



**SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD
FEBRUARY 5, 2018**

1. Executive Session – Third Floor Conference Room
 - A. Personnel Matter, Pursuant to C.R.S. 24-6-402(4)(f) related to recruitment of the Police Chief

Councilmember Miller moved to go into Executive Session for a Personnel Matter, Pursuant to C.R.S. 24-6-402(4)(f) related to recruitment of the Police Chief.

The following votes were cast on the Motion:

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

The Motion was Approved

1. Call to Order – 6:00 p.m. – Council Chambers
2. Moment of Reflection and Pledge of Allegiance
3. Roll Call of Councilmembers

Those Present: Mayor Williams, Mayor Pro Tem John Marriott, Councilmember Bob Fifer, Councilmember Nancy Ford, Councilmember David Jones, Councilmember Mark McGoff, Councilmember Dot Miller

Also present were: Mark Deven, City Manager; Lorie Gillis, Deputy City Manager, Chris Daly, City Attorney; Bob Manwaring, Director of Public Works; Rita McConnell, Director of Community Development; Bryan Archer, Director of Finance and Kristen Rush, City Clerk.

4. Approval of Minutes of the January 22, 2018, City Council Meeting

The minutes stand approved.

5. Petitions, Recognitions and Communications -

- A. Recognition of Pickleball Ken Marquardt – presented by Councilmember Miller

Councilmember Miller said the annual Pickleball for Heroes Tournament benefits Colorado veterans living with traumatic brain injury (TBI). Each year the event has grown. In 2017 the tournament raised nearly \$70,000 which was donated to Operation TBI Freedom, a program of Craig Hospital.

An event like this requires much time and effort to run successfully. In large part, Ken Marquardt is the reason for its success.

Council would like to recognize Mr. Marquardt for his commitment to the fundraiser and the sport of pickleball.

6. Public Comment –
 - A. Tracy Palumbo and Jennifer Kemps, Arvada Festivals Committee, updated council on activities of the committee
 - B. Sharon Davis, Arvada Parks Advisory Committee, updated council on activities of the committee
 - C. Debbie Whilstone Representing Shrine of St. Anne School, thanked Mayor Pro Tem Marriott for speaking at the school
 - D. Brian Newton, new Arvada Resident, thanked council for the parks, trails and open space in Arvada and inquired what the per mile cost is for trails.

7. New Business
 - A. Consent Agenda
 1. R18-014 A Resolution Accepting an Annexation Petition Concerning Arvada Dental, Southwest of W. 64th and Indiana Street, Finding Said Petition Substantially Compliant with C.R.S. 31-12-107(1), and Setting a Public Hearing for March 5, 2018, 6:30 P.M. at Arvada City Hall for City Council to Determine Whether the Area Meets the Requirements of C.R.S. 31-12-104 and 105, and is Considered Eligible for Annexation
 2. R18-015 A Resolution Accepting an Annexation Petition Concerning Apex Estates, 12903 W. 72nd Avenue, Finding Said Petition Substantially Compliant with C.R.S. 31-12-107(1), and Setting a Public Hearing for March 5, 2018, 6:30 P.M. at Arvada City Hall for City Council to Determine Whether the Area Meets the Requirements of C.R.S. 31-12-104 and 105, and is Considered Eligible for Annexation
 3. R18-016 A Resolution Accepting an Annexation Petition Concerning Ralston Ridge, 7120 and 7000 Indiana Street, Finding Said Petition Substantially Compliant with C.R.S. 31-12-107(1), and Setting a Public Hearing for March 19, 2018, 6:30 P.M. at Arvada City Hall for City Council to Determine Whether the Area Meets the Requirements of C.R.S. 31-12-104 and 105, and is Considered Eligible for Annexation
 4. R18-017 A Resolution Authorizing Change Order No. 3 to a Construction Contract by and between the City of Arvada and Triple M Construction, LLC in the Amount of \$153,985.59 for 2017 Concrete Replacement, Project No. 17-ST-10
 5. R18-018 A Resolution Authorizing a Renewal and Amendment to a Construction Contract by and between the City of Arvada and Precise Striping, LLC, in the Amount of \$420,350.00 for 2018 Crack Seal Project No. 18-ST-03
 6. R18-019 A Resolution Authorizing a Renewal and Amendment to a Construction Contract by and between the City of Arvada and Triple M Construction, LLC, in the Amount of \$1,900,113.64 for 2018 Concrete Replacement, Project No. 18-ST-10
 7. R18-020 A Resolution Authorizing a Construction Contract by and between the City of Arvada and Brannan Construction Company, in the Amount of \$723,008.20 for the 2017 Open Cut Sanitary Sewer Main Replacement, Project No. 17-SR-01

