



**SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD  
AUGUST 5, 2019**

1. Executive Session – Third Floor Conference Room
  - A. Instructions to Negotiators, Pursuant to CRS 24-6-402(4)(e) Relating to Comcast

Councilmember Miller moved to go into Executive Session Instructions to Negotiators, Pursuant to CRS 24-6-402(4)(e) Relating to Comcast

The following votes were cast on the Motion:

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

Those Absent: Ford

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 Marc Williams, Mayor Pro Tem John Marriott, Councilmember Bob Fifer, Councilmember David Jones, Councilmember Mark McGoff, Councilmember Dot Miller.

Councilmember Fifer moved to excuse Councilmember Ford from the meeting.

The following votes were cast on the Motion:

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

Those Absent: Ford

The Motion was Approved

Also present were: Mark Deven, City Manager; Rachel Morris, Interim City Attorney; Bryan Archer, Director of Finance; Don Wick, Director of Public Works; Sharon Israel, Director of Utilities; Ryan Stachelski, Director of Community and Economic Development; and Kristen Rush, City Clerk.

4. Approval of Minutes of the July 8, and July 15, 2019, City Council Meetings

The minutes stand approved.

5. Public Comment –
  - A. Bruce Straughan, Arvada resident, addressed council regarding waste hauling.
  - B. Matthew Wilks, Arvada resident, addressed council regarding short term rentals.
  - C. Jeff Staniszewski, Arvada resident, addressed council regarding the 80<sup>th</sup> & Indiana intersection and Alpha Radiation.
  - D. Scott Staley, representing the Arvada Historical Society, reviewed the group's events during 2018 and 2019.

6. New Business

A. Consent Agenda

1. R19-065 A Resolution Approving an Employment Agreement By and Between the City of Arvada and Rachel Morris as Acting City Attorney
2. R19-066 A Resolution Accepting an Annexation Petition Concerning Arvada Fire Station #9, Generally Located Immediately West of 8001 Simms Street, Finding Said Petition Substantially Compliant with C.R.S. 31-12-107(1), and Setting a Public Hearing for September 16, 2019, 6:15 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. R19-067 A Resolution Authorizing a License Agreement By and Between the City of Arvada and Hillside Cottages, LLC for the Grant of a Revocable Encroachment License to Install a Deck within a Utility and Drainage Easement Located on Lot 5, Block 2, Hillside Cottages Amendment No. 1
4. R19-068 A Resolution Authorizing a License Agreement By and Between the City of Arvada and Stephen John Cator and Linda Cator for the Grant of a Revocable Encroachment License to Install a Deck within a Utility and Drainage Easement Located on Lot 6, Block 2, Hillside Cottages Amendment No. 1
5. R19-069 A Resolution Authorizing a License Agreement By and Between the City of Arvada and Michael J. Dawson and Heidi Dawson for the Grant of a Revocable Encroachment License to Install a Deck Within a Utility and Drainage Easement Located on Lot 7, Block 2, Hillside Cottages Amendment No. 1
6. R19-070 A Resolution Authorizing a License Agreement By and Between the City of Arvada and Palmer Holdings, LLC for the Grant of a Revocable Encroachment License to Install a Deck within a Utility and Drainage Easement Located on Lot 8, Block 2, Hillside Cottages Amendment No. 1
7. R19-071 A Resolution Authorizing a Wireless Communications Facilities Master License Agreement By and Between the City of Arvada and AT&T, for the Purpose of Locating Small Cell Facilities in the Public Right of Way

Mayor Pro Tem Marriott moved that R19-065, A Resolution Approving an Employment Agreement By and Between the City of Arvada and Rachel Morris as Acting City Attorney; R19-066, A Resolution Accepting an Annexation Petition Concerning Arvada Fire Station #9, Generally Located Immediately West of 8001 Simms Street, Finding Said Petition Substantially Compliant with C.R.S. 31-12-107(1), and Setting a Public Hearing for September 16, 2019, 6:15 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; R19-067, A Resolution Authorizing a License Agreement By and Between the City of Arvada and Hillside Cottages, LLC for the Grant of a Revocable Encroachment License to Install a Deck within a Utility and Drainage Easement Located on Lot 5, Block 2, Hillside Cottages Amendment No. 1; R19-068, A Resolution Authorizing a License Agreement By and Between the City of Arvada and

Stephen John Cator and Linda Cator for the Grant of a Revocable Encroachment License to Install a Deck within a Utility and Drainage Easement Located on Lot 6, Block 2, Hillside Cottages Amendment No. 1; R19-069, A Resolution Authorizing a License Agreement By and Between the City of Arvada and Michael J. Dawson and Heidi Dawson for the Grant of a Revocable Encroachment License to Install a Deck Within a Utility and Drainage Easement Located on Lot 7, Block 2, Hillside Cottages Amendment No. 1; R19-070, A Resolution Authorizing a License Agreement By and Between the City of Arvada and Palmer Holdings, LLC for the Grant of a Revocable Encroachment License to Install a Deck within a Utility and Drainage Easement Located on Lot 8, Block 2, Hillside Cottages Amendment No. 1; R19-071, A Resolution Authorizing a Wireless Communications Facilities Master License Agreement By and Between the City of Arvada and AT&T, for the Purpose of Locating Small Cell Facilities in the Public Right of Way, be approved.

