



SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD MARCH 6, 2023

1. Call to Order - 6:00 p.m.

This Arvada City Council meeting was a hybrid meeting using webinar technology. Mayor Williams, Councilmember Marriott, Councilmember Fifer, Councilmember Moorman, Councilmember Simpson and Councilmember Smith were all present in chambers. Mayor Pro Tem Jones was present 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 David Jones, Councilmember Bob Fifer, Councilmember John Marriott, Councilmember Randy Moorman, Councilmember Lauren Simpson, Councilmember Lisa Smith.

Also Present: Lorie Gillis, City Manager, Rachel Morris, City Attorney; Linda Haley, Deputy City Manager; Don Wick, Deputy City Manager, Bryan Archer, Director of Finance; Ryan Stachelski, Director of Community and Economic Development; Rachael Kuroiwa, Director of Communications and Engagement and Kristen Rush, City Clerk.

4. Approval of Minutes – February 6, 2023 February 13, 2023

The minutes stand approved.

5. Recognition and Communication – none

6. Presentations –

A. Presentation of Elks Grant Check to Community Table

Arvada's Elk Lodge #2278 applied for and received a Spotlight Grant from their national foundation. The foundation asked that the lodge use the funds to help a local organization.

The Elks chose the Community Table.

7. Public Comment – none

8. New Business

A. Consent Agenda –

1. R23-022 A Resolution Acknowledging and Accepting the Arvada Police Department's Notice of Intent to Utilize Facial Recognition Technology in Accordance with C.R.S. 24-18- 302

Councilmember Marriott moved that R23-022, A Resolution Acknowledging and Accepting the Arvada Police Department's Notice of Intent to Utilize Facial Recognition Technology in Accordance with C.R.S. 24-18- 302, be approved.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson, Smith
The Motion was Approved

B. Resolutions –

1. R23-023 A Resolution Authorizing an Intergovernmental Agreement By and Between the City of Arvada and Arvada Urban Renewal Authority (“AURA”) for the Lease of Aura’s Property Located at 5603 Yukon Street, Suite A

Ryan Stachelski, Director of Community and Economic Development, reviewed this resolution with council.

Councilmember Marriott moved that R23-023, A Resolution Authorizing an Intergovernmental Agreement By and Between the City of Arvada and Arvada Urban Renewal Authority (“AURA”) for the Lease of Aura’s Property Located at 5603 Yukon Street, Suite A, be approved.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson, Smith
The Motion was Approved

2. R23-024 A Resolution Authorizing an Intergovernmental Agreement By and Between the City of Arvada and North Table Mountain Water and Sanitation District for Mutual Aid of Water During Certain Emergency and Non-Emergency Events

Lorie Gillis, City Manager, reviewed this resolution with council.

Councilmember Fifer moved that R23-024, A Resolution Authorizing an Intergovernmental Agreement By and Between the City of Arvada and North Table Mountain Water and Sanitation District for Mutual Aid of Water During Certain Emergency and Non-Emergency Events, be approved.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson, Smith
The Motion was Approved

C. Ordinances (First Reading) –

1. CB23-005 An Ordinance Repealing and Reenacting Section 54-36, MTC Part 8 "Pedestrians" Amended, of Article II, Model Traffic Code, of Chapter 54, Motor Vehicles and Traffic, and Adding Section 62-52, Obstruction of Public Passageways, to Article II, Miscellaneous Offenses, of Chapter 62, Offenses (Public Hearing to be set for March 20, 2023 at 6:15 p.m.)
2. CB23-006 An Ordinance Amending Article IV - Liquor Tastings, of Chapter 6, Alcoholic Beverages, of the Arvada City Code (Public Hearing to be set for March 20, 2023 at 6:15 p.m.)

Mayor Pro Tem Jones moved that CB23-005, An Ordinance Repealing and Reenacting Section 54-36, MTC Part 8 "Pedestrians" Amended, of Article II, Model Traffic Code, of Chapter 54, Motor Vehicles and Traffic, and Adding Section 62-52, Obstruction of Public Passageways, to Article II, Miscellaneous Offenses, of Chapter 62, CB23-006, An Ordinance Amending Article IV - Liquor Tastings, of Chapter 6, Alcoholic Beverages, of the Arvada City Code, be approved on first reading, ordered published in full and a public hearing set for March 20, 2023 at 6:15 p.m.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson, Smith
The Motion was Approved

9. Other –
 - A. Ratification and Approval of CP2023-0004 a Resolution by the Planning Commission for the City of Arvada, Colorado, Adopting the 2014 Arvada Comprehensive Plan as Arvada's Three Mile Plan Pursuant to Section 31-12-105(1)(E), C.R.S., as Amended

Rob Smetana, Planning Manager, reviewed this resolution with council.

