

Arvada City Council Meeting, September 21, 2015

Notes taken by Susan Shirley

Unanimous Approval of Hilton Garden Inn Preliminary Plan and Height Exception

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 32 people, at 7:00 it was 28 people, and at 8:30 it was 8 people. Minutes from the August 17, 2015 meeting were approved with no changes.

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Proclamations:

Councilmember Jerry Marks proclaimed September 14 to 20, 2015, Colorado Cities and Towns week, sponsored by the Colorado Municipal League to bring attention to how cities and towns work, and the services they perform. This is the second year for Cities and Towns week. The proclamation was delayed until this meeting because City Council did not meet on Labor Day and last week's meeting was a workshop rather than a business meeting.

Councilmember John Marriott proclaimed September 17 to 23, 2015, Constitution Week, which has been sponsored by the Daughters of the American Revolution since 1955. Vice Regent Cheryl Heyen of the Susan Anderson chapter of the DAR thanked City Council for the proclamation and spoke briefly about the purpose of Constitution Week. It is a time for citizens to reflect on their responsibility to protect and defend the Constitution, and study the events which led to its framing.

Recognitions:

Councilmember Mark McGoff presented a recognition to Jessica Ladd-Webert, Director of the Office of Victim Assistance for CU-Boulder and a member of a long-time Arvada family. Ladd-Webert has been recognized for the help she has given survivors of sexual violence, and for the training she has provided to local, state, and national audiences about the neurobiology of trauma. She has influenced state and federal legislation having to do with sexual assault, campus safety, and security reporting requirements. Ladd-Webert expressed gratitude for her "amazing team" and for the ability to have so much input in an area she is passionate about. She added that in April she provided testimony to Congress on the reauthorization of the Violence Against Women Act.

Councilmember Bob Fifer presented a recognition to Pomona High School student Andres Borrego, a Light Welterweight Junior Golden Glove Boxing Champion. Borrego participates nationwide in tournaments and matches, and is now prepared to box internationally as well. He consistently impresses coaches and competitors with his good sportsmanship. Borrego accepted the recognition with thanks, displaying some enormous belts and awards he has won. He is ranked #1 in the United States, and has won the Junior Olympic National Championship in his division. His goal is to compete in the 2020 Olympics.

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Public Comment: none

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Consent Agenda:

Purchase order to Hill Petroleum for \$1 million, for projected fuel requirements through August of 2016. (R15-110)

Replacement of 60 outdated irrigation controllers, by Inter-Spec LLC, in the amount of \$428,580. (R15-111)

\$56,000, one-year license renewal of Environmental Systems Research Institute GIS software. (R15-112)

Purchase order to Powerscreening of Henderson, CO, for \$55,500, for a portable conveyor to be used by Streets Maintenance in storage of salt/sand materials at their facility. (R15-113)

Salt and sand for street maintenance during the coming winter, \$1,000,000, to Compass Minerals America, Midwest Salt, and Pioneer Sand Company. (R15-114, 115, and 116)

\$560,537 Bike/Ped project to be done by Silva Construction, along 57th Avenue. Involves widening of the sidewalks from 3 to 6 feet between Independence and Balsam Streets, and creation of a 4-foot bike lane between Independence and Yukon Streets. (R15-117)

Crime and traffic crash scene lighting: \$16,056 grant from the Edward Byrne Memorial Justice Grant Program for lighting to be used by the Arvada Police Department, to facilitate processing after dark of crime and traffic crash scenes. (R15-118)

\$100,000 to Burlington Northern Railway as payment for work they will need to do to accommodate changes to the Saulsbury Street crossing of Grandview Avenue, and at the Solana Olde Town Station development. (R15-119)

All items were approved, 7 to 0.

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Resolutions:

The nine cities and towns in Adams County, including Arvada, have an agreement for use of the Adams County Detention Facility. Under this agreement, Arvada is allocated two of the facility's 65 beds at no charge. If there are more spaces available, Arvada may exceed the 2-bed allocation, but once all 65 beds are in use, the city with the largest number of prisoners over their allocation is responsible for releasing some prisoners or paying a per-diem fee. (R15-120)

City Manager Mark Deven pointed out that there are not many Arvadans who live within Adams County, and said that the two-bed allocation is "just fine with us."

