



SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD MARCH 15, 2021

1. Executive Session – Via Zoom – 5:00 p.m.

Mayor Williams, Mayor Pro Tem Miller, Councilmember Fifer, Councilmember Ford, Councilmember Jones, Councilmember Marriott, and Councilmember Simpson were present all present via Zoom.

A. Legal Advice, Pursuant to CRS 24-6-402(4)(b) Related to Approval of Mill and Overlay Contracts

Mayor Pro Tem Miller moved to go into Executive Session for Legal Advice, Pursuant to CRS 24-6-402(4)(b) Related to Approval of Mill and Overlay Contracts.

The following votes were cast on the Motion:

Those voting Yes: Williams, Miller, Fifer, Ford, Jones, Marriott, Simpson

The Motion was Approved

1. Call to Order - 6:10 p.m.

Due to the storm, city hall was closed and in accordance with physical distancing guidelines, this Arvada City Council meeting was held remotely using webinar technology. Mayor Williams, Mayor Pro Tem Miller, Councilmember Fifer, Councilmember Ford, Councilmember Jones, Councilmember Marriott and Councilmember attended remotely via Zoom. Members of the public were given notice with instructions on how to participate with public comment.

2. Moment of Reflection and Pledge of Allegiance

3. Roll Call of Councilmembers

Those Present: Mayor Marc Williams, Mayor Pro Tem Dot Miller, Councilmember Bob Fifer, Councilmember Nancy Ford, Councilmember David Jones, Councilmember John Marriott, Councilmember Lauren Simpson

Also Present: Mark Deven, City Manager; Rachel Morris, City Attorney; Lorie Gillis, Deputy City Manager; and Kristen Rush, City Clerk.

4. Approval of Minutes of the March 1, 2021 City Council Meeting

The minutes stand approved.

5. Recognition and Communication - none

6. Presentations - none
7. Public Comment
 - A.. Daniel Mondragon, Arvada resident, addressed council regarding the DEI Taskforce.
8. New Business
 - A. Consent Agenda
 1. R21-043 A Resolution Authorizing an Agreement By and Between the City of Arvada and SEMA Construction, Inc. for Construction Manager/General Contractor (CM/GC) Services, Construction Package 1, West 72nd Avenue - Kipling Street to Simms Street in the Amount of \$1,371,181.73
 2. R21-044 A Resolution Authorizing an Agreement By and Between the City of Arvada and RockSol Consulting Group, Inc. in the Amount of \$370,796.00 for Engineering Design Services for the Alkire Street Trail from W. 78th Avenue to W. 80th Avenue
 3. R21-045 A Resolution Authorizing an Employment Agreement Between the City of Arvada and Christopher K. Daly as a Relief Municipal Court Judge
 4. R21-046 A Resolution Authorizing an Employment Agreement Between the City of Arvada and Michael S. Matassa as a Relief Municipal Judge
 5. R21-047 A Resolution Authorizing an Employment Agreement Between the City of Arvada and Miller Leonard as a Relief Municipal Court Judge
 6. R21-048 A Resolution Authorizing an Employment Agreement Between the City of Arvada and Ralph C. Turano as a Relief Municipal Court Judge
 7. R21-049 A Resolution Authorizing the Issuance of a Purchase Order in the Amount of \$285,299.00 to Transwest Truck Trailer RV for the Purchase of a Snow Plow Truck

Councilmember Marriott moved that R21-043, A Resolution Authorizing an Agreement By and Between the City of Arvada and SEMA Construction, Inc. for Construction Manager/General Contractor (CM/GC) Services, Construction Package 1, West 72nd Avenue - Kipling Street to Simms Street in the Amount of \$1,371,181.73; R21-044, A Resolution Authorizing an Agreement By and Between the City of Arvada and RockSol Consulting Group, Inc. in the Amount of \$370,796.00 for Engineering Design Services for the Alkire Street Trail from W. 78th Avenue to W. 80th Avenue; R21-045, A Resolution Authorizing an Employment Agreement Between the City of Arvada and Christopher K. Daly as a Relief Municipal Court Judge; R21-046, A Resolution Authorizing an Employment Agreement Between the City of Arvada and Michael S. Matassa as a Relief Municipal Judge; R21-047, A Resolution Authorizing an Employment Agreement Between the City of Arvada and Miller Leonard as a Relief Municipal Court Judge; R21-048, A Resolution Authorizing an Employment Agreement Between the City of Arvada and Ralph C. Turano as a Relief Municipal Court Judge; R21-049, A Resolution Authorizing the Issuance of a Purchase Order in the Amount of \$285,299.00 to Transwest Truck Trailer RV for the Purchase of a Snow Plow Truck, be approved.

