



**SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD
DECEMBER 16, 2019**

1. Executive Session – Third Floor Conference Room – 5:00 p.m.
 - A. Legal Advice, Pursuant to C.R.S. 24-6-402(4)(b) Relating to Municipal Court Structure and Hiring Process

Councilmember Ford moved to go into Executive Session for Legal Advice, Pursuant to C.R.S. 24-6-402(4)(b) Relating to Municipal Court Structure and Hiring Process.

The following votes were cast on the Motion:

Those voting Yes: Williams, Miller, Fifer, Ford, Jones, Marriott, Simpson
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 Dot Miller, Councilmember Bob Fifer, Councilmember Nancy Ford, Councilmember David Jones, Councilmember John Marriott, Councilmember Lauren Simpson

Also present were: Mark Deven, City Manager; Lorie Gillis, Deputy City Manager; Rachel Morris, City Attorney; Bryan Archer, Director of Finance; Sharon Israel, Director of Utilities; Ryan Stachelski, Director of Community and Economic Development; Link Strate, Police Chief; Ben Irwin, Communications Manager and Kristen Rush, City Clerk.

4. Approval of Minutes of the December 2, 2019, City Council Meeting

The minutes stand approved as amended.

5. Public Comment –

- A. Stephanie Wells, Arvada Resident, addressed council regarding plastic grocery bags.
- B. Victoria Francis, Arvada Resident, addressed council regarding executive order 13888 in regard to placement of refugees.
- C. Kristin Klipka, Arvada Resident and student at Ralston Valley High School, addressed council regarding executive order 13888 in regard to placement of refugees.

6. New Business

- A. Consent Agenda
 1. R19-126

A Resolution Authorizing Amendment No. 1 to the Intergovernmental Agreement by and between the State of Colorado Acting by and through the Department of

- Transportation and the City of Arvada Pertaining to the Ralston Road Reconstruction - Upham Street to Yukon Street, Project No. 15-ST-30, (CDOT Project No. STU M040-031, 21175)
2. R19-127 A Resolution Authorizing a Construction Contract by and between the City of Arvada and T&M Construction, LLC in an Amount Not to Exceed \$2,619,824.50 for the Ralston Road Reconstruction - Upham St. to Yukon St. - REPOST, Project No. 15-ST-30 (CDOT Project No. STU M040-031, 21175)
 3. R19-128 A Resolution Authorizing an Agreement by and between the City of Arvada and Ulteig Engineers, Inc. for Owner's Representative Services for the West 72nd Avenue-Kipling Street to Simms Street Project in an Amount Not to Exceed \$2,085,552.00, Project No. 18-ST-30

Councilmember Ford moved that R19-126, A Resolution Authorizing Amendment No. 1 to the Intergovernmental Agreement by and between the State of Colorado Acting by and through the Department of Transportation and the City of Arvada Pertaining to the Ralston Road Reconstruction - Upham Street to Yukon Street, Project No. 15-ST-30, (CDOT Project No. STU M040-031, 21175), R19-127, A Resolution Authorizing a Construction Contract by and between the City of Arvada and T&M Construction, LLC in an Amount Not to Exceed \$2,619,824.50 for the Ralston Road Reconstruction - Upham St. to Yukon St. - REPOST, Project No. 15-ST-30 (CDOT Project No. STU M040-031, 21175); R19-128, A Resolution Authorizing an Agreement by and between the City of Arvada and Ulteig Engineers, Inc. for Owner's Representative Services for the West 72nd Avenue-Kipling Street to Simms Street Project in an Amount Not to Exceed \$2,085,552.00, Project No. 18-ST-30, be approved.

The following votes were cast on the Motion:

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

B. Resolutions

1. R19-129 A Resolution Authorizing an Intergovernmental Agreement Between the City and County of Denver and City of Arvada for Urban Area Security Initiative Grant

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

Councilmember Fifer moved that R19-129, A Resolution Authorizing an Intergovernmental Agreement Between the City and County of Denver and City of Arvada for Urban Area Security Initiative Grant, be approved.

The following votes were cast on the Motion:

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

2. R19-130 A Resolution Authorizing an Intergovernmental Agreement between the City of Arvada and Jefferson County School District R-1 for the Arvada High School Culinary Learning Garden Project

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

Councilmember Jones moved that R19-130, A Resolution Authorizing an Intergovernmental Agreement between the City of Arvada and Jefferson County School District R-1 for the Arvada High School Culinary Learning Garden Project, be approved.