This item was approved on a 7 to 0 vote.

Mayor Williams observed, "Hopefully the Adams County Sheriff will be able to get along with everyone -- we'll see."

Police officer recruit training at the regional training center in Lakewood, six recruits at \$5,000 each equals \$30,000. (R15-121)

This was approved, 7 to 0.

Flood mitigation:

Arvada is entering an agreement with the Urban Drainage and Flood Control District (UDFCD) to contract with the U. S. Army Corps of Engineers to find ways of reducing flood potential of Ralston Creek between the Van Bibber Confluence and Beech Street. Arvada and the UDFCD will each be responsible for about \$250,000 of the total \$1 million cost. (R15-122)

Mayor Marc Williams asked City Manager Mark Deven, approximately how many homes are in the flood plain under consideration; Deven said it is about 280 homes in the floodway. Later he added that in addition to the 282 homes in the floodway, there are 644 properties in the 100-year floodplain, and a total of 955 properties in the 500-year floodplain. Williams said he sees this as similar to getting the properties in the Ralston Creek area out of the floodplain.

This item passed on a 7 to 0 vote.

Economic incentive to manufacturer to locate in Arvada:

Prescient is a Denver-based manufacturer of platforms used in the construction of multi-story buildings. They want to expand, and looked at three locations in which to do so. One of the three is a building at 14401 W. 65th Way, formerly used by the Sorin Co. Because this building is more expensive than the two out-of-state sites, Prescient is asking for an economic incentive. Arvada would contribute \$200,000, AEDA and JeffcoEDC would each contribute \$100,000. (R15-123)

Executive Director Ryan Stachelski of AEDA requested approval of this incentive. Prescient will commit to stay in Arvada for at least five years. They are already working on the move and have some building permits.

Councilmember John Marriott said that decisions on economic incentives are among the most difficult he has to make on City Council, but that he would be supporting this project because it will provide some really good jobs for Arvada and it will put a good sized chunk of the industrial-zoned land in west Arvada to use; he added that it is important to maintain a diversity of land uses in an area.

Councilmember Bob Fifer agreed, noting that the business will add to the daytime population of that part of Arvada, potentially making it more attractive for restaurants and other businesses to locate in the west end. Councilmember Bob Dyer gave a little bit of the history of the building--it was originally Kobe Labs, and was fully used at one time but that use has gradually dwindled. Now it will be put back in use in a way which will be very beneficial to west Arvada. Mayor Williams said that Prescient has the potential to attract other businesses such as its suppliers, and that the jobs generated by Prescient are primary jobs, the economic driver which brings money to the area from outside.

The item was approved, 7 to 0.

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Ordinances, First Reading:

Public Hearings for these items will be Monday, October 5, 2015 at 6:30 p.m.

Construction Defects Workaround:

This ordinance would change the wording of the Land Development Code to include notes on multi-family plats which would require mandatory arbitration of construction defects claims when requested by the developer and placed in the project's covenants; prospective buyers would also be notified of the requirement. (CB15-034)

Hyland Hills Water Lease Agreement:

Arvada is partnering with Hyland Hills Park and Recreation District to create the Clear Creek Valley Park. Through a provision of Colorado's seriously quirky water law, the partners are responsible for replacing water that evaporates from a water-filled former gravel quarry on the property. The annual cost of water replacement is estimated at \$7,500, depending on how dry the weather is in any given year. Over time, Hyland Hills' water rights will cover that requirement, but that first needs to go through water court, which can take up to five years. Arvada's water rights in the meantime can cover the requirement. (CB15-035)

Both items were approved on a 7 to 0 vote.

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Public Hearings:

Public Comment on the Community Development Block Grant (CDBG): Citizen recommendations for the use of Human Services funding. (Agenda Number 8-A)

Representatives of Audio Information Network of Colorado and Carin Clinic made requests. Audio Information Network is a free service for persons who are blind, visually impaired, or print disabled, to hear printed material--mainly, about a hundred local newspapers--read by an all-volunteer staff, 24/7. Carin Clinic provides comprehensive medical, dental, and mental health care to children on Medicaid or Colorado Health Plan Plus, as well as those with no insurance.

No action was taken at this meeting; the Human Services Advisory Committee will consider requests and make recommendations to the City.

