former Councilmember Shelley Cook gave testimony regarding her request to use the lot. She noted that there are some upcoming challenges, including moving and setup costs as well as competition and loss of the current RTD subsidy once the Gold Line is underway. Cook requested removal of the condition that shuttles be transporting passengers only to DIA, saying she would like to have the ability to branch out into other uses as needed.

Speaking on behalf of the A-Line were board members Bob Frie, Terry Binder, John Malito, and Joyce Pavola. Frie, longtime Arvada councilmember and mayor, gave his opinion that the city would receive no benefit from limiting the shuttles' destination, and asked Council to strike that language from the permit. Binder, a former RTD board member, pointed out that Arvada is the only town in the metro area with direct shuttle service to DIA. Malito, another former councilmember, said that there have been over 150 positive and supportive communications from Arvada citizens, business travelers, and airport employees. Pavola, an Arvada citizen and neighbor across Vance Street from the property, said that she is very happy the lot is being developed, and that it is currently plagued by weeds, dogs, and mud. She added that even once the Gold Line is running there will be many people, such as seniors, who will find it a difficult way to get to the airport with luggage.

Another neighbor, the owner of a nearby home, expressed concern that the lights may glare into her windows. Shelley said she will work with Xcel to find ways to shield the lights so there is no spillover past the boundaries of her lot.

Councilmember Dyer said he was concerned about the shuttles' destination being limited to DIA. He mentioned a number of other uses for both the shuttles and the lot itself, including a circulator which, he said, is "desperately needed."

Planning Manager Rita McConnell said that the traffic would definitely be affected if the destination were changed; patterns throughout the day would be changed, peak times could be busier rather than having traffic spread out through the day, as it is now. She said that staff is comfortable with not leaving the destination open-ended, but that Council could review that from time to time.

Following further discussion about lighting, maintenance, the lack of restroom facilities, and whether there is enough room in that lot, Councilmember Dyer made a motion to approve the permit, with a change in the language to say that the property will be used as a "private parking lot operation."

This drew strenuous objections from City Attorney Chris Daly, who pointed out the nature of this public hearing as being quasi-judicial; to have advertised it under one set of conditions (shuttles going to DIA only) and then change those conditions during the hearing and then vote on the new set of conditions without giving notice to citizens, could be a problem. Daly cautioned Council, saying, "There's a reason for the process, which is so the people have notice" of what is being voted on, and said the change being considered was "significant."

Mayor Williams said in his opinion, "It's still parking cars, not selling ice cream."

Councilmember Dyer said, "I appreciate the City Attorney's position, but would vociferously argue that it is not a significant change, that whether the shuttles go to the Federal Center or DIA doesn't matter."

Councilmember Mark McGoff said that he accepted the caution from Daly and said that it doesn't make sense to have a public hearing based on a certain set of documents and then change the conditions without public input; he said he would not support the permit without the condition of DIA as a destination.

Mayor Williams said this is a conditional use permit, meaning that it can be revisited. A vote was taken to allow the permit with the condition changed to being only a private shuttle parking lot operation.

The item passed, 6 to 1, with Councilmember McGoff casting the "no" vote.

Item 07J is a request for approval of a Preliminary Development Plan for a 5-unit, three story townhouse building on a half-acre site at 6012 Wadsworth Blvd. Following a brief presentation by Wes Powell of Powell & Associates and some questioning by councilmembers, the approval was granted on a 7 to 0 vote.

Item 07K is a request for approval of a Preliminary Development Plan for a Popeye's Restaurant at Arvada Ridge, 5045 Kipling Street. There was a short discussion and questions by councilmembers, and the approval was given, 7 to 0.

Public Comment: An Arvada resident who accompanied the Boy Scout to the meeting expressed his pleasure that the meeting was available as an example of how local government works. He was especially pleased that not all the votes were unanimous.

With business concluded, the meeting was adjourned at exactly 9 p.m.