



**SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD
JULY 10, 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

Councilmember Marriott 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

The following votes were cast on the Motion:

Those voting Yes: Jones, Feret, Fifer, Marriott, Moorman, Simpson

Those Absent: Williams

The Motion was Approved

1. Call to Order - 6:20 p.m.

This Arvada City Council meeting was a hybrid meeting using webinar technology. Mayor Pro Tem Jones, Councilmember Feret, Councilmember Fifer, Councilmember Marriott, Councilmember Moorman and Councilmember Simpson 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 Pro Tem David Jones, Councilmember Lisa Feret, Councilmember Bob Fifer, Councilmember John Marriott, Councilmember Randy Moorman and, Councilmember Lauren Simpson.

Those Absent: Marc Williams

Councilmember Fifer moved to excuse Mayor Williams from the meeting.

The following votes were cast on the Motion:

Those voting Yes: Jones, Feret, Fifer, Marriott, Moorman, Simpson

Those Absent: Williams

The Motion was Approved

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; Rob Smetana, Acting

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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 – June 5 and June 20, 2023

The minutes stand approved.

5. Recognition and Communication – none

6. Presentations – none

7. Public Comment –

- A. Alma Carrillo, Assistant to Congresswoman Brittany Pettersen, addressed council regarding Federal Agency issues and encouraged anyone to contact their offices if they need any assistance
- B. Nancy Tardy, Arvada resident, addressed council regarding composting and recycling in Arvada

8. New Business

A. Consent Agenda –

- 1. R23-055 A Resolution Authorizing A Canal Crossing Agreement by and Between the City of Arvada and The Farmers' High Line Canal and Reservoir Company at 72nd Avenue Approximately 200 Feet East of Kendrick Street, 2021 Water Main Improvement Project
- 2. R23-056 A Resolution Authorizing A Crossing Agreement by and between The City of Arvada and the Farmers' High Line Canal and Reservoir Company for a Water Line Crossing at the Intersection of Jellison Street and 73rd Avenue for Slip Lining
- 3. R23-057 A Resolution Authorizing a Crossing Agreement by and between the City of Arvada and the Farmers' High Line Canal And Reservoir Company for Bridge Railing Replacement Along Alkire Street at West 80th Avenue
- 4. R23-058 A Resolution Authorizing an Agreement by and between the City of Arvada and Oldcastle SW Group, Inc. dba APC Construction Co. for Project No. 23-ST-01E Kipling Parkway Pavement Resurfacing in an Amount Not to Exceed \$652,727.00
- 5. R23-059 A Resolution Declaring the Intent of the City of Arvada To Issue Multifamily Housing Revenue Bonds (PABs) to Marshall Pointe Apartments For The Benefit of LowAnd Middle-Income Families or Persons and Authorizing Carryforward Allocation

Councilmember Marriott moved that R23-055, A Resolution Authorizing A Canal Crossing Agreement by and Between the City of Arvada and The Farmers' High Line Canal and Reservoir Company at 72nd Avenue Approximately 200 Feet East of Kendrick Street, 2021 Water Main Improvement Project; R23-056, A Resolution Authorizing A Crossing Agreement by and between The City of Arvada and the Farmers' High Line Canal and Reservoir Company for a Water Line Crossing at the Intersection of Jellison Street and 73rd Avenue for Slip Lining; R23-057, A Resolution Authorizing a Crossing Agreement by and between the City of Arvada and the Farmers' High Line Canal And Reservoir Company for Bridge Railing Replacement Along Alkire Street at West 80th Avenue; R23-058, A Resolution Authorizing an Agreement by and between the City of Arvada and Oldcastle SW Group, Inc. dba APC Construction Co. for Project No. 23-ST-01E

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Kipling Parkway Pavement Resurfacing in an Amount Not to Exceed \$652,727.00; R23-059, A Resolution Declaring the Intent of the City of Arvada To Issue Multifamily Housing Revenue Bonds (PABs) to Marshall Pointe Apartments For The Benefit of Low And Middle-Income Families or Persons and Authorizing Carryforward Allocation, be approved.

The following votes were cast on the Motion:

Those voting Yes: Jones, Feret, Fifer, Marriott, Moorman, Simpson

Those Absent: Williams

The Motion was Approved

B. Resolutions –

1. R23-060 A Resolution Granting The General Contractor Agreement for Phase II construction services for the Meyer’s Pool Replacement Project to Saunders Construction LLC based on the Initial Guaranteed Maximum Price (“IGMP”) of \$38,240,799 (Presenter: Bryan Archer, Finance Director)

Bryan Archer, Finance Director, reviewed this resolution with council.

