



SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD JUNE 5, 2023

1. Executive Session – 5:00 p.m.
 - A. Legal Advice, Pursuant to CRS 24-6-402(4)(b) Relating to Tri Point Homes Development in Candelas
 - B. Legal Advice, Pursuant to CRS 24-6-402(4)(b) Relating to the Land Development Code Section 8-2-3- 11(J)
 - C. Legal Advice, Pursuant to CRS 24-6-402(4)(b) Relating to Timing of System Development Charges under Ordinance 4819

Councilmember Simpson moved to go into executive session for Legal Advice, Pursuant to CRS 24-6-402(4)(b) Relating to Tri Point Homes Development in Candelas Legal Advice, Pursuant to CRS 24-6-402(4)(b) Relating to the Land Development Code Section 8-2-3- 11(J) Legal Advice, Pursuant to CRS 24-6-402(4)(b) Relating to Timing of System Development Charges under Ordinance 4819.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Marriott, Moorman, Simpson, Smith

Those Absent: Fifer

The Motion was Approved

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

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

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 John Marriott, Councilmember Randy Moorman, Councilmember Lauren Simpson and Councilmember Lisa Smith.

Those Absent: Bob Fifer

Councilmember Simpson moved to excuse Councilmember Fifer from the meeting.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Marriott, Moorman, Simpson, Smith

Those Absent: Fifer

The Motion was Approved

Also Present: Lorie Gillis, City Manager, Nora Steenson, Deputy City Attorney; Linda Haley, Deputy City Manager; Don Wick, Deputy City Manager; Bryan Archer, Director of Finance; Rob Smetana, Acting Director of Community and Economic Development; Candice Svoboda, Assistant to the City Manager, Liz Johnson, Manager of Communications and Marketing, and Kristen Rush, City Clerk.

4. Approval of Minutes – April 17, 2023

The minutes stand approved.

5. Recognition and Communication –

- A. Recognition of Alan Parker - Arvada Urban Renewal Authority - Presented by Mayor Williams

Mayor Williams said that Alan Parker has been on the Arvada Urban Renewal Authority for ten years, serving the Arvada community from 2013-2023. He has served as both Board Commissioner and Chairperson. Alan has been an integral part of the revitalization of Southeastern Arvada and has worked on many AURA projects, as listed below. Some of these are complete, others are under construction and some are ready to break ground this summer - but all of them have Alan's finger prints on them.

Park Place Olde Town
Residence Inn by Marriott
Solana Olde Town Station
Stocke-Walter Park
The Russell
The Shops at Olde Town Station
Yukon Alley Utility Undergrounding
Garrison Garden Paseo
Hilton Garden Inn
Paseo Place Apartments
Ralston Commons at Ralston Creek
Ralston Creek Townhomes
Ralston Gardens
Super Walmart
The Caroline
The Shops at Ralston Creek
.04 Trolley Park
AURA's Office

We are deeply grateful for his dedicated years of service.

Alan Parker was present to accept the recognition.

B. Proclamation for National Park and Recreation Month - Presented by Councilmember Marriott

Councilmember Marriott read the proclamation and said that City Council will designate July 2023 as National Park and Recreation Month.

Enessa Janes, Director of Vibrant Community and Neighborhoods and Jeff Glenn, Executive Director of Apex Park and Recreation District, were present to accept the Proclamation.

C. Proclamation for National Gun Violence Awareness Day – Presented by Councilmember Moorman

Councilmember Moorman read the Proclamation and said that City Council proclaims June 2, 2023 as National Gun Violence Awareness Day.

D. Proclamation for Pride Month - Presented by Councilmember Moorman

Councilmember Moorman read the Proclamation and said that City Council designates June 2023 as Pride Month

E. Proclamation for Juneteenth - Presented by Councilmember Simpson

Councilmember Simpson read the proclamation and said that City Council designates June 19, 2023, as Juneteenth Independence Day.

