From:	Florence Sebern
To:	dencc - City Council
Subject:	[EXTERNAL] 18-1075 Re-zoning of 4201 East Arkansas Avenue
Date:	Sunday, October 21, 2018 11:20:37 PM

Use caution with attachments or links.

My name is Florence Sebern. I am a former multi-term secretary and one-term vice president of Virginia Village Ellis Community Association RNO between the years 1995-2013. My parents were founding members of the association. I grew up in Virginia Village and my husband and I have happily lived there for the last 26 years. My background is in administration and parliamentary procedure and I have 17 years' experience with Denver Elections, election rules and procedures.

There are serious flaws in the process by which the re-zoning of 4201 E Arkansas Avenue is being considered and I ask Council for their careful consideration before proceeding.

Virginia Village/Ellis Community Association RNO is not a legitimate organization. They are non-compliant with their own bylaws. Bylaws are objective, binding, and non-negotiable. They cannot be suspended.

Currently, there is one legitimate elected officer. This RNO is inoperable without 4 officers, per the bylaws. Anyone representing themselves as a spokesman for VVECA and all public positions taken in the name of VVECA are not legitimate = null and void. Please see the timeline attachment for details.

At the October 9, 2018 LUTI committee meeting, Andrew Webb/CPD, Councilman Kashmann/District 6, and Chris Viscardi/Kentro acknowledged a development agreement and Good Neighbor Agreement was in process with VVECA RNO. Those who are representing VVECA RNO have no authority, and are misleading CPD, LUTI Committee, and City Council.

VVECA has historically taken public positions only after discussion and vote of the membership at a general meeting. Committees and Board members work on various projects, but recommendations for action have always been brought before the general membership for discussion and vote. The E. Arkansas Avenue zoning issue has NEVER been brought to a general membership meeting for discussion/vote on a VVECA public position.

Councilwoman Susman questioned the absence of a completed neighborhood agreement at the October 9 LUTI meeting and rightly so. Councilman Espinosa stated the re-zoning proposal was "a slippery slope", "a big ask" and "such a deviation" from Blueprint Denver. The neighborhood agrees that redevelopment will happen; there is no agreement from the RNO.

Additionally, the community input cited by CPD at the LUTI meeting was mis-represented. Please see the attachment with analysis of that input. While everyone has a right to express their opinion, only those within the physical boundaries of VVECA should be

counted. “Resident” as used by CPD in their request to Kentro, is in the context of the RNO boundaries. There is no ringing endorsement for the proposed re-zoning by VVECA residents. Three out of three CPD-required components are compromised: lack of residency filters, the disbanded Task Force, and the inoperable RNO.

> *Request letters from RNO, Task Force or residents supportive of more intensive land uses than Blueprint recommendation to inform interpretation of the Blueprint Denver recommendations. Letters should be submitted prior to a Planning Board hearing (they do not need to be part of a re-submitted application).*
> ***Kentro Response: Noted. We are continuing to coordinate our community outreach with the RNO, Task Force and stakeholders.*** *(LUTI Meeting, page 6, CPD Staff Report and Recommendation with all attachments, 10/3/2018)*

VVECA “President” Mike Cerbo moved to VVECA in 2015. The first VVECA meeting he attended was February 2018, and he volunteered to be an officer. His disregard for the VVECA bylaws, consistent illicit actions, and failure to correct when confronted, has severely compromised this re-zoning process.

Cerbo has a conflict of interest which he failed to disclose. Cerbo currently works as a site manager for Galloway. Galloway is the Kentro-contracted civil engineering firm for this redevelopment. His lack of public disclosure is a serious breach of ethics. These facts came to light as a result of a Colorado Open Records Request to DURA for the Kentro TIF application. This egregious lack of transparency is quite simply astounding. Cerbo orchestrated his election as President on June 19, 2018; the TIF application was submitted June 20, 2018.

The bedrock of democracy is the Rule of Law, i.e., the law applies equally to all. That means those in authority cannot arbitrarily apply the law just because they are in authority. This development and our neighborhood deserve fair process. There must be accountability, responsibility, transparency, and fair process to call this a democratic process.

For all of the above reasons, I sincerely urge that 18-1075 not be introduced until these serious issues are addressed and resolved.

Florence Sebern
1140 S Forest St
Denver, CO 80246
20-245-3461

LIST OF ATTACHMENTS

Attachment 1 VVECA Timeline

Attachment 2 CPD LUTI Community Input Analysis

Attachment 3 Mike Cerbo LinkedIn Profile (Galloway)

Attachment 4 Mike Cerbo Voter Registration COA

Attachment 5 VVECA 2018 Fall Newsletter (only newsletter published in 2018)

Attachment 6 Kentro TIF Application (Galloway civil contractor, page 4)

Attachment 7 VVECA Bylaws

Attachment 8 VVECA May 2018 Meeting Notice

Attachment 9 VVECA June 2018 Meeting Notice

Attachment 10 VVECA June 2018 Meeting Minutes + Sign-In Sheet

DropBox Link to Attachments

https://www.dropbox.com/sh/kyb2xp5h4gi588d/AAAepK1aFe3ipCqRWVOQgNyfa?dl=0