Councilmember Fifer moved that R18-014, A Resolution Accepting an Annexation Petition Concerning Arvada Dental, Southwest of W. 64th and Indiana Street, Finding Said Petition Substantially Compliant with C.R.S. 31-12-107(1), and Setting a Public Hearing for March 5, 2018, 6:30 P.M. at Arvada City Hall for City Council to Determine Whether the Area Meets the Requirements of C.R.S. 31-12-104 and 105, and is Considered Eligible for Annexation; R18-015, A Resolution Accepting an Annexation Petition Concerning Apex Estates, 12903 W. 72nd Avenue, Finding Said Petition Substantially Compliant with C.R.S. 31-12-107(1), and Setting a Public Hearing for March 5, 2018, 6:30 P.M. at Arvada City Hall for City Council to Determine Whether the Area Meets the Requirements of C.R.S. 31-12-104 and 105, and is Considered Eligible for Annexation; R18-016, A Resolution Accepting an Annexation Petition Concerning Ralston Ridge, 7120 and 7000 Indiana Street, Finding Said Petition Substantially Compliant with C.R.S. 31-12-107(1), and Setting a Public Hearing for March 19, 2018, 6:30 P.M. at Arvada City Hall for City Council to Determine Whether the Area Meets the Requirements of C.R.S. 31-12-104 and 105, and is Considered Eligible for Annexation; R18-017, A Resolution Authorizing Change Order No. 3 to a Construction Contract by and between the City of Arvada and Triple M Construction, LLC in the Amount of \$153,985.59 for 2017 Concrete Replacement, Project No. 17-ST-10; R18-018, A Resolution Authorizing a Renewal and Amendment to a Construction Contract by and between the City of Arvada and Precise Striping, LLC, in the Amount of \$420,350.00 for 2018 Crack Seal Project No. 18-ST-03; R18-019, A Resolution Authorizing a Renewal and Amendment to a Construction Contract by and between the City of Arvada and Triple M Construction, LLC, in the Amount of \$1,900,113.64 for 2018 Concrete Replacement, Project No. 18-ST-10; R18-020, A Resolution Authorizing a Construction Contract by and between the City of Arvada and Brannan Construction Company, in the Amount of \$723,008.20 for the 2017 Open Cut Sanitary Sewer Main Replacement, Project No. 17-SR-01, be approved.

The following votes were cast on the Motion:

Those voting Yes: Williams, Marriott, Fifer, Ford, Jones, McGoff, Miller
The Motion was Approved

B. Ordinances (First Reading)

1. CB18-003 An Ordinance Annexing Certain Land Into the City of Arvada, Arvada Dental, Southwest of W. 64th and Indiana Street (Public Hearing to be set for March 5, 2018 at 6:30 p.m.)
2. CB18-004 An Ordinance Rezoning Certain Land Within the City of Arvada, Arvada Dental, from Jefferson County A-2 (Agriculture) to City of Arvada P-1 (Professional Office), and Amending the Official Zoning Maps of the City of Arvada, Colorado, Southwest of W. 64th & Indiana Street (Public Hearing to be set for March 5, 2018 at 6:30 p.m.)
3. CB18-005 An Ordinance Annexing Certain Land Into the City of Arvada, Apex Estates, 12903 W. 72nd Avenue (Public Hearing to be set for March 5, 2018 at 6:30 p.m.)
4. CB18-006 An Ordinance Rezoning Certain Land Within the City of Arvada, Apex Estates, from Jefferson County A-2 (Agriculture) to City of Arvada PUD-R (Planned Unit Development-Residential), 4 du/ac., and Amending the Official Zoning Maps of the City of Arvada, Colorado, 12903 W. 72nd Avenue (Public Hearing to be set for March 5, 2018 at 6:30 p.m.)