6. Presentations – none

7. Public Comment –

- A. Brett Forbes, Arvada resident, addressed council regarding barking dogs
- B. Sally Eberhard, Arvada resident, addressed council to introduce the Citizen's Climate Lobby
- C. Colleen Miller, Arvada resident, addressed council regarding the borders to Arvada and unincorporated Jefferson County

8. New Business

A. Consent Agenda –

- 1. R23-047 A Resolution Approving an Agreement By and Between the City of Arvada and Jason and Christive Gillis for the Grant of a Revocable Encroachment License to Accommodate Retaining Walls for a Driveway to Serve 4403 W 68th Avenue Within Public Right of Way
- 2. R23-048 A Resolution Approving an Agreement by and between the City of Arvada, D & T Properties, LLC, and Stone Cellar Bistro for the Grant of a Revocable Encroachment License to Install an Outdoor Patio Area in the Grandview Avenue Right-of-Way
- 3. R23-049 A Resolution Approving a First Amendment to the Subdivider's Agreement concerning Arvada House and Approving a Partial Subordination of that Subdivider's Agreement for the Benefit of the Colorado Housing and Finance Authority ("CHFA")
- 4. R23-050 A Resolution Authorizing a Lease Agreement and Repair and

- Maintenance Agreement By and Between the City of Arvada and Miki Romero for the Property Located at 12605 West 72nd Avenue, Arvada, Colorado Also Known as Moore Farm
5. R23-051 A Resolution Amending and Restating Plan Documents and Authorizing an Adoption Agreement for the Executive Defined Contribution Retirement Plan

Councilmember Marriott moved that R23-047, A Resolution Approving an Agreement By and Between the City of Arvada and Jason and Christieve Gillis for the Grant of a Revocable Encroachment License to Accommodate Retaining Walls for a Driveway to Serve 4403 W 68th Avenue Within Public Right of Way; R23-048, A Resolution Approving an Agreement by and between the City of Arvada, D & T Properties, LLC, and Stone Cellar Bistro for the Grant of a Revocable Encroachment License to Install an Outdoor Patio Area in the Grandview Avenue Right-of-Way; R23-049, A Resolution Approving a First Amendment to the Subdivider's Agreement concerning Arvada House and Approving a Partial Subordination of that Subdivider's Agreement for the Benefit of the Colorado Housing and Finance Authority ("CHFA"); R23-050, A Resolution Authorizing a Lease Agreement and Repair and Maintenance Agreement By and Between the City of Arvada and Miki Romero for the Property Located at 12605 West 72nd Avenue, Arvada, Colorado Also Known as Moore Farm; R23-051, A Resolution Amending and Restating Plan Documents and Authorizing an Adoption Agreement for the Executive Defined Contribution Retirement Plan, be approved.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Marriott, Moorman, Simpson, Smith

Those Absent: Fifer

The Motion was Approved

B. Resolutions –

1. R23-052 A Resolution Authorizing an Agreement Regarding Funding of Major Drainageway Planning for Hidden Lake Drainageway and Bates Lake Drainageway (Presenter: Melanie Walter, Floodplain Administrator)

Melanie Walter, Floodplain Administrator, reviewed this resolution with council.

Councilmember Smith moved that R23-052, A Resolution Authorizing an Agreement Regarding Funding of Major Drainageway Planning for Hidden Lake Drainageway and Bates Lake Drainageway, be approved.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Marriott, Moorman, Simpson, Smith

Those Absent: Fifer

The Motion was Approved

2. R23-053 A Resolution Authorizing a First Amendment to Intergovernmental Agreement for Prisoner Transport Services (Presenter: Aaron Jacks, Sr. Asst City Attorney)

Aaron Jacks, Senior Assistant City Attorney, reviewed this resolution with council.

Councilmember Marriott moved that R23-053, A Resolution Authorizing a First Amendment to Intergovernmental Agreement for Prisoner Transport Services.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Marriott, Moorman, Simpson, Smith

Those Absent: Fifer

The Motion was Approved

3. R23-054 A Resolution Directing City Staff Not to Collect System Development Charges Under the Fee Schedule Set Forth in Ordinance No. 4819, and Instead Continue Collecting System Development Charges Under the Current Fee Schedule Until September 30, 2023 (Presenter: Sharon Israel, Director of Utilities)

Sharon Israel, Director of Utilities, reviewed this resolution with council.