Councilmember Moorman moved that R23-060, A Resolution Granting The General Contractor Agreement for Phase II construction services for the Meyer’s Pool Replacement Project to Saunders Construction LLC based on the Initial Guaranteed Maximum Price (“IGMP”) of \$38,240,799, be approved.

The following votes were cast on the Motion:

Those voting Yes: Jones, Feret, Fifer, Marriott, Moorman, Simpson

Those Absent: Williams

The Motion was Approved

2. R23-061 A Resolution Authorizing the City of Arvada to Opt-In to Proposition 123 (Presenter: Carrie Espinosa, Manager of Housing Preservation and Resources)

Samantha Bradley, Affordable Housing Development Specialist, reviewed this resolution with council.

Councilmember Feret moved that R23-061, A Resolution Authorizing the City of Arvada to Opt-In to Proposition 123, be approved.

The following votes were cast on the Motion:

Those voting Yes: Jones, Feret, Fifer, Marriott, Moorman, Simpson

Those Absent: Williams

The Motion was Approved

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C. Ordinances (First Reading) –

1. CB23-019 An Ordinance Authorizing an Intergovernmental Agreement By and Among Apex Park and Recreation District, Jefferson County School District R-1 ("JCSD"), and the City of Arvada for JCSD's Priority Use of the George J. Meyers Swimming Center Replacement Facility (Public Hearing to be set for August 7, 2023 at 6:15 p.m.)

Councilmember Fifer moved that CB23-019, An Ordinance Authorizing an Intergovernmental Agreement By and Among Apex Park and Recreation District, Jefferson County School District R-1 ("JCSD"), and the City of Arvada for JCSD's Priority Use of the George J. Meyers Swimming Center Replacement Facility, be approved on first reading, ordered published in full, and a public hearing date be set for August 7, 2023 at 6:15 p.m.

The following votes were cast on the Motion:

Those voting Yes: Jones, Feret, Fifer, Marriott, Moorman, Simpson

Those Absent: Williams

The Motion was Approved

9. Other - none

10. Public Hearings –

- H. Candelas Filing No. 1, Amendment No.4 Planned Unit Development (PUD) from the Land Development Code generally located north of Candelas Parkway and McIntyre Street, bounded by West 93rd Place and Kilmer Way, in the City of Arvada, CO. (Presenter: Rob Smetana, Acting Director of Community and Economic Development) The applicant has requested a continuance
- I. Candelas Filing No. 1, Amendment No.4 Major Subdivision Preliminary Plat from the Land Development Code generally located north of Candelas Parkway and McIntyre Street, bounded by West 93rd Place and Kilmer Way, in the City of Arvada, CO. (Presenter: Rob Smetana, Acting Director of Community and Economic Development) The applicant has requested a continuance

Mayor Pro Tem Jones opened the public hearing on Candelas Filing No. 1, Amendment No.4 Planned Unit Development and Candelas Filing No. 1, Amendment No.4 Major Subdivision Preliminary Plat.

Marcus Pachner, Representing the applicant requested a continuance to August 14.

Councilmember Marriott moved to continue the public hearing on Candelas Filing No. 1, Amendment No.4 Planned Unit Development (PUD) from the Land Development Code generally located north of Candelas Parkway and McIntyre Street, bounded by West 93rd Place and Kilmer Way, in the City of Arvada, CO. (Presenter: Rob Smetana, Acting Director of Community and Economic Development), to August 14, 2023 at 6:15 p.m.

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The following votes were cast on the Motion:

Those voting Yes: Jones, Feret, Fifer, Marriott, Moorman, Simpson

Those Absent: Williams

The Motion was Approved

Councilmember Marriott moved to continue Candelas Filing No. 1, Amendment No.4 Major Subdivision Preliminary Plat from the Land Development Code generally located north of Candelas Parkway and McIntyre Street, bounded by West 93rd Place and Kilmer Way, in the City of Arvada, CO. (Presenter: Rob Smetana, Acting Director of Community and Economic Development), to August 14,

The following votes were cast on the Motion:

Those voting Yes: Jones, Feret, Fifer, Marriott, Moorman, Simpson

Those Absent: Williams

The Motion was Approved

- A. 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 (Ordinance No. 4847) (Presenter: Emily Grogg, Sr. Asst. City Attorney)

Mayor Pro Tem Jones opened the public hearing on CB23-014.

Emily Grogg, Senior Assistant City Attorney, reviewed this ordinance with council.