5. CB18-007 An Ordinance Repealing and Reenacting Chapter 82, Purchasing and Contracts, of the Arvada City Code (Public Hearing to be set for March 5, 2018 at 6:30 p.m.)

Mayor Pro Tem Marriott moved that CB18-003, An Ordinance Annexing Certain Land Into the City of Arvada, Arvada Dental, Southwest of W. 64th and Indiana Street; CB18-004, An Ordinance Rezoning Certain Land Within the City of Arvada, Arvada Dental, from Jefferson County A-2 (Agriculture) to City of Arvada P-1 (Professional Office), and Amending the Official Zoning Maps of the City of Arvada, Colorado, Southwest of W. 64th & Indiana Street; CB18-005, An Ordinance Annexing Certain Land Into the City of Arvada, Apex Estates, 12903 W. 72nd Avenue; CB18-006, An Ordinance Rezoning Certain Land Within the City of Arvada, Apex Estates, from Jefferson County A-2 (Agriculture) to City of Arvada PUD-R (Planned Unit Development-Residential), 4 du/ac., and Amending the Official Zoning Maps of the City of Arvada, Colorado, 12903 W. 72nd Avenue; CB18-007, An Ordinance Repealing and Reenacting Chapter 82, Purchasing and Contracts, of the Arvada City Code, be approved on first reading, ordered published in full, and a public hearing date be set March 5, 2018 at 6:30 p.m.

The following votes were cast on the Motion:

Those voting Yes: Williams, Marriott, Fifer, Ford, Jones, McGoff, Miller
The Motion was Approved

8. Other
A. Appointments to the Olde Town Business Improvement District Board

Councilmember Ford moved to appoint Scott Spears, Lori Drienka, Debbie Hansen, Brandon Capps, Antonia Pappas and Deborah Pearson to the Olde Town Arvada Business Improvement District.

The following votes were cast on the Motion:

Those voting Yes: Williams, Marriott, Fifer, Ford, Jones, McGoff, Miller
The Motion was Approved

9. Public Hearings – 6:30 p.m.

- A. CB18-001 An Ordinance Adding Subsection 2.2.12 (Certificates of Compliance with Design Guidelines), and Amending Subsections 1.7.8 (Mandatory and Discretionary Terms), 2.4.20 (Certificates of Compliance with Design Guidelines), and Various Subsections of Section 3.30 (Certificates of Compliance with Design Guidelines), and Section 10.3 (Definition of Words, Terms, and Phrases), of the Land Development Code, Such Amendments Pertaining Generally to the Reno Park Addition Historic District Design Guidelines (Ordinance No. 4619)

Mayor Williams opened the public hearing on CB-001.

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

Mayor Williams swore those in wishing to speak.

Sworn Testimony: Ray Sandoval, Arvada Resident, for the issue

Kelly Eargle, Arvada Resident, for the issue

Did not speak/for the issue: Sharon England, Arvada Resident
Deanell Sandoval, Arvada Resident
Alison Maltese, Arvada Resident

Mayor Williams closed the public comment portion of the public hearing.

