



## CITY OF ARVADA

### SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD AUGUST 11, 2008

I. **CITY COUNCIL MEETING: CALL TO ORDER:** Mayor Frie called the meeting to order at 5:30 p.m.

II. **MOMENT OF REFLECTION AND PLEDGE OF ALLEGIANCE**

III. **ROLL CALL OF MEMBERS:**

Those Present: Mayor Bob Frie, Mayor Pro Tem Lorraine Anderson, Councilmember Don Allard, Councilmember Aaron Azari, Councilmember Bob Dyer, Councilmember Mark McGoff, Councilmember Marc Williams

Also present were: Craig Kocian, City Manager; Bill Ray, Deputy City Manager; Chris Daly, City Attorney; Mike Elms, Community Development; Jim Root, Director of Public Works; Maria VanderKolk, City Manager's Office; and Christine Koch, City Clerk.

IV. **APPROVAL OF MINUTES OF THE AUGUST 4, 2008 CITY COUNCIL MEETING**

Councilmember McGoff moved that the minutes of the August 4, 2008 City Council meeting be approved.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams

The Motion was approved.

V. **PUBLIC COMMENT ON ISSUES NOT SCHEDULED ON AGENDA**

A. Steve Caulk, President of the Arvada Arts Council, updated City Council on the single ticket sales that went on sale this morning. He said they had the biggest single day ticket sales for the Arvada Center ever with \$60,000 in sales.

B. Bill Ross, Arvada, representing the Arvada Gardeners, addressed City Council and invited City Council, staff, and the public to their 13<sup>th</sup> Annual Open House on August 16, 11:00 a.m. – 2:00 p.m. at the community garden at 56<sup>th</sup> & Garrison.

VI. **STUDY SESSIONS**

A. Stocke-Walters

Mike Elms, Director of Community Resources, said City Council held a previous study session on this

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topic January 7, 2008 and as a result will present some proposed changes to the rezoning initiative. Mr. Elms gave a history of the subdivision and showed a map of the area. He also showed a map of just the Historic District which includes 60 properties instead of the larger area of 96. He said neighborhood issues include the current zoning which allows for further subdivision of large lots to develop single and duplex units; that lots can be subdivided – as flag lots, with minimum frontage; and that duplex units are allowed. He said based on the comments that staff heard from City Council, neighbors and property owners, staff has proposed a revision of the neighborhood's original rezoning request. He showed an overlay map of the proposed area.

Mr. Elms reviewed the proposed zoning. He said the minimum lot size for a small lot is 4,500 s.f. with lot frontage of 45'/65' corner lot; other single family is 6,000 s.f. with lot frontage of 60'/75'; front of 18', side of 5', rear of 10' with a building height of 35' max and lot coverage of 40% max. Mr. Elms said this new proposal would not allow future flag lots. The lot frontage must be met at the street. Existing structures can be rebuilt at existing locations. It does not allow for future development of duplex units, and recognizes legally established duplex units.

Mr. Elms said staff is looking for direction from City Council so that the rezoning can be published both for Planning Commission and City Council.

Jane Schnabel, Arvada, representing a group of neighbors who started the process three years ago and have been working on it with city staff, addressed City Council. Ms. Schnabel gave a PowerPoint presentation and said it is on the National Register of Historic Places. She said this has been a collaborative process which began in 2005 with 36 residents. She showed the results of a simple survey given of residents in the neighborhood showing the majority of residents in favor of zoning changes. She said in 2006 the city told them they would have to hold a neighborhood meeting which was held on September 28. She reviewed the facts that were presented at the meeting which included the current zoning standards. She cited some facts about historic districts and the impacts on neighborhoods. Ms. Schnabel said in May of 2007 the Planning Commission approved recommending rezoning to City Council and in June the staff asked the Planning Committee to circulate a petition to all property owners in the neighborhood. She said on August 1, 2007 petitions with signatures of over 50% of property owners favoring rezoning were turned into the City and a study session was scheduled for January 7, 2008.

Mayor Frie asked if she was here tonight to have the Planning Department's recommendation be everything west of the red line on the map projected and she said yes. She said a meeting was held last week and they would like to come up with a compromise. She said in June the city informed the committee of changes to the proposal which excludes properties not in the national historic district – over one-third of the properties included in the original rezoning. She said 16 of those properties had owners who signed the petition in favor of the rezoning. She showed a red line on the projected map and said that is the logical dividing line and everything to the west, which includes almost all of the 16 petition signers, should be included in the rezoning.

Mayor Frie asked the residents to stand who were in support of Ms. Schnabel's recommendation.

Mayor Pro Tem Anderson said she is still concerned about the people that may be opposed that are still within the district. She said there are some properties that do not have yellow dots on the map and she is concerned about those particular properties and if there was a way, rather than drawing an arbitrary line, to just have the yellow dots annex into that particular district. Mr. Elms said they could individually zone properties but then you have spot zoning and duplex zoning adjacent.

