

**REGULAR MEETING OF THE AURA BOARD OF COMMISSIONERS**  
**5601 Olde Wadsworth Boulevard, Ste. 210, Arvada, Colorado**  
**5:30 p.m., Wednesday, April 4, 2018**

**AGENDA**

**REGULAR MEETING – 5:30 P.M.**

1. Call to Order
2. Moment of Reflection and Pledge of Allegiance
3. Roll Call of Members
4. Approval of the Summary of Minutes
5. Public Comment of Issues not scheduled for Public Hearing – Three Minute Limit
6. Public Hearing – None
7. Study Session – None
8. Old Business
  - A. First Amended and Restated Disposition and Development Agreement: Trammell Crow Companies.
    1. Executive Session
      - a. Land Sales, Pursuant to CRS 24-6-402 (4)a
      - b. Instructions to Negotiators, Pursuant to CRS 24-6-402(4)e
  - B. Resolution AR-18-02 Sixth Amendment to an Employment Agreement by and Between the Arvada Urban Renewal Authority and Maureen C. Phair as Secretary and Executive Director
9. New Business – None
10. Development Update
11. Public Comment – Five Minute Limit
12. Comments from Commissioners
13. Committee Reports
14. Staff Reports
15. Executive Session - None
16. Adjournment

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**SUMMARY OF MINUTES OF REGULAR MEETING  
ARVADA URBAN RENEWAL AUTHORITY BOARD OF COMMISSIONERS  
WEDNESDAY, MARCH 7, 2018  
5601 OLDE WADSWORTH BLVD., SUITE 210, ARVADA, CO 80002**

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**REGULAR MEETING**

1. **Call to Order** – Chair Fred Jacobsen called the meeting to order at 5:30 p.m.
2. **Moment of Reflection and Pledge of Allegiance**
3. **Roll Call of Members:** Chair Fred Jacobsen, Vice Chair Alan Parker, Treasurer Tony Cline, Commissioners Michelle DeLaria, Moni Piz Wilson, Sue Dolan, Marc Williams

Vice Chair Parker moved to excuse Commissioner Williams.

The following votes were cast on the Motion:

Voting yes: Jacobsen, Parker, Cline, Bolin, DeLaria, Piz Wilson

Absent: Williams

**The Motion was approved.**

AURA staff present: Maureen Phair, Executive Director; Mike Polk, Legal Counsel; Clark Walker, Deputy Director; Carrie Briscoe, AURA Coordinator; Peggy Salazar, Administrative Specialist

Also present: Two guests

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**4. Approval of Minutes**

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The Summary of Minutes of the AURA Board meeting on February 7, 2018, stands approved as submitted.

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**5. Public Comment on Issues Not Scheduled for Public Hearing – Three Minute Limit**

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Nancy Young asked if notice was given for a special meeting on March 31, 2018. There is no special meeting on this date.

Susan Shirley commented that groups with a different view on the look of growth in Arvada from that of the AURA Board are not haters or need to move out of Arvada. She feels the divisive dialogue is not productive.

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**6. Public Hearing**

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None.

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**7. Study Session**

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None.

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**8. Old Business**

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None.

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**9. New Business**

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None.

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**10. Development Update**

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Maureen Phair provided the following updates:

**The Shops at Ralston Creek** – Several tenants have opened. There are five spaces remaining. The Ralston Road Café has been completely demolished.

**Ralston Creek Phase Two** – Meeting the City's parking requirement remains to be an issue for the developer. It is unknown if Price Development will continue with development of this phase.

**Gateway at Arvada Ridge** – Vertical construction has begun.

**Solana** – The project is entering the final phase of construction.

**Trammell Crow Phase One (Olde Town Residences)** – The developer has resubmitted their Preliminary Development Plan (PDP) application based on the feedback from City Council, City Staff, and comments from the public hearing including reducing the number of bedrooms by 30, adding 15 additional parking spaces, setting back the sixth floor of the center building finger, adding terraces on north and south side, and replacing one townhome with the lobby and leasing center to front 56<sup>th</sup> Avenue.

AURA Staff and Trammell Crow attended the Arvada Chamber of Commerce's board meeting on February 28, 2018. The Chamber Board will write a letter in support of this project.

The economic impact analysis of the Olde Town Residences was reviewed.

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**11. Public Comment – Five Minute Limit**

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None.

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**12. Comments from Commissioners**

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Treasurer Cline addressed Susan Shirley in the audience thanking her for comments and expressing his appreciation for the dialogue that the public brings to the meeting. He hopes for more public participation.

Commissioner DeLaria commented on the recent prices of home sales in the area. The prices are reaching levels that are not attainable. The lack of housing inventory is driving up prices.