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Hilton Garden Inn, Preliminary Development Plan and Height Exception to 57 Feet:

Arvada Hotel Investors, LLC, is requesting approval of a plan for a 139 room hotel where the Vineyard Church is currently located, at the corner of Olde Wadsworth and West 55th Avenue. The proposed hotel would, if a height exception is granted, be five stories tall, possibly having an adverse impact on mountain views from Grandview and from the Water Tower neighborhoods. At an August Planning Commission meeting, the developer stated that average occupancy, year-round, is expected to be 60%, (meaning that, at four stories, occupancy would be 75% on average,) but that without the height exception to five stories, the project would not be viable. During this City Council hearing, the developer confirmed the need for five stories, and said that otherwise the project would lack the amenities to be a Hilton.

The Planning Commission voted 4 to 2 in favor of granting the height exception, with Commissioners Steve Hannan and Brandee Caswell voting against. Commissioner Hannan remarked that Grandview is more than a view corridor. (Agenda Items 8-B and 8-C)

A resident of Water Tower Promenade, Neal Greenfield, has produced and sent to City Council and the developers a compelling presentation of reasons the project is oversized for the proposed location. Greenfield's work can be seen here: http://www.arvadarecords.org/councilpacket/current_week/08.C.%20Hilton%20Garden%20Inn%20Height%20Exception%20to%20Allow%20Up%20to%2057%20Feet,%205445%20&%205475%20Wadsworth%20Boulevard.pdf

At the outset, Mayor Williams stated that, this being a quasi-judicial proceeding, City Council is limited to consideration of only one thing: whether or not the applicants have satisfied the necessary criteria for approval. The hearing was not, he said, for debate over urban renewal or the wisdom of the project.

AURA Redevelopment Manager Clark Walker gave a brief history of the project back to the days of the doomed Brooklyn's. He said the property was identified as a hotel site as far back as 2003, that talks began with Renascent in 2011 and resumed in 2014. Four hotel studies have been done. Walker said the project is not feasible without assistance from AURA, adding that it is not Hilton receiving money from AURA. Walker estimates \$3 million annually in spending by hotel guests, over and above their hotel charges.

Renascent President and founder Scott Somerville gave evidence, showing additional renderings and photos not in evidence at the Planning Commission hearing. A Hilton executive stated that Hilton is very excited about the location, especially the proximity of transportation and shopping. He added that Renascent provides excellent customer service and adheres to Hilton's brand standards.

The hotel is projected to include 2800 square feet of flexible meeting space for small gatherings of ten to twelve people, up to larger functions of 150 to 165. A restaurant and lounge, fitness center, pool, and business center are planned. Construction is expected to employ about five hundred people, while 85 permanent jobs are anticipated once the hotel has opened. On average, overnight guests can be expected to spend about \$95 per person per room night, outside the hotel.

Todd Parker of Fort Collins-based Brinkman Partners presented photos and diagrams showing the height of the planned hotel relative to buildings in the surrounded area as well as how it should look from a distance. With respect to Grandview, "Your view will not be obstructed," promised Parker. The developers are also requesting some modifications to parking and setbacks, mainly to allow an ample turn radius for emergency vehicles.

Public Testimony:

The owner of a Water Tower Promenade row house has as his major concern is the parking overflow he expects; he related that the apartment complex near his home was planned with insufficient parking for those residents, and the overflow is currently about a dozen cars a day parked along his street. With the addition of the Hilton, if there is not adequate parking for the guests, Hotton fears the overflow could become worse.

A small business owner whose clients are in town about eighty nights a year is currently housing them at the Marriott in Westminster. He is happy there will be local options for lodging and meals. John Bodnar of the Arvada Chamber of Commerce said in a statement that the Chamber is in favor of the project.

Somerville, in rebuttal to the citizen's concerns over parking, gave the answer to the question of why four floors would not be sufficient: if it is not five floors, it will not be a Hilton. The conference room and restaurant/lounge require that amount of space, and without them, it doesn't meet any of the specifications for Hilton's approval.

With respect to the parking, for overnight guests and 139 rooms, Brinkman said the need for spaces would fall well below 145 on-site stalls, and there is additional parking along 55th Avenue. Somerville also pointed out the staggered way in which hotel guests arrive and leave.