Councilmember Ford moved that CB18-001, An Ordinance Adding Subsection 2.2.12 (Certificates of Compliance with Design Guidelines), and Amending Subsections 1.7.8 (Mandatory and Discretionary Terms), 2.4.20 (Certificates of Compliance with Design Guidelines), and Various Subsections of Section 3.30 (Certificates of Compliance with Design Guidelines), and Section 10.3 (Definition of Words, Terms, and Phrases), of the Land Development Code. Such Amendments Pertaining Generally to the Reno Park Addition Historic District Design Guidelines, be approved on final reading, numbered 4619, and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Williams, Marriott, Fifer, Ford, Jones, McGoff, Miller
The Motion was Approved

- B. CB18-002 An Ordinance Authorizing a Memorandum of Understanding Concerning Withdrawal Management Services between the County of Jefferson, State of Colorado, the Cities of Arvada, Edgewater, Golden, Lakewood, Wheat Ridge, and Westminster, and Jefferson Center for Mental Health, in the Amount of \$107,100.00 for Calendar Year 2018 (Ordinance No. 4620)

Mayor Williams opened the public hearing on CB18-002.

Rita McConnell, Director of Community Development, 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.

Mayor Williams swore those in wishing to speak.

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

Mayor Williams closed the public comment portion of the public hearing.

Councilmember Jones moved that CB18-002, An Ordinance Authorizing a Memorandum of Understanding Concerning Withdrawal Management Services between the County of Jefferson, State of Colorado, the Cities of Arvada, Edgewater, Golden, Lakewood, Wheat Ridge, and Westminster, and Jefferson Center for Mental Health, in the Amount of \$107,100.00 for Calendar Year 2018, be approved on final reading, numbered 4620 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Williams, Marriott, Fifer, Ford, Jones, McGoff, Miller
The Motion was Approved

C. Candelas Commercial Flg. 2 Preliminary Plat, 15207 Candelas Parkway

Mayor Williams opened the public hearing on Candelas Commercial Flg. 2 Preliminary Plat, 15207 Candelas Parkway.

Rita McConnell, Director of Community Development, 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.

Mayor Williams swore those in wishing to speak.

Sworn Testimony: Brandon McCary, Representing Applicant

Mayor Williams closed the public comment portion of the public hearing.

Councilmember Fifer moved that Candelas Commercial Flg. 2 Preliminary Plat, 15207 Candelas Parkway, be approved subject to the attached updated conditions of approval. 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, Marriott, Fifer, Ford, Jones, McGoff, Miller
The Motion was Approved

D. Bear Electric Preliminary Development Plan, 6762 Fig Street

Mayor Williams opened the public hearing on Bear Electric Preliminary Development Plan, 6762 Fig Street.

Rita McConnell, Director of Community Development, 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.

Mayor Williams swore those in wishing to speak.

Sworn Testimony: Patrick Gunn, Representing Applicant

Mayor Williams closed the public comment portion of the public hearing.

Councilmember Jones moved that Bear Electric Preliminary Development Plan, 6762 Fig St., be approved subject to the attached updated conditions of approval. 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, Marriott, Fifer, Ford, Jones, McGoff, Miller
The Motion was Approved

E. Starbucks Preliminary Development Plan, 6380 McIntyre Street

Mayor Williams opened the public hearing on Starbucks Preliminary Development Plan, 6380 McIntyre Street.

Rita McConnell, Director of Community Development, 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.

Mayor Williams swore those in wishing to speak.

Sworn Testimony: Cindi Pedrioli, Representing Applicant
Sylvia Lopo, Representing Applicant
Patricia Glover, Arvada Resident, against the issue
Jamison Hull, Arvada Resident, against the issue
Howard Small, Arvada Resident, against the issue
Barry Teter, Arvada Resident, against the issue

Mayor Williams closed the public comment portion of the public hearing.