Vice Chair Parker commented on his experience with a recent visit to the Ralston Creek Walmart store. He noticed it was busy and being well maintained. He also asked if Staff was aware of how they are doing financially. Maureen Phair said she would follow up with the store manager and report back.

Commissioner Piz Wilson shared an experience she had with an Arvada visitor she met at Smokin Fins. The visitor stays regularly at the Arvada Hilton Garden Inn because of its proximity to Olde Town Arvada.

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Commissioner Dolan echoed the sentiments of Commissioner DeLaria concerning the lack of housing inventory. She also asked for the final report of the Economic Impact Analysis. Maureen Phair said she would send it to the Board.

Chair Jacobsen brought forth the idea of a communications committee. Commissioners Cline and Piz Wilson have agreed to sign up for the new committee. He also reported that he will not be able to attend the next City Council meeting on March 19, 2018 where the Trammell Crow PDP application will be heard.

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**13. Committee Reports**

There is a new committee – Communications – which will be led by Commissioners Cline and Piz Wilson.

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**14. Staff Reports**

Maureen Phair noted the infographic concerning the economic impact analysis that will be in the next Arvada Report. It contains concise information concerning various facts and data related to AURA's projects.

She reported the February 2018 summary of communication efforts.

She reported her public outreach for the past month including the City 101 and roundtable with the Arvada Chamber of Commerce.

Carrie Briscoe reported on the financial Flash Report.

Legal Counsel, Mike Polk, reported that he responded to the auditor's request concerning AURA's 2017 financial statements.

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**15. Executive Session**

Commissioner Dolan moved to convene into Executive Session to review instructions to negotiators, personnel matters, and to review the Summary of Minutes of the Executive Session of December 6, 2017.

Mike Polk said that the topics for discussion are provided for in CRS 24-6-402(4)(e, f).

The following votes were cast on the Motion:

Voting yes: Jacobsen, Parker, Cline, Dolan, DeLaria, Piz Wilson

Absent: Williams

**The Motion was approved.**

The AURA Board convened into the Executive Session at 6:07 p.m. and reconvened into the Regular Meeting at 8:03 p.m.

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**Regular Meeting**

Commissioner DeLaria moved that the Arvada Urban Renewal Authority Board of Commissioners approve the Summary of Minutes for the Executive Session of December 6, 2017.

The following votes were cast on the Motion:

Voting yes: Jacobsen, Parker, Cline, Dolan, DeLaria, Piz Wilson

Absent: Williams

**The Motion was approved.**

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**16. Adjournment**

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The meeting was adjourned by Chair Jacobsen at 8:04 p.m.

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Fred Jacobsen, Chair

ATTEST:

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Maureen Phair, Executive Director

\_\_\_\_\_  
Carrie Briscoe, Recording Secretary

RESOLUTION AR-18-02

**SIXTH AMENDMENT TO AN EMPLOYMENT AGREEMENT BY AND BETWEEN THE  
ARVADA URBAN RENEWAL AUTHORITY AND MAUREEN C. PHAIR AS SECRETARY  
AND EXECUTIVE DIRECTOR**

WHEREAS, the Arvada Urban Renewal Authority (AURA) and Maureen C. Phair (Employee) have previously entered into an employment agreement with an effective date of July 6<sup>th</sup>, 2011 (the "Agreement") whereby, among other matters, the pay and benefits of Executive Director are set; and

WHEREAS, AURA and Employee have previously agreed to amend the employment agreement by entering into a First Amendment to an Employment Agreement on or about, September 5<sup>th</sup>, 2012;; a Second Amendment to and Employment Agreement on or about August 7<sup>th</sup>, 2013; a Third Amendment to an Employment Agreement on or about August 6<sup>th</sup>, 2014 and; a Fourth Amendment on or about February 3rd, 2016; and a Fifth Amendment on or about November 7<sup>th</sup>, 2016; and

WHEREAS, AURA, and Maureen Phair as Executive Director, are desirous of further amending the Agreement by this Fifth Amendment to an Employment Agreement as more fully set forth below:

IT IS THEREFORE AGREED by the parties as follows:

1. Subject to City Council approval, retroactive to January 1, 2018, section 3.4 of the Agreement is amended to provide an annual salary of \$147,112 for the Executive Director .
2. Subject to City Council approval, the Executive Director is awarded a one-time bonus of \$3,000, such bonus to be paid in accordance with the directions of the Executive Director either as a cash payment or paid into her Defined Contribution or Deferred Compensation account as determined by the Executive Director.
3. The remaining terms and conditions of the Agreement, except as amended hereby, shall remain the same, and are ratified and affirmed.