The following votes were cast on the Motion:

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

The Motion was Approved

3. R19-131 A Resolution Authorizing an Agreement Between the Board of County Commissioners of the County of Douglas, on Behalf of the Douglas County Sheriff's Office, and the City of Arvada, on Behalf of the Arvada Police Department

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

Councilmember Ford moved that R19-131, A Resolution Authorizing an Agreement Between the Board of County Commissioners of the County of Douglas, on Behalf of the Douglas County Sheriff's Office, and the City of Arvada, on Behalf of the Arvada Police Department, be approved.

The following votes were cast on the Motion:

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

The Motion was Approved

C. Ordinances (First Reading)

1. CB19-052 An Ordinance Authorizing an Intergovernmental Agreement By and Between the City of Arvada, Colorado and Adams County for the Purpose of Completing a Subarea Study of the Area in the Vicinity of Square Lake (Public Hearing to be set for January 6, 2020 at 6:15 p.m.)

Mayor Pro Tem Miller moved that CB19-052, An Ordinance Authorizing an Intergovernmental Agreement By and Between the City of Arvada, Colorado and Adams County for the Purpose of Completing a Subarea Study of the Area in the Vicinity of Square Lake, be approved on first reading, ordered published in full and a public hearing set for January 6, 2020 at 6:15 p.m.

The following votes were cast on the Motion:

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

The Motion was Approved

7. Other

- A. Ratification and Approval of CP2019-0002, 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), C.R.S., as Amended

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

Councilmember Fifer moved that CP2019-0002, 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), C.R.S., as Amended, be ratified and approved. This motion is based on the findings of fact adopted by Planning Commission.

B. Appeal of Certificate of Compliance with Design Guidelines (or Waiver) Regarding Grandview Station, LLC Property Located at 7315 Grandview Avenue, 7317 Grandview Avenue, and 7318 West 57th Avenue

Councilmember Ford asked council to be recused from this item; she signed a petition this last summer not knowing that this item would be coming to city council.

Councilmember Jones moved to allow Councilmember Ford to recuse herself.

The following votes were cast on the Motion:

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

Those Abstaining: Ford

The Motion was Approved

Mayor Williams discussed the process tonight and listed the exhibits to be entered into the record.

Mayor Williams disclosed the personally he knows most of the individuals involved with this process but said that it would not influence his decision in this matter.

Councilmember Simpson stated that she is a frequent shopper of Carly's Boutique, owned by Ms. Drienka and she also carried campaign materials in her store; however, this will not influence her decision in this matter.

Councilmember Miller stated that she has been friends with the Drienka's for years, shops at Carly's Boutique and said that it will not influence her decision in this matter.

Councilmember Marriott said that he also knows the Drienka family and that two of their children have been his tenants; however, this will not influence his decision in this matter.

Rachel Morris, City Attorney, read the following comments into the record:

This appeal comes before City Council concerning the development of property located at 7315 and 7317 Grandview Avenue and 7318 West 57th Avenue. The Project is being proposed by the owner of the Property, Grandview Station, LLC ("the Applicant"). Since the Property is located in Olde Town Arvada, it is subject to the Olde Town Arvada Design Guidelines, and must receive a Certificate of Compliance with the Design Guidelines before its development can continue through the process of City approval.

The Applicant submitted an application to the Director of Community and Economic Development for a Certificate of Compliance, including the waiver of certain Design Guidelines. The Director approved the application and issued a Certificate of Compliance.

Ms. Drienka, an adjacent landowner to the Property, appealed the Director's decision to issue the Certificate of Compliance to the Planning Commission. After hearing the appeal on November 5, 2019, the Planning Commission voted in favor of issuing a Certificate of Compliance. Ms. Drienka has now appealed the determination of the Director, as approved by the Planning Commission, to City Council.

City Council, in hearing this appeal, may decide to approve, approve with conditions or deny the Application.

In making its determination, City Council **must** review (1) the Final Revised Application; (2) the Certificate of Compliance; and (3) the written appeal of the Planning Commission's decision. The City Council **may**, in its discretion, also review (1) the Staff Report; (2) Minutes from the DRC Meeting; and (3) Minutes from the Planning Commission Appeal Hearing. In addition, the City Council **may** hear from Staff, the Applicant, Ms. Drienka and/or receive public comment on the appeal from interested members of the public.