Councilmember Jones moved that Starbucks Preliminary Development Plan, 6380 McIntyre Street, be approved subject to the attached updated conditions of approval. 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, Marriott, Fifer, Ford, Jones, McGoff

Those voting No: Miller

The Motion was Approved

F. Public Storage at Wild Grass Commercial No. 1 Preliminary Development Plan, 14769 W. 87th Parkway

Mayor Williams said *The first thing I want to talk about, we are going to explain the nature of, and establish, as I said, set some ground rules for this public hearing. With respect to the Preliminary Development Plan, the city council is going to take some testimony and other evidence, and then make its determination on the PDP based solely on the testimony and evidence that is relevant to specific approval criteria set out in the Land Development Code. I will get to the relevant approval criteria in a moment.*

Speakers tonight should keep that in mind and address their comments to whether the applicable approval criteria have been met by the applicant's proposal. City Council's decision will not turn on whether self-storage, as a land-use, is appropriate in the City, or in this particular zoning district, or on this particular site. This is because self-storage is an allowed use by right in the zoning district in which this application is made. Rather, City Council's decision will be based upon whether the applicable approval criteria for a Preliminary Development Plan have been met, when applied to the evidence presented at this hearing. The proposed use is only relevant to the extent that the PDP approval criteria make it a consideration. That is what we are required by law to base our decision on.

So the approval criteria that is going to govern the City Council's deliberations and decisions tonight are as follows:

1. *The PUD Preliminary Development Plan is consistent with the Comprehensive Plan or reflects conditions that have changed since the adoption of the Comprehensive Plan;*
2. *The PUD Preliminary Development Plan is consistent with any previously approved Outline Development Plan in effect;*
3. *The PUD Preliminary Development Plan addresses a unique situation, confers a substantial benefit to the City, or incorporates creative site design such that it achieves the purposes set out in §4.10.1 [of the Land Development Code] and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. This may include but is not limited to improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments;*
4. *The PUD Preliminary Development Plan complies with all applicable use, development, and design standards set forth in the Land Development Code that are not otherwise modified or waived;*
5. *The PUD Preliminary Development Plan is consistent with and implements the intent of the specific PUD district, and shall comply with all applicable threshold standards and PUD development/design standards set forth in §4.10;*
6. *To the extent reasonably feasible, the PUD Preliminary Development Plan provides for integration and connection with adjacent development through street connections, sidewalks, trails and similar features;*
7. *To the extent reasonably feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;*
8. *Sufficient public safety, transportation, and utility facilities and services will, prior to development, be available to serve the subject property, while maintaining sufficient levels of service to existing development; and*
9. *The proposed uses are compatible within the PUD and with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).*

That, then, is the criteria that we are legally bound by in governing this hearing and our decision with respect to the Preliminary Development Plan, and those wishing to speak tonight should direct their testimony to the matter of whether this proposal meets or does not meet those criteria.

Also, and, I know you are very civilized folks that are here tonight. We had a public hearing a couple weeks ago that got pretty nasty. It was a public hearing where we up here, couldn't

hear what was going on out there. Frankly there was some sniping; some inappropriate comments and statements that made people feel uncomfortable. This is a room where people should feel comfortable. It is very important that everyone has their opportunity to speak their peace, be it the applicant, be it those in favor of the application, those being opposed to the application. I know I can count on each and every one of you to maintain that kind of decorum and frankly, if any of you feel, at any junction during this hearing, that that is being breached. That there is someone in the audience who is being disruptive, who is making inappropriate comments, please bring it to my attention and we will address it. I don't expect that to happen tonight. I know that, and I appreciate each and every one of you for being here, so I know that we will have a nice opportunity to hear from each and every one of you, pro or con, and hear your observations, please remember what we have to consider in making our decision.

Finally, members of City Council have been contacted by a number of citizens who have expressed their personal views on this application. City Council members are required to keep an open mind and to reach a decision only after all of the evidence is presented during the public hearing. I would invite each Council member to take this opportunity to make a record as to this issue, as they deem appropriate. Mr. McGoff, do you wish to...