Councilmember Marriott moved that the Ratification and Approval of CP2023-0004 a Resolution by the Planning Commission for the City of Arvada, Colorado, Adopting the 2014 Arvada Comprehensive Plan as Arvada's Three Mile Plan Pursuant to Section 31-12-105(1)(E), C.R.S., as Amended, be approved.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson, Smith
The Motion was Approved

10. Public Hearings –

- A. A Major Modification for Kum & Go #2299 to construct a new fueling station and convenience store with a detached fuel pump canopy where the building does not adhere to the building orientation and configuration requirement of LDC Subsection 5-1-2-6(B)(1) which requires that all nonresidential buildings orient to the main pedestrian entrance of the building to a public or private street

- B. Major Modification for Kum & Go #2299 to construct a new fueling station and convenience store with a detached fuel pump canopy where the fueling canopy does not adhere to the required 40- foot setback from all streets in LDC Subsection 3-1-3-8(A)(3)(i) which requires fuel pumps, fuel islands, and fueling canopies to be set back at least 40-feet from all streets.
- C. Major Modification for Kum & Go #2299 to construct a new fueling station and convenience store with a detached fuel pump canopy where the fueling canopy does not adhere to the required site design standard of LDC Subsection 4-3-3-4(F)(2) which requires the fuel pump canopy to be located behind or to the side of a building in the MX-U zone district.

Mayor Williams opened the public hearings for three Major Modifications for Kum & Go #2299

Rob Smetana, Planning Manager, reviewed these items 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: Erica Morton Olson, representing applicant

Mayor Williams closed the public hearing.

Councilmember Marriott moved that the Major Modification from the Land Development Code for Kum & Go #2299 to construct a new fueling station and convenience store with a detached fuel pump canopy where the building does not adhere to the building orientation and configuration requirement of LDC Subsection 5-1-2-6(B)(1) which requires that all nonresidential buildings orient the main pedestrian entrance of the building to a public or private street, generally located at 6401 Wadsworth Bypass, in the City of Arvada, CO be approved. This motion is based on the findings of fact and any conditions, adopted by Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson, Smith
The Motion was Approved

Councilmember Marriott moved that the Major Modification from the Land Development Code for Kum & Go #2299 to construct a new fueling station and convenience store with a detached fuel pump canopy where the fueling canopy does not adhere to the required 40-foot setback from all streets in LDC Subsection 3-1-3-8(A)(3)(i) which requires fuel pumps, fuel islands, and fueling canopies to be set back at least 40-feet from all streets, in the City of Arvada, CO, be approved. This motion is based on the findings of facts and any conditions, adopted by Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson, Smith
The Motion was Approved

Councilmember Marriott moved that the Major Modification from the Land Development Code for Kum & Go #2299 To construct a new fueling station and convenience store with a detached fuel pump canopy where the fueling canopy does not adhere to the required site design standard of LDC Subsection 4-3-3-4(F)(2) which requires the fuel pump canopy to be located behind or to the side of a building in the MX-U zone district, generally located at 6401 Wadsworth Bypass, in the City of Arvada, CO be approved. This

motion is based on the findings of fact and any conditions, if applicable adopted by Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson, Smith
The Motion was Approved

- D. Conditional Use for Marshall Pointe to allow for the construction of an affordable multifamily project within the MX-S (Mixed-Use Suburban) zone district.
- E. Major Modification to waive the requirement in table 2-1-4-2(A) of the Land Development Coder (LDC) that requires at least 10 percent of the net parcel area be developed as a Small Urban Park for Marshall Pointe, a 4.36 acre parcel of land approximately located at the southeast corner of Marshall St and W 52nd Ave.

Mayor Williams opened the public hearings for Conditional Use for Marshall Pointe to allow for the construction of an affordable multifamily project within the MX-S and Major Modification to waive the requirement in table 2-1-4-2(A) of the Land Development Coder

Rob Smetana, Planning Manager, reviewed these items 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: Ben Taylor, representing applicant
Kristin Dean, representing applicant
Carl Rung, representing applicant
Chad Gleason, representing applicant
Vanessa Kendrick, representing the Arvada Chamber of Commerce, in support
Mike Potakanatas, Arvada business owner, in support
Andrew Haysacker, Arvada business owner, in support
Scott Shields, representing Family Tree, is support

Mayor Williams closed the public hearing.

Councilmember Simpson moved that Conditional Use for Marshall Pointe to allow for the construction of an affordable multifamily project within the MX-S (Mixed-Use Suburban) zone district, a 4.36 - acre parcel of land approximately located at the southeast corner of Marshall St and W 52nd Ave., in the City of Arvada, CO, be approved. This motion is based on the findings of fact and any conditions, if applicable, adopted by Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson, Smith
The Motion was Approved

Councilmember Simpson moved that Major Modification to waive the requirement in table 2-1-4-2(A) of the LDC that requires at least 10 percent of the net parcel area be developed as a Small Urban Park for Marshall Pointe, DA2022-0070, a 4.36 - acre parcel of land approximately located at the southeast corner of Marshall St and W 52nd Ave., in the City of Arvada, CO, be approved. This motion is based on the findings of fact and any conditions, adopted by Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Fifer, Marriott, Moorman, Simpson, Smith
The Motion was Approved

11. Public Comment - Five Minute Limit – none
12. City Council Reports –
 - A. Councilmember Moorman said that he will be holding his monthly coffee chat on March 31 from 2-4 p.m. at Sweet Bloom Coffee Roasters, 7745 Wadsworth Boulevard.
 - B. Councilmember Simpson reported on her recent town hall meeting she held this past weekend.
 - C. Councilmember Simpson reported on the visit of Vice President Kamala Harris today at the Arvada Center.
 - D. Mayor Pro Tem Jones thanked the city team for providing the technology to allow him to join the meeting via Zoom.
13. City Manager Reports – none
14. City Attorney Reports – none
15. Adjournment at 7:30 p.m.

Marc Williams, Mayor

SEAL:

Kristen R. Rush, City Clerk