Councilmember Simpson moved that R23-054, A Resolution Directing City Staff Not to Collect System Development Charges Under the Fee Schedule Set Forth in Ordinance No. 4819, and Instead Continue Collecting System Development Charges Under the Current Fee Schedule Until September 30, 2023, be approved.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Marriott, Moorman, Simpson, Smith

Those Absent: Fifer

The Motion was Approved

C. Ordinances (First Reading) –

1. CB23-014 An Ordinance Repealing And Reenacting Section 62-39, Criminal Mischief, And Adding Sections 62-79, Criminal Tampering-Service, 62-80, Criminal Tampering-Property, 62-81 Criminal Liability of Business Entities, and 62-82, Criminal Liability of an Individual for Corporate Conduct, of Article II Miscellaneous Offenses, of Chapter 62, Offenses, to the Arvada City Code (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)
2. CB23-015 An Ordinance Amending Various Sections of the Arvada City Code to Reflect the Change in Name from North Jeffco Park and Recreation to Apex Park and Recreation District (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)
3. CB23-016 An Ordinance Amending Subsection (i)(1)(vii), Sentencing Authority, Sentencing Options, Of Section 58-1, Jurisdiction and Powers of the Municipal Court, of Article I - In General, of Chapter 58, Municipal Court, of the Arvada City Code (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)
4. CB23-017 An Ordinance Repealing and Reenacting Section 2-211, Leasing of City-Owned Property, of Article VI, City Property, of Chapter 2,

- Administration, of The Arvada City Code (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)
5. CB23-018 An Ordinance Amending Certain Provisions Within the Land Development Code, of the Arvada City Code to Add the Zoning District, Commercial, Neighborhood (Public Hearing to be set for July 10, 2023 at 6:15 p.m.)

Mayor Pro Tem Jones moved that CB23-014, An Ordinance Repealing And Reenacting Section 62-39, Criminal Mischief, And Adding Sections 62-79, Criminal Tampering-Service, 62-80, Criminal Tampering-Property, 62-81 Criminal Liability of Business Entities, and 62-82, Criminal Liability of an Individual for Corporate Conduct, of Article II Miscellaneous Offenses, of Chapter 62, Offenses, to the Arvada City Code; CB23-015, An Ordinance Amending Various Sections of the Arvada City Code to Reflect the Change in Name from North Jeffco Park and Recreation to Apex Park and Recreation District; CB23-016, An Ordinance Amending Subsection (i)(1)(vii), Sentencing Authority, Sentencing Options, Of Section 58-1, Jurisdiction and Powers of the Municipal Court, of Article I - In General, of Chapter 58, Municipal Court, of the Arvada City Code; CB23-017, An Ordinance Repealing and Reenacting Section 2-211, Leasing of City-Owned Property, of Article VI, City Property, of Chapter 2, Administration, of The Arvada City Code; CB23-018, An Ordinance Amending Certain Provisions Within the Land Development Code, of the Arvada City Code to Add the Zoning District, Commercial, Neighborhood, be approved on first reading, ordered published in full, and a public hearing date be set for July 10, 2023 at 6:15 p.m.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Marriott, Moorman, Simpson, Smith

Those Absent: Fifer

The Motion was Approved

9. Other

- A. CP2023-0001, A Resolution by the Planning Commission for the City of Arvada, Colorado to Amend the 2014 Arvada Comprehensive Plan to Incorporate the New Town Sub-Area Plan

Rob Smetana, Acting Director of Community and Economic Development, reviewed this resolution with council.

Councilmember Marriott moved that CP2023-0001, A Resolution by the Planning Commission for the City of Arvada, Colorado to Amend the 2014 Arvada Comprehensive Plan to Incorporate the New Town Sub-Area Plan, be ratified and approved. This motion is based on the findings of fact adopted by Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Marriott, Moorman, Simpson, Smith

Those Absent: Fifer

The Motion was Approved

- B. CP2023-0002, A Resolution by the Planning Commission for the City of Arvada, Colorado to Amend the 2014 Arvada Comprehensive Plan to Incorporate the Northwest Arvada Sub-Area Plan

Rob Smetana, Acting Director of Community and Economic Development, reviewed this resolution with council.