Councilmember McGoff: Yes, thank you, I'll go ahead and make a comment on that. I don't believe I've been contacted in person or by telephone by anyone concerning this application. If I have, it certainly has slipped my memory completely but I don't think that I have been contacted at all. All of my contacts have been through e-mails, primarily and through the correspondence that has been forwarded to the city staff and that has primarily through the e-mail. Additionally, I read through all of the documents here, including the very lengthy, in terms of numbers, 737 names with summary comments from those, mostly in opposition, to the proposal but some in favor. That has been my contact and I feel very strongly, that I can make an impartial and non-prejudicial decision concerning this application.

Councilmember Ford: I have been contacted only through emails and I come to this meeting with an open mind.

Councilmember Fifer: I've been contacted by email and phone as well just to listen to the citizens but have not made any determination until this hearing.

Mayor Pro Tem Marriott: I've been contacted by a number of people a number of different ways. I have not pre-judged this in any way and look forward to the public hearing to make a decision.

Councilmember Miller: I have been contacted by phone, by email and in person and have come this evening with an open mind.

Councilmember Jones: I too have been contacted by phone, by email and in person, I've visited the site, I've walked the site with members of the community that live in that area, I've talked with the staff and come tonight with an open mind and ready to listen.

Mayor Williams: I will echo the comments of the other councilmembers. These are really difficult because you elect us, as citizens and you expect to be able to approach us and speak your mind and tell us on a given subject but in these kinds of hearings, which are quasi-judicial, we are sitting as if we are the judge and jury to some extent in terms of making decisions and that is why we have a process where everyone is sworn in. This is a formal proceeding and we do have to maintain that objectivity so that we truly do make the decision tonight after we have heard all of the evidence. I am so proud of this city council, in it's professionalism, in making sure that we don't do back room deals. These are all situations where we come here, we hear what is being said and what's being proposed and that's where we then make our decision. So it's not like four of us have gotten together and said ok, now if you'll do this, I'll do this on this project and make deal makings that make that happen. That is not how we operate and I'm very proud of that that's the way we operate.

Rita McConnell, Director of Community Development, reviewed the proposal with council and stated that the posting logs and mailing affidavit have been received and is in order. Mayor Williams made them a part of the official record, along with the staff report.

Mayor Williams swore those in wishing to speak.

Sworn Testimony: Alicia Rhymer, Representing Applicant
 Zell Cantrell, Representing Applicant
 Peggy Wagner, Arvada Resident, against the issue
 Ed Rothschild, Arvada Resident, against the issue
 Nicolasa Gomez, Arvada Resident, against the issue
 Eileen Gomez, Arvada Resident, against the issue
 Sue Thornquist, Arvada Resident, against the issue
 John Giardino, Arvada Resident, against the issue
 Deirdre Pallan, Arvada Resident, against the issue
 Jack Roberts, Arvada Resident, against the issue
 Ron DiGiorgio, Arvada Resident, against the issue
 Tawnia Soerensen, Arvada Resident, against the issue
 Dan Matoula, Representing Applicant

Mayor Williams closed the public comment portion of the public hearing.

Councilmember McGoff moved that Public Storage at Wild Grass Commercial No. 1 Preliminary Development Plan, 14769 W. 87th Parkway, be approved. This motion is based on the findings of fact and approval criteria on Pages 9, 10, & 11 of the staff report.

The following votes were cast on the Motion:

Those voting Yes: McGoff

Those voting No: Williams, Marriott, Fifer, Ford, Jones, Miller

The Motion Failed

9. Public Comment – Five Minute Limit - none
10. Reports from City Council –

Mayor Williams noted the passing of long term employee, Gary Hammond.

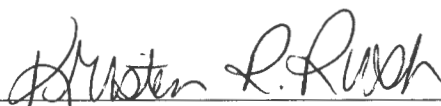
Councilmember Ford encouraged everyone to visit the Arvada Center.

Councilmember Marriott discussed the ADCOG meeting he attended.

11. City Manager Reports - None
12. City Attorney Reports - None
13. Adjournment at 10:45 p m.



SEAL:



Kristen R. Rush, City Clerk



Marc Williams, Mayor