The following votes were cast on the Motion

Those voting yes: Williams, Miller, Fifer, Ford, Jones, Marriott, Simpson

The Motion was Approved

- B. Resolutions

1. R21-050 A Resolution Authorizing an Intergovernmental Agreement Between the City and County of Denver Acting By and Through Its Board of Water Commissioners “Denver Water”, the City of Arvada and North Table Mountain Water & Sanitation District for the Planned Shutdown of Ralston Reservoir to Perform the Ralston Reservoir Dam Upstream Control Renovation Project

Mark Deven, City Manager, reviewed this resolution with council.

Councilmember Ford moved that R21-050, A Resolution Authorizing an Intergovernmental Agreement Between the City and County of Denver Acting By and Through Its Board of Water Commissioners “Denver Water”, the City of Arvada and North Table Mountain Water & Sanitation District for the Planned Shutdown of Ralston Reservoir to Perform the Ralston Reservoir Dam Upstream Control Renovation Project, be approved.

The following votes were cast on the Motion

Those voting yes: Williams, Miller, Fifer, Ford, Jones, Marriott, Simpson
The Motion was Approved

2. R21-051 A Resolution Authorizing a Tenth Extension of the Effective Date of the City Manager's Declaration of Emergency Relating to the Novel Coronavirus (COVID-19) and the Associated Public Health Crisis

Rachel Morris, City Attorney, reviewed this resolution with council.

Councilmember Fifer moved that R21-051, A Resolution Authorizing a Tenth Extension of the Effective Date of the City Manager's Declaration of Emergency Relating to the Novel Coronavirus (COVID-19) and the Associated Public Health Crisis, be approved with the amendment for the date of April 30, 2021

The following votes were cast on the Motion

Those voting yes: Williams, Miller, Fifer, Ford, Jones, Simpson
Those voting no: Marriott
The Motion was Approved

C. Ordinances (First Reading)

1. CB21-009 An Ordinance Annexing Certain Land Into the City of Arvada, Lazy Susan, 16770 & 16790 W. 63rd Place (Public Hearing to be set for April 5, 2021 at 6:15 p.m.)
2. CB21-010 An Ordinance Rezoning Certain Land Within the City of Arvada, Lazy Susan, from Jefferson County R-1 (Residential) to RN-12.5 (Residential Neighborhood), 1.5 du/ac, and Amending the Official Zoning Maps of the City of Arvada, Colorado, Generally Located at 16770 and 16790 West 63rd Place (Public Hearing to be set for April 5, 2021 at 6:15 p.m.)
3. CB21-011 An Ordinance Vacating a Tract of Land Dedicated as Right of Way for W. 52nd Place West of Carr Street, City of Arvada, County of Jefferson,

- State of Colorado (Public Hearing to be set for April 5, 2021 at 6:15 p.m.)
4. CB21-012 An Ordinance Vacating a Public Access Easement Located Within Lot 4B, Block 1, Candelas Commercial, City of Arvada, County of Jefferson, State of Colorado (Public Hearing to be set for April 5, 2021 at 6:15 p.m.)

Councilmember Marriott requested that CB21-011 be voted on separately.