Mayor Pro Tem Jones moved that CP2023-0002, A Resolution by the Planning Commission for the City of Arvada, Colorado to Amend the 2014 Arvada Comprehensive Plan to Incorporate the Northwest Arvada Sub-Area Plan, be approved. This motion is based on the findings of fact adopted by Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Marriott, Moorman, Simpson, Smith

Those Absent: Fifer

The Motion was Approved

- C. Appointments to the Olde Town Business Improvement District (BID) Board

Councilmember Marriott moved to Appoint Scott Spears, Deborah Hansen, Dwayne Cameron and Michael Griffith for three-year terms ending April 30, 2026.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Marriott, Moorman, Simpson, Smith

Those Absent: Fifer

The Motion was Approved

Councilmember Marriott moved to Appoint Steven Cohen to an unexpired one year term ending April 30, 2024.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Marriott, Moorman, Simpson, Smith

Those Absent: Fifer

The Motion was Approved

- D. Consideration of Motion to Call Up an Administratively Approved Application: In-N-Out Burger

Councilmember Moorman moved that DA2022-0072 and DA2022-0074, In and Out Burger Site Plan and Minor Subdivision be scheduled for a public hearing in city council in accordance with section 8.2.3-211J of the Land Development Code.

The following votes were cast on the Motion:

Those voting Yes: Moorman, Simpson, Smith

Those voting No: Williams Jones, Marriott

Those Absent: Fifer

The Motion failed

10. Public Hearings –

- A. CB23-011 An Ordinance Repealing and Reenacting Section 62-43, Fireworks, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, of the Arvada City Code (Ordinance No. 4844) (Presenter: Aaron Jacks, Sr. Asst. City Attorney)

Mayor Williams opened the public hearing for CB23-011.

Aaron Jacks, Sr. Asst. City Attorney, Director of Finance, reviewed this ordinance with council.

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

Councilmember Simpson moved that CB23-011, An Ordinance Repealing and Reenacting Section 62-43, Fireworks, of Article II, Miscellaneous Offenses, of Chapter 62, Offenses, of the Arvada City Code, be approved on final reading, numbered 4844 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Moorman, Simpson, Smith

Those voting No: Marriott

Those Absent: Fifer

The Motion was Approved

- B. CB23-012 An Ordinance Authorizing an Intergovernmental Agreement by and Between The City of Arvada and The Jefferson County School District Related to Campbell Elementary School and Oak Park (Ordinance No. 4845) (Presenter: Enessa Janes, Director of Vibrant Community and Neighborhoods)

Mayor Williams opened the public hearing for CB23-012.

Enessa James, Director of Vibrant Community and Neighborhoods, reviewed this ordinance with council.

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

Councilmember Simpson moved that CB23-012, An Ordinance Authorizing an Intergovernmental Agreement by and Between The City of Arvada and The Jefferson County School District Related to Campbell Elementary School and Oak Park, be approved on final reading, numbered 4845 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Marriott, Moorman, Simpson, Smith

Those Absent: Fifer

The Motion was Approved

- C. CB23-013 An Ordinance Rezoning Certain Land Within the City of Arvada, Candelas Point Infrastructure and Kiddie Academy, from City of Arvada PUD (Planned Unit Development) to City of Arvada CG (Commercial, General), and Amending the Official Zoning Maps of the City of Arvada, Colorado, 9265 Yucca Lane (Ordinance No. 4846) (Presenter: Rob Smetana, Acting Director of Community and Economic Development)

Mayor Williams opened the public hearing for CB23-013.

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: Brandon Dooling, Representing Applicant

Mayor Williams closed the public hearing.

Councilmember Moorman moved that CB2-013, An Ordinance Rezoning Certain Land Within the City of Arvada, Candelas Point Infrastructure and Kiddie Academy, from City of Arvada PUD (Planned Unit Development) to City of Arvada CG (Commercial, General), and Amending the Official Zoning Maps of the City of Arvada, Colorado, 9265 Yucca Lane, be approved on final reading, numbered 4846 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Williams, Jones, Marriott, Moorman, Simpson, Smith

Those Absent: Fifer

The Motion was Approved

11. Public Comment - Five Minute Limit – none
12. City Council Reports –
 - A. Councilmember Simpson invited everyone to the Stanley Lake Library on June 14 from 2/30-3:30 for a Listening Session for the planning of the 250th Anniversary of the United States and the 150th Anniversary of Colorado becoming a state.
13. City Manager Reports –
 - A. Lorie Gillis, City Manager, encouraged everyone to look at the new website, arvadaco.org and reviewed the upcoming Workshop schedule.
14. City Attorney Reports – none
15. Adjournment at 7:30 p.m.

Marc Williams, Mayor

SEAL:

City of Arvada

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Kristen R. Rush, City Clerk