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

Councilmember Simpson 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, be approved on final reading, numbered 4847 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Jones, Feret, Fifer, Marriott, Moorman, Simpson

Those Absent: Williams

The Motion was Approved

- B. 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 (Ordinance No. 4848) (Presenter: Emily Grogg, Sr. Asst. City Attorney)

Mayor Pro Tem Jones opened the public hearing on CB23-015.

Emily Grogg, Senior Assistant City Attorney, reviewed this ordinance with council.

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

Councilmember Fifer moved that 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, be approved on final reading numbered 4848 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Jones, Feret, Fifer, Marriott, Moorman, Simpson

Those Absent: Williams

The Motion was Approved

- C. 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 (Ordinance No. 4849) (Presenter: Kylie Justus, Asst. City Attorney)

Mayor Pro Tem Jones opened the public hearing on CB23-016.

Kylie Justus, Assistant City Attorney, reviewed this ordinance with council.

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

Councilmember Feret moved that 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, be approved on final reading, numbered 4849 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Jones, Feret, Fifer, Marriott, Moorman, Simpson

Those Absent: Williams

The Motion was Approved

- D. 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 (Ordinance No. 4850) (Presenter: Laura Hemler, Asst. City Attorney)

Mayor Pro Tem Jones opened the public hearing on CB23-016.

Laura Hemler, Assistant City Attorney, reviewed this ordinance with council.

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

Councilmember Moorman moved that 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, be approved on final reading, numbered 4850 and ordered published by title only.

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The following votes were cast on the Motion:

Those voting Yes: Jones, Feret, Fifer, Marriott, Moorman, Simpson

Those Absent: Williams

The Motion was Approved

- E. A Major Modification from the Land Development Code to increase the maximum height allowed for a solid fence in the front setback to six feet when LDC Division 4-7-2 restricts the height of solid fences in the front yard to three feet generally located at 5618 W 64th Ave., Arvada, CO (Presenter: Rob Smetana, Acting Director of Community and Economic Development)

Mayor Pro Tem Jones opened the public hearing.

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 Pro Tem Jones made them a part of the official record, along with the staff report.

Sworn Testimony: Zack Mahone, Representing Applicant

Mayor Pro Tem Jones closed the public hearing.

Councilmember Marriott moved that A Major Modification from the Land Development Code to increase the maximum height allowed for a solid fence in the front setback to six feet when LDC Division 4-7-2 restricts the height of solid fences in the front yard to three feet generally located at 5618 W 64 th Ave., Arvada, CO, be approved. This motion is based on the Findings of Fact by Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Jones, Feret, Fifer, Marriott, Moorman, Simpson

Those Absent: Williams

The Motion was Approved

- F. CP2023-0005 A Resolution By The Planning Commission For The City Of Arvada, Colorado To Amend The 2014 Arvada Comprehensive Plan Land Use Designation Pertaining To Commercial, Neighborhood (CN) Zoning District. (Presenter: Rob Smetana, Acting Director of Community and Economic Development)
- G. CB23-018 An Ordinance Amending Certain Provisions Within the Land Development Code, of the Arvada City Code to Add the Zoning District, Commercial, Neighborhood (Ordinance No. 4851) (Presenter: Rob Smetana, Acting Director of Community and Economic Development)

Mayor Pro Tem Jones opened the public hearing on CP2023-0005 and CB23-018.

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

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

Councilmember Simpson moved that CP2023-0005, A Resolution By The Planning Commission For The

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City Of Arvada, Colorado To Amend The 2014 Arvada Comprehensive Plan Land Use Designation Pertaining To Commercial, Neighborhood (CN) Zoning District, be ratified. This motion is based on the findings of fact and approval criteria on Page 2 of the Staff Report.

The following votes were cast on the Motion:

Those voting Yes: Jones, Feret, Fifer, Marriott, Moorman, Simpson

Those Absent: Williams

The Motion was Approved

Councilmember Simpson moved that 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 final reading, numbered 4851 and ordered published by title only. 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: Jones, Feret, Fifer, Marriott, Moorman, Simpson

Those Absent: Williams

The Motion was Approved

11. Public Comment - Five Minute Limit –
 - A. Pete Simon, Arvada resident, addressed council regarding the fireworks ordinance.
12. City Council Reports –
 - A. Councilmember Fifer asked about providing needle disposal sites.
 - B. Councilmember Moorman invited everyone to his District 1 potluck on July 15 from 2-4 p.m. at Firefighter Park.
13. City Manager Reports – none
14. City Attorney Reports –
 - A. Rachel Morris thanked her staff for all of their hard work.
15. Adjournment at 7:35 p.m.

David Jones

David Jones, Mayor Pro Tem

SEAL:

Kristen Rush

Kristen R. Rush, City Clerk