The following votes were cast on the Motion:

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

Those Absent: Ford

The Motion was Approved

B. Resolution

1. R19-072 A Resolution Authorizing Intergovernmental Agreements by and between the City of Arvada and the Counties of Adams and Jefferson for the Regular Municipal Election on November 5, 2019

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

Councilmember Fifer moved that R19-072, A Resolution Authorizing Intergovernmental Agreements by and between the City of Arvada and the Counties of Adams and Jefferson for the Regular Municipal Election on November 5, 2019, be approved.

The following votes were cast on the Motion:

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

Those Absent: Ford

The Motion was Approved

7. Other

- A. Midyear Financial Presentation

Bryan Archer, Director of Finance, presented the Mid-Year 2019 financials. Mr. Archer reviewed revenue and expenditure highlights of the major funds including: General Fund, Parks, Tax Increments, Capital Projects, Water, Wastewater, Storm Water, Golf, Hospitality and the Internal Service Funds and an update on the current investment market.

8. Public Hearings

- A. CB19-028 An Ordinance Authorizing the Fourth Amendment to the 2019 Operating and Capital Budget in the Amount of \$619,475.00 and Authorizing an Intergovernmental Agreement By and Between the State of Colorado Acting By and Through the Department of Transportation and the City of Arvada Pertaining to Arvada Traffic Signal Interconnect, Project No. 19-TC-01 (CDOT Project No. AQC M040-035 (22670)) (Ordinance No. 4699)

Mayor Williams opened the public hearing on CB19-028.

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

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

Councilmember Marriott moved that CB19-028, An Ordinance Authorizing the Fourth Amendment to the 2019 Operating and Capital Budget in the Amount of \$619,475.00 and Authorizing an Intergovernmental Agreement By and Between the State of Colorado Acting By and Through the Department of Transportation and the City of Arvada Pertaining to Arvada Traffic Signal Interconnect, Project No. 19-TC-01 (CDOT Project No. AQC M040-035 (22670)), be approved on final reading, numbered 4699 and ordered published by title only.

The following votes were cast on the Motion:

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

Those Absent: Ford

The Motion was Approved

- B.      CB19-029      An Ordinance Rezoning Certain Land Within the City of Arvada, Kimbrough Heights Rezoning, from City of Arvada B-1 (Neighborhood Business District) to PUD-R (Planned Unit Development-Residential), 10.9 du/ac, and Amending the Official Zoning Maps of the City of Arvada, Colorado, Generally Located at W. 62nd and Carr St. (Ordinance No. 4700)
  
- C.      Kimbrough Heights Preliminary Development Plan, Generally Located at W. 62nd Avenue and Carr Street
  
- D.      Kimbrough Heights Preliminary Plat, Generally Located at W. 62nd Avenue and Carr Street

Mayor Williams opened the public hearing on CB19-029, Kimbrough Heights Preliminary Development Plan and Kimbrough Heights Preliminary Plat.

Rob Smetana, Planning Manager, 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:      Steve Lindsey, Representing Applicant  
                                  Jeremy Brown, Representing Applicant  
                                  Ken Tolin, Representing Applicant  
                                  John Moore, in opposition  
                                  Dennis Green, Attorney Representing John Moore

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

Councilmember Marriott moved that CB19-029, An Ordinance Rezoning Certain Land Within the City of Arvada, Kimbrough Heights Rezoning, from City of Arvada B-1 (Neighborhood Business District) to PUD-R (Planned Unit Development-Residential), 10.9 du/ac, and Amending the Official Zoning Maps of the City of Arvada, Colorado, Generally Located at W. 62nd and Carr St., be approved on final reading, numbered 4700 and ordered published by title only.

The following votes were cast on the Motion:

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

Those Absent: Ford

The Motion was Approved

Councilmember Marriott moved that Kimbrough Heights Preliminary Development Plan, Generally Located at W. 62nd Avenue and Carr Street, be approved subject to the attached updated conditions of approval. This motion is based on the findings of fact adopted by Planning Commission.

Mayor Williams asked if Mayor Pro Tem Marriott would accept a Friendly Amendment to add the condition that the roof top decks on units 12 and 13 are to be set back further than the others or additional screening on units 12 and 13. Second, in the event any of the structures to the north of the property actually encroach on the developer's property, the developer provides easements so that no buildings are torn down.

Mayor Pro Tem asked the developer if they are agreeable to the additional conditions and the developer said they are good with the conditions.

Mayor Pro Tem Marriott accepted the Friendly Amendment.

The following votes were cast on the Motion:

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

Those Absent: Ford

The Motion was Approved

Councilmember Jones moved that Kimbrough Heights Preliminary Plat, Generally Located at W. 62nd Avenue and Carr Street, be approved subject to the attached updated conditions of approval. This motion is based on the finding of fact adopted by Planning Commission.