Agreed to this \_\_\_\_ day of \_\_\_\_\_, 2018

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Maureen C. Phair, Employee

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Fred Jacobsen, AURA Chairman

**HP**  
**WC** Hoffmann  
Parker  
Wilson &  
Carberry | P.C.

Corey Y. Hoffmann  
Kendra L. Carberry  
Jefferson H. Parker  
M. Patrick Wilson

Of Counsel  
J. Matthew Mire  
Hilary M. Graham  
Kathryn M. Sellars

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**Vail Office**  
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(970) 390-4941

Andrew J. Gomez  
Daniel P. Harvey  
Ruthanne H. Goff

March 22, 2018

Christopher D. Daly, City Attorney  
City of Arvada  
8101 Ralston Road  
P.O. Box 8101  
Arvada, CO 80002

Maureen Phair, Executive Director  
Arvada Urban Renewal Authority  
5601 Olde Wadsworth Blvd., Suite 210  
Arvada, CO 80002

**Re: Arvada Urban Renewal Authority – Engagement as Legal Counsel**

Dear Chris and Maureen,

The purpose of this letter is to confirm our engagement as legal counsel for the Arvada Urban Renewal Authority (the "Authority"). As we discussed, Corey Hoffmann and Hilary Graham will be the primary contacts and will coordinate and oversee the services our firm performs at the Authority's direction.

As you know, the ethics of our profession mandate that upon commencement of representation of a client on a legal matter, clients understand and agree with the financial commitments involved. We calculate fees based on hourly rates for the time spent by the respective attorneys involved. This firm's hourly rate for such services is \$225.

In addition, we will bill the following out-of-pocket expenses (to the extent they are incurred: messenger services for delivering or picking up documents, computer assisted research, photocopy work, and postage). We will bill these disbursements monthly.

Attached is an addendum, incorporated herein by this reference, pertaining to the state statutory prohibition against employing illegal aliens.

If anything I have stated in this letter presents a problem or is unclear, please advise me promptly so that we may discuss it and reach a full understanding. Otherwise, if the Authority desires to enter into this contractual arrangement, please execute a copy of this engagement agreement and return it to me at your convenience.

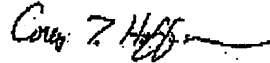
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If you have any questions, please do not hesitate to contact me.

Very truly yours,



Corey Y. Hoffmann  
[cyhoffmann@hpwclaw.com](mailto:cyhoffmann@hpwclaw.com)

ACCEPTED AND AGREED TO THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

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Christopher D. Daly, City Attorney

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Maureen Phair, Executive Director



### **ADDENDUM TO ENGAGEMENT LETTER**

Pursuant to Section 8-17.5-101, C.R.S., et seq., the firm represents and agrees that:

1. As of the date of this Agreement:
  - a. The firm does not knowingly employ or contract with an illegal alien; and
  - b. The firm is enrolled in the basic pilot employment verification program [now known as E-Verify] created in Public Law 208, 104th Congress, as amended, and expanded in Public Law 156, 108th Congress, as amended, administered by the United States Department of Homeland Security (the "Basic Pilot Program") in order to verify that the firm does not employ any illegal aliens.
2. The firm shall not knowingly employ or contract with an illegal alien to perform works under this Agreement or enter into a contract with a subcontractor that fails to certify to the firm that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement.
3. The firm is prohibited from using Basic Pilot Program procedures to undertake pre-employment screening of job applicants while this Agreement is being performed.
4. If the firm obtains actual knowledge that a subcontractor performing work under this Agreement knowingly employs or contracts with an illegal alien, the firm shall:
  - a. Notify such subcontractor and the City within three (3) days that the firm has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and
  - b. Terminate the subcontract with the subcontractor if within three (3) days of receiving the notice required pursuant to this section the subcontractor does not cease employing or contracting with the illegal alien; except that the firm shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.
5. The firm shall comply with any reasonable request by the Colorado Department of Labor and Employment (the "Department") made in the course of an investigation that the Department undertakes or is undertaking pursuant to the authority established in Subsection 8-17.5-102 (5), C.R.S.
6. If the firm violates any provision of this Agreement pertaining to the duties imposed by Subsection 8-17.5-102, C.R.S. the City may terminate this Agreement. If this Agreement is so

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terminated, the firm shall be liable for actual and consequential damages to the City arising out of the firm's violation of Subsection 8-17.5-102, C.R.S.

7. The City will notify the Office of the Secretary of State if the firm violates this provision of this Agreement and the City terminates the Agreement for such breach.