Mayor Pro Tem Miller moved that CB21-009, An Ordinance Annexing Certain Land Into the City of Arvada, Lazy Susan, 16770 & 16790 W. 63rd; CB21-010, An Ordinance Rezoning Certain Land Within the City of Arvada, Lazy Susan, from Jefferson County R-1 (Residential) to RN-12.5 (Residential Neighborhood), 1.5 du/ac, and Amending the Official Zoning Maps of the City of Arvada, Colorado, Generally Located at 16770 and 16790 West 63rd Place; CB21-012, An Ordinance Vacating a Public Access Easement Located Within Lot 4B, Block 1, Candelas Commercial, City of Arvada, County of Jefferson, State of Colorado, be approved on first reading, ordered published in full and a Public Hearing set for April 5, 2021 at 6:15 p.m.

The following votes were cast on the Motion

Those voting yes: Williams, Miller, Fifer, Ford, Jones, Marriott, Simpson
The Motion was Approved

Mayor Pro Tem Miller moved that CB21-011, An Ordinance Vacating a Tract of Land Dedicated as Right of Way for W. 52nd Place West of Carr Street, City of Arvada, County of Jefferson, State of Colorado, be approved on first reading, ordered published in full and a Public Hearing set for April 5, 2021 at 6:15 p.m.

Councilmember Marriott said that he owns two adjoining properties to this tract of land is requesting to abstain from this vote.

Councilmember Simpson moved to excuse Councilmember Marriott from voting on this item.

The following votes were cast on the Motion made by Councilmember Miller

Those voting yes: Williams, Miller, Fifer, Ford, Jones, Simpson
Those abstaining: Marriott
The Motion was Approved

The following votes were cast on the Motion

Those voting yes: Williams, Miller, Fifer, Ford, Jones, Simpson
Those abstaining: Marriott
The Motion was Approved

9. Public Hearings - 6:15 p.m.
A. Conditional Use for Morgan Ralston Creek, Generally Located at 9881 W. 58th Avenue

Mayor Williams opened the public hearing on the Conditional Use for Morgan Ralston Creek.

Rob Smetana, Planning Manager, reviewed this item with council and stated that the posting logs and mailing affidavit have been received and are in order. Mayor Williams made them a part of the official record, along with the staff report.

Sworn Testimony: Lauren Brockman, Representing Applicant
Bonnie Niziolek, Representing Applicant
Ryan Sugden, Representing adjacent property owner
Carolyn White, Representing Applicant

Councilmember Marriott moved that the Conditional Use for Morgan Ralston Creek, Generally Located at 9881 W. 58th Avenue, be approved with the conditions recommended by Planning Commission and this only apply to option 2 as shown in the packet which does not include the removal of Good Times restaurant.

The following votes were cast on the Motion

Those voting yes: Williams, Miller, Fifer, Ford, Jones, Marriott, Simpson

The Motion was Approved

Councilmember Fifer moved that the Conditional Use for Morgan Ralston Creek, Generally Located at 9881 W. 58th Avenue, be approved with the conditions recommended by the Planning Commission this is for option one which is the removal of, or assuming that the Good Times is no longer there, and that the main amenity of the complex leasing offices is on 58th Avenue. This motion is made on the findings of fact adopted by the Planning Commission.

The following votes were cast on the Motion

Those voting yes: Williams, Miller, Fifer, Ford, Simpson

Those voting no: Marriott, Jones

The Motion was Approved

B. Conditional Use Application for Clear Creek Commons, Approximately Located at the Southeast Corner of West 52nd Avenue and Marshall Street (continued from March 1, 2021)

Councilmember Simpson stated that the developer of this property reached out to her shortly after she was elected, pre-concept for this proposal regarding uses for the property but had no involvement in the design in creating the development and that it will not impact her vote on this matter.

Mayor Williams opened the public hearing on the Conditional Use Application for Clear Creek Commons.

Rob Smetana, Planning Manager, reviewed this item with council and stated that the posting logs and mailing affidavit have been received and are in order. Mayor Williams made them a part of the official record, along with the staff report.

Sworn Testimony: Ilan Salzberg, Representing Applicant

Councilmember Simpson moved that Conditional Use Application for Clear Creek Commons, Approximately Located at the Southeast Corner of West 52nd Avenue and Marshall Street be approved

for a five story residential project similar to the conceptual drawings presented to the Planning Commission. This motion is based on the findings of fact adopted by the Planning Commission.