The following votes were cast on the Motion:

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

Those Absent: Ford

The Motion was Approved

E.      CB19-030      An Ordinance Authorizing an Intergovernmental Agreement for Creation of a Regional Bomb Squad Between Jefferson County and the City of Arvada (Ordinance No. 4701)

Mayor Williams opened the public hearing on CB19-030.

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

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

Councilmember Jones moved that CB19-030, An Ordinance Authorizing an Intergovernmental Agreement for Creation of a Regional Bomb Squad Between Jefferson County and the City of Arvada, be approved on final reading, numbered 4701 and ordered published by title only.

The following votes were cast on the Motion:

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

Those Absent: Ford

The Motion was Approved

- F.      CB19-031      An Ordinance Authorizing the Second Amended and Restated Intergovernmental Agreement for the Jefferson Parkway By and Between the City of Arvada, Jefferson Center Metropolitan District No. 2, Jefferson Center Metropolitan District No. 1, the Jefferson Parkway Public Highway Authority, Cimarron Commercial, LLC, and Cimarron Development Company (Ordinance No. 4702)

Mayor Williams opened the public hearing on CB19-031.

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

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

Councilmember Jones moved that CB19-031, An Ordinance Authorizing the Second Amended and Restated Intergovernmental Agreement for the Jefferson Parkway By and Between the City of Arvada, Jefferson Center Metropolitan District No. 2, Jefferson Center Metropolitan District No. 1, the Jefferson Parkway Public Highway Authority, Cimarron Commercial, LLC, and Cimarron Development Company, be approved on final reading, numbered 4702 and ordered published by title only.

The following votes were cast on the Motion:

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

Those Absent: Ford

The Motion was Approved

- G.      CB19-032      An Ordinance Authorizing the Second Amendment to, and Assignment of, the Slope Easement Agreement By and Among Cimarron Commercial, LLC, Cimarron Development Company, Jefferson Parkway Public Highway Authority, and the City of Arvada (Ordinance No. 4703)

Mayor Williams opened the public hearing on CB19-032.

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

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

Councilmember Jones moved that CB19-032, An Ordinance Authorizing the Second Amendment to, and Assignment of, the Slope Easement Agreement By and Among Cimarron Commercial, LLC, Cimarron Development Company, Jefferson Parkway Public Highway Authority, and the City of Arvada, be approved on final reading, numbered 4703 and ordered published by title only.

The following votes were cast on the Motion:

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

Those Absent: Ford

The Motion was Approved

- H. CB19-033 An Ordinance Authorizing the Assignment of Access Control Lines Between the City of Arvada and the Jefferson Parkway Public Highway Authority (Ordinance No. 4704)

Mayor Williams opened the public hearing on CB19-033.

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

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

Councilmember Jones moved that CB19-033, An Ordinance Authorizing the Assignment of Access Control Lines Between the City of Arvada and the Jefferson Parkway Public Highway Authority, be approved on final reading, numbered 4704 and ordered published by title only.

The following votes were cast on the Motion:

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

Those Absent: Ford

The Motion was Approved

9. Public Comment - Five Minute Limit – none

10. City Council Reports –

- A. Councilmember Miller moved to call a special meeting on Thursday, August 15, 2019 at 8 a.m. for the sole purpose of an executive session Pursuant to C.R.S. 24-6-402(4)(f) regarding a personnel matter. Council will conduct City Attorney interviews.

The following votes were cast on the Motion:

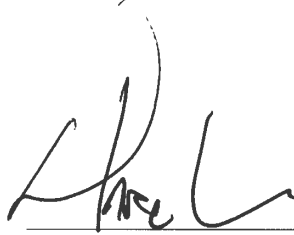
Those voting Yes: Williams, Marriott, Fifer, Jones, McGoff, Miller

Those Absent: Ford

The Motion was Approved

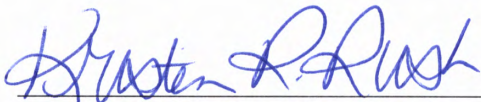
- B. Councilmember Jones talked about the Arvada Fire Fighter Car Show and said that it was a great event.
- C. Councilmember Fifer discussed the mass shootings in El Paso, Texas and Dayton, Ohio and said that his thoughts go out to those victims and their families.
- D. Councilmember McGoff commended the Jefferson County Library Board for their improvements they've made at the Standley Lake and Edgewater Libraries.
- E. Mayor Williams discussed the incident tonight during public comment.
- F. Mayor Williams said he tried the new restaurant, Lot One, in Five Parks and thanked Shelley Cook for her forward thinking regarding this development.

11. City Manager Reports –
  - A. Mark Deven, City Manager, reviewed the upcoming workshop schedule with council.
12. City Attorney Reports – none
13. Adjournment at 8:45 p.m.



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Marc Williams, Mayor

SEAL:



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Kristen R. Rush, City Clerk