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Mayor Pro Tem Anderson asked about everyone maintaining the characteristics of the neighborhood and how would the properties east of the red line develop. Mr. Elms said they would follow the current zoning. Ms. Anderson said she sees the east area as a redevelopment and if done right, she sees no harm in that. She said if a house is historic, isn't that worked around, like in Olde Town. Mr. Elms said the area east of the red line is not in the Stocke-Walter historic district and they follow the current zoning standards and since Stocke-Walter doesn't have a set of design guidelines, there isn't anything special about that other than the zoning classification they currently have or will have under the proposal.

Councilmember McGoff asked how many properties there are west of the red line, that don't have the yellow dots, where a resident has not stated opposition or stated that they are in favor. He said it looks to him like there are six or seven. Mr. Elms said that is about right. He said he does not know if all of those are opposed or not. He said what we need to decide is what is best for this area and that many times not everyone agrees with zoning regulations on property.

Councilmember Dyer said there are differences between Ms. Schnabel's map with the yellow dots and staff's map with the blue at the back of the packet. He said he agrees that notes do need to be compared. Mr. Dyer asked if the people who haven't signed a petition in the past have been talked to recently and are they opposed. Mr. Elms said at the Planning Commission study session there were people not in favor but that was the previous proposal.

Councilmember Williams said he would like a legal opinion down the road as to what City Council can and can not do so that they can make their policy decision based on legal guidelines.

Councilmember Azari said the discussion really is that City Council is being requested to move forward and to also expand the area under consideration from the original historic district. Mr. Elms said the original proposal from the neighborhood was everything from the bypass to Lamar and from Grandview to Ralston Road. Staff then recommended that the area be reduced to just the historic district and the neighborhood has said they will compromise as shown on the red line on the map. He said if Council went forward with a public hearing and went to the red line they can always reduce the area down at the public hearing, but if they reduce it to just the historic district, they couldn't expand it.

Councilmember Azari said he would recommend that it be expanded to the red line and then schedule the public hearing and let the neighborhood come in and speak.

Mayor Pro Tem Anderson said she also needs far more information than she currently has. She wants to know how many people aren't in favor and whether it is truly a majority of all of the properties and what kind of harm will be done to any of the properties that would be included. She said Mr. Williams' suggestion for legal advice on those properties is something she also wants to know. She said she also doesn't know whether the status quo for the eastern part is what we really want for the future and it seems like there are opportunities there.

Mayor Frie asked for clarification that east of the red line we would not be dealing with that zoning at all, if we adopt the proposed compromise, and Mr. Elms said correct.

Councilmember Dyer concurred with Ms. Anderson's comments and said that he too still has questions and needs more information.

Councilmember McGoff agreed to move forward with the compromise proposal proposed by the neighborhood representatives and said City Council can hear all the issues at the public hearing.

Mayor Frie asked that a notice be mailed to everyone in the affected area. Mr. Elms said staff would do that and that everyone was also given notice of this study session. Mr. Elms said a resident, not part of the Stocke-Walter area, has also asked to speak this evening.

John Stevens, a business owner in Arvada, addressed City Council and said he purchased the property at 6704 Ralston in the spring of 2006 based on the zoning at that time. He said he does quality projects that enhance the neighborhood and has built duplexes in Englewood and worked closely with their staff. He said he prides himself in doing projects he still feels good about 10 years down the road. He said he has spent a considerable amount of money with engineering firms for this property and then everything went into limbo. Mr. Stevens said it is a property right's issue and when you purchase a property to build a project and then that changes, after spending a considerable amount of money, he wanted his voice heard.

B. Gold Line EIS – Regional Transportation District (RTD)

Kevin Nichols, Senior Planner for the City, introduced this study session. Liz Telford, Project Manager for the Gold Line and Don Ulrich with CH2M Hill, the consultant on the project, were both present. Several members of the Gold Line Committee were also present.

Ms. Telford said this is a milestone because draft Environmental Impact Statements (EIS's) normally take up to five years. She said because of the cooperation with all entities, it was completed in two years. She also thanked the Gold Line Advisory Committee and members of City Council, Kevin Nichols and Bob Manwaring.

Mr. Ulrich discussed the public hearings that have been held and the information that has been given to the public. He said an EIS is done to improve decision making and to get the public involved. He said they also coach the public on how to read the EIS. He reviewed the purpose of the project and showed maps of the area studied in the EIS. He said over 20 alternatives have been studied over 10 years. Mr. Ulrich said public workshops were provided at each level and it was a 5 step process and that public feedback influenced the decision. He said they ended up with the Electric Multiple Unit alternative and showed the route. He said this is an 11.2 mile corridor with no tracks shared with freight. He said the first 23.5 miles are shared with NW Rail and there are 7 stations.

Mr. Ulrich then showed simulations of the Gold Line in Arvada, both along Grandview and the Olde town station. He also showed schematic drawings of the stations in Arvada that show both opening day and 2030 which he said has to be planned for now. The schematic showed phased parking and other issues that could come into play.