City Council Questions:

Councilmember McGoff confirmed that the expected parking requirement would be about 130 stalls, below the 145 on the current plan. Councilmember Marriott asked about the Water Tower apartment residents having the equipment on the Hilton's roof screened from view, which Brinkman assured him it will be. Marriott asked if the auto access will be to the left and right for outgoing and incoming traffic, and was told it will be. Councilmember Jerry Marks asked if Somerville has an estimate of how many times in a year the hotel will sell out. Somerville said they expect to sell out during large sports event weekends, but that midweek nights should be very busy with corporate travel. Sometimes weddings and other social events may create sellouts as well. Overall occupancy is projected to be about 65% the first year.

Both the Preliminary Development Plan and the height exception were approved, 7 to 0. Mayor Williams told Somerville that if he had come to this meeting with only the material which was presented to the planning commission, he would have had difficulty approving the height exception. He added, I can't tell you how excited we are to have this project moving forward.

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Changes to the Land Development Code:

(1) Collapsing most of the City's industrial uses into the categories of Light Industrial, heavy industrial, and heavy logistics center; (2) Adding allowable uses in PUD-1 zoning to reflect changes in industrial market and planning trends; and (3) Collapsing "religious institutions" into the category Places of Assembly. (CB15-031)

Consultant Todd Messenger presented the proposed changes. He said that the work on the Land Development Code can best be done in three phases, near-term, mid-term, and long-term. We are now in the near-term phases of trying, in Messenger's words, to stop the pain resulting from the worst problems. Mid-term work will focus on some code reform and looking at variance practices; long term will tackle a full restructure of the code.

Messenger said the current use table includes categories which are too numerous, poorly defined, and fail to address emerging uses. The aim right now is to reduce micromanaging, taking the current use table from about ten uses down to the three listed above.

There followed extended discussion about mini- or self-storage, with two Arvada business people speaking in favor of approving that as a conditional use. Staff was requested to look into the matter for later consideration by City Council.

This item was approved on a 7 to 0 vote.

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Agreement with the Army Corps of Engineers, Feasibility study for lowering the flood risk of Ralston Creek between Beech Street and the Van Bibber confluence. Upon completion of the study, which will cost Arvada and the Urban Drainage and Flood Control District about \$500,000, Arvada will be eligible for up to \$10,000,000 in construction funding through the Army Corps of Engineers. (CB15-032)

Councilmember Bob Dyer mentioned that this past June was the 50th anniversary of the flooding of the Platte River, which led to the creation of the Urban Drainage and Flood Control District. The district serves 6 or 7 counties, and Dyer was on the board of that district for a couple of years.

Payment for this study will come from the Urban Drainage and Flood Control District, as well as Arvada's stormwater fees, which are expressly for that purpose, and finally, from some unexpected residual capital money.

This item was approved, 7 to 0.

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Extension to December 31, 2015, of cable television franchise agreement with Comcast (CB15-033) City Attorney Chris Daly said that staff has been concentrating on negotiations with TDS/Baja, but will be conversing further with Comcast, including a meeting scheduled for September 22. Daly hopes to bring a finalized contract to Council before the end of this year.

Councilmember Fifer conveyed to Daly his concerns over a public education fee which he learned about at a recent conference. Daly will look into that.

Councilmember Dyer said he will not support the notion although he personally is a satisfied Comcast customer. He said there was an agreement for 15 years, but when that expired it was extended for three years, then another year, another year, and "it goes on and on and on...I want to send a message that one councilmember is tired of the never-ending negotiations."

The extension was approved, 6 to 1, with Councilmember Dyer casting the no vote.

Reports from City Council:

Councilmember John Marriott attended the Warbirds Over the Rockies event over the Harvest Festival weekend. Calling it an incredibly well run event, attended by tons of people, Marriott added that events of this kind highlight the great things about the parks system, and that the Arvada Modelers Airfield park is a very well maintained example of an unusual kind of park. He congratulated the modelers for a first rate event and commended the city staff, particularly Arvada Parks staff who worked with the group.

Councilmember Fifer said he was away over part of that weekend, at a telecom conference. He said Arvada is very well respected in that group.

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Reports from City Manager: The September 28 workshop will be on the subjects of Arvada Ridge access and further information about the revised 2015-16 Operating and Capital Budget.

The meeting was adjourned at 8:35.