The following votes were cast on the Motion

Those voting yes: Williams, Miller, Fifer, Ford, Jones, Marriott, Simpson

The Motion was Approved

Councilmember Simpson moved that Conditional Use Application for Clear Creek Commons, Approximately Located at the Southeast Corner of West 52nd Avenue and Marshall Street be approved without the condition for the four-story building and based on the similar to the conceptual drawings presented to the Planning Commission and the City Council. This motion is based on the findings of fact adopted by the Planning Commission.

The following votes were cast on the Motion

Those voting yes: Ford

Those voting no: Williams, Miller, Fifer, Jones, Marriott, Simpson

The Motion Failed

- C. CB21-007 An Ordinance Authorizing the Second Amendment to the 2021 Operating and Capital Budget in the Amount of \$1,650,000.00 and Authorizing an Intergovernmental Agreement Between the City of Arvada and the State of Colorado Acting By and Through the Department of Transportation, Pertaining to the Signal Replacements at West 64th Avenue & Simms Street and West 80th Avenue & Vance Drive, Project No. 20-TC-01 (CDOT Project No. SHO M040-037 (24218)) (Ordinance No. 4754)

Mayor Williams opened the public hearing on CB21-007.

Mark Deven, City Manager, reviewed this ordinance with council.

No one wishing to speak for or against, the public hearing was closed.

Councilmember Ford moved that CB21-007, An Ordinance Authorizing the Second Amendment to the 2021 Operating and Capital Budget in the Amount of \$1,650,000.00 and Authorizing an Intergovernmental Agreement Between the City of Arvada and the State of Colorado Acting By and Through the Department of Transportation, Pertaining to the Signal Replacements at West 64th Avenue & Simms Street and West 80th Avenue & Vance Drive, Project No. 20-TC-01 (CDOT Project No. SHO M040-037 (24218)), be approved on final reading, numbered 4754 and ordered published by title only.

The following votes were cast on the Motion

Those voting yes: Williams, Miller, Fifer, Ford, Jones, Marriott, Simpson

The Motion was Approved

- D. CB21-008 An Ordinance Authorizing the Third Amendment to the 2021 Operating and Capital Budget in the Amount of \$450,000.00 and Authorizing an Intergovernmental Agreement Between the City of Arvada and the State of Colorado Acting By and Through the Department of Transportation, Pertaining to the Signal Replacements at West 58th Avenue & Kipling Parkway, Project No. 20-TC-02 (CDOT Project No. SHO M040-034 (22278)) (Ordinance No. 4755)

Mayor Williams opened the public hearing on CB21-008.

Bryan Archer, Director of Finance, reviewed this ordinance with council.

No one wishing to speak for or against, the public hearing was closed.

Councilmember Marriott moved that CB21-008, An Ordinance Authorizing the Third Amendment to the 2021 Operating and Capital Budget in the Amount of \$450,000.00 and Authorizing an Intergovernmental Agreement Between the City of Arvada and the State of Colorado Acting By and Through the Department of Transportation, Pertaining to the Signal Replacements at West 58th Avenue & Kipling Parkway, Project No. 20-TC-02 (CDOT Project No. SHO M040-034 (22278)), be approved on final reading, numbered 4755 and ordered published by title only.

The following votes were cast on the Motion

Those voting yes: Williams, Miller, Fifer, Ford, Jones, Marriott, Simpson

The Motion was Approved

10. Public Comment - Five Minute Limit - none
11. City Council Reports
 - A. Mayor Williams would like to have a discussion about bringing multiple options on land use items to council.
 - B. Councilmember Simpson agrees with Mayor Williams.
 - C. Councilmember Jones agrees with Mayor Williams and Councilmember Simpson.
 - D. Councilmember Fifer agrees with Mayor Williams regarding options.
12. City Manager Reports
 - A. Mark Deven, City Manager, reviewed the upcoming Workshop Schedule.
13. City Attorney Reports – none
14. Adjournment at 9:10 p.m.

Marc Williams, Mayor

SEAL:

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Kristen R. Rush, City Clerk