Mayor Frie asked who would pay for the Olde Town parking structure. Ms. Telford said the opening day parking would be the first investment RTD would make and then the parking structure would come later and be built around the elevator that would be in place on opening day.

Mayor Pro Tem Anderson asked about the historical feature shown on the Olde Town station and Ms. Telford said it is an old trolley platform and has to be included in the EIS. Several City Council members said they weren't sure the parking lot should be shifted because of the trolley platform and that maybe a small piece of it could be kept.

Councilmember Dyer asked how much space is set aside for bicycles. Mr. Ulrich said the actual size and number of spots has not been decided yet but all of the parking plans will provide for bicycles.

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Mr. Ulrich reviewed the resource areas studied in the EIS. He said this project is very large and will take three years. He said it will be built off the rail line. He said there will be noise, dust and general hassle, but no more than in a regular development project. He said this is a community that has a lot of residents close to the tracks. He discussed the land acquisition for right of way, visual changes, noise and vibration impacts and how the natural environment will be affected.

Mr. Ulrich said this preferred alternative would provide a faster travel option than the auto in 2030 and provide service to 20,100 riders on the average weekday. He said some mitigation would be required at RTD's expense which would include adding turn lanes and signals at some stations and improving 19 at-grade crossings to accommodate the Quiet Zone.

Mr. Ulrich reviewed issues that still need to be resolved, but said most do not affect Arvada. He said they are still looking at station sites for 38<sup>th</sup> and Pecos and will conduct preliminary station design workshops. He said there will be continued coordination with local governments to support Quiet Zone applications.

Mr. Ulrich said on September 1, 2008 the draft EIS 45-day comment period comes to an end. During September and October the public and agency will have input on preliminary station designs. In December of 2008 the final EIS will be completed and submitted to the FTA and in the spring of 2009, the FTA will issue their Decision Document. He said construction begins in 2011 and the Gold Line opens to the public by 2016.

Councilmember Azari asked how much of the total cost of \$552 million is being absorbed by the private sector. Ms. Telford said typically with the Federal Transit Administration they fund 40-50% of the project and then the remaining is funded locally and that becomes part of FasTracks and part private funding. Mr. Azari confirmed then that the public would not be spending \$552 million and she said correct. Mr. Azari said the cost to the public is less than what everyone is thinking because of the partnerships. She said that is correct because this line is being leveraged with local money.

### VII. CITY COUNCIL REPORTS

- A. Councilmember Williams announced that Ron Sloan, former Arvada Chief of Police has been named head of the Colorado Bureau of Investigations.
- B. Councilmember McGoff reminded everyone that this Saturday is the .5k race, benefiting the Ralston House and encouraged the public to attend.
- C. Councilmember McGoff said he participated in the trail building at Majestic View Nature Center this past Saturday. He said it was a very well organized project by members of the LDS community. Councilmember Anderson asked if a special recognition could be done for them.
- D. Councilmember McGoff also reported on the National Night Out events held last week in Arvada.

### VIII. CITY MANAGER REPORTS

- A. Craig Kocian said the Metro Wastewater appointments need to be clarified. He said the appointments made last April were inappropriate because they were made as one-year appointments and by statute and by bylaws, they have to be two-year appointments. He said we can simply rescind the appointments and Mr. Allard and Mr. Akin will continue

serving in their positions until somebody else is sworn in to take their place. Or, in the alternative, the appointments can be revisited and made into two-year appointments.

Councilmember Azari moved that the appointments of Mr. Allard and Mr. Akin to the Metro Wastewater Reclamation Board for one-year terms be rescinded.

Councilmember Allard said this is the best way to handle it.

Mr. Kocian reminded City Council that there will be a reapportionment next year of the number of members and Arvada will go from 5 members to 2 members.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams

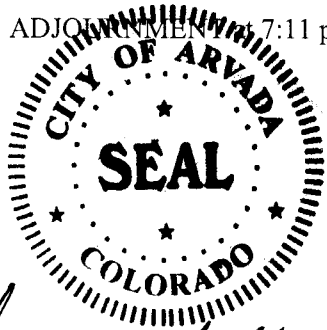
The Motion was approved.

B. Mr. Kocian said Mr. Mark Bowman has been promoted to the position of Street Superintendent.

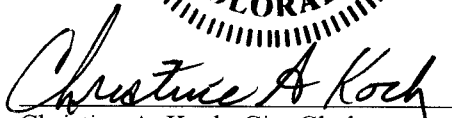
IX. CITY ATTORNEY REPORTS - None

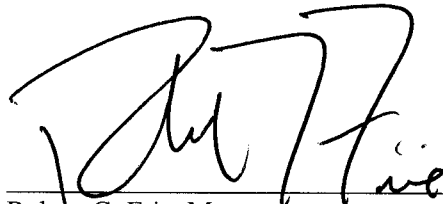
X. PUBLIC COMMENT LONGER THAN THREE MINUTES - None

XI. ADJOURNMENT 7:11 p.m.



SEAL:

  
Christine A. Koch, City Clerk

  
Robert G. Frie, Mayor