Council must consider the Applicant's request for a Certificate of Compliance as a new matter. This means that, while Council may consider the previous determinations as part of its decision, it is not bound by the previous determinations of the Director or the Planning Commission.

Based upon Council's review of the material and in consideration of the information presented to Council, Council must determine whether the Project is in compliance with the Design Guidelines. For any Guideline that Council finds is not met by the Application, Council must apply the Waiver Criteria to that Guideline to determine whether a waiver of that Guideline is appropriate.

With regard to Demolition Criteria, consideration of such criteria is not mandatory. If Council decides to apply the demolition criteria, then it may delay issuance of any demolition permit for up to 90 days; however, Council cannot deny the application based upon the proposed demolition of existing structures.

If Council determines that the Application is in compliance with the Guidelines and any required waiver of certain Guidelines meets the waiver criteria, then it should affirm the Director's decision and approve the Application.

If Council determines that any required waiver of a Guideline does not meet the waiver criteria, then Council has the option of either approving the application with conditions or denying the Application.

For tonight's hearing, we will follow the same procedures as the Planning Commission. First, Staff will have up to 20 minutes to provide a summary of the Certificate of Compliance. Second, Ms. Drienka, the party appealing the decision, will have up to 20 minutes to provide City Council with her position. Following these presentations, the City Council may, if they wish, allow for public comment with time limits of their choosing. Following public comment, Staff will have up to 10 minutes to present any response to the Appellant's position and/or to public comment. The City Council will then close the public

comment portion to the hearing and open it up to City Council questions of either the Staff or the Appellant.

Ryan Stachelski, the Director of Community and Economic Development, presented a summary of the Certificate of Compliance.

Lori Drienka, Appellant in the case, and David Foster, Appellant's attorney, gave their presentation

Public Comment:

1. Joyce Paavola, against the Director's decision
2. Phil Shell, for the Director's decision
3. Cindi Kreutzer, for the Director's decision
4. Mark Teska, for the Director's decision
5. Karen Miller, against the Director's decision
6. Rachel Zenzinger, against the Director's decision
7. Randall Lamp, against the Director's decision
8. Laura Wrede, against the Director's decision
9. Darlene Cypser, against the Director's decision
10. Jane Schnabel, against the Director's decision
11. Jesse Coffman, against the Director's decision
12. Steve Howards, against the Director's decision
13. Dora McKee, against the Director's decision
14. Deborah Andrews, against the Director's decision
15. Haleigh Scattergood, against the Director's decision
16. Roger Drienka, against the Director's decision
17. Anita Marcussen, against the Director's decision
18. Scott Staley, against the Director's decision
19. Carly Drienka-Hallmark, against the Director's decision
20. Jerry Kannapinn, against the Director's decision
21. Jennifer Enochs, against the Director's decision
22. Renee Nelson, against the Director's decision
23. Stephen Byers, against the Director's decision
24. Carl Campanella, against the Director's decision

Did not speak – against the Director's decision

1. Vicky Wolf
2. Carter Hallmark
3. Tammy Ashton Yonkie
4. Deborah Redford

Mayor Williams closed the public comment.

Councilmember Marriott moved that Appeal of Certificate of Compliance with Design Guidelines (or Waiver) Regarding Grandview Station, LLC Property Located at 7315 Grandview Avenue, 7317 Grandview Avenue, and 7318 West 57th Avenue, be approved. This motion is based on the findings of fact of the Community & Economic Development Director's issuance of the Certificate of Compliance including waiver approval criteria on Page 30 of the staff report.

Councilmember Jones made a friendly amendment to impose a 90 day stay of the issuance of a demolition permit. Councilmember Marriott accepted the friendly amendment.

The following votes were cast on the Main Motion:

Those voting Yes: Miller, Jones, Marriott
Those voting No: Williams, Fifer, Simpson
Those Abstaining: Ford
The Motion failed.

8. Public Hearings

- A. Kum & Go Store #2315 at the Palmetto Club, Preliminary Development Plan, Located at 7995 Sheridan Blvd.

Mayor Williams opened the public hearing on Kum & Go Store #2315 at the Palmetto Club, Preliminary Development Plan.

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.

Sworn Testimony: Kellie Wisbrock, Representing Applicant
Eric Jessie, Representing Applicant

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

Councilmember Fifer moved that Kum & Go Store #2315 at the Palmetto Club, Preliminary Development Plan, Located at 7995 Sheridan Blvd., be approved subject to the attached updated condition 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, Miller, Fifer, Ford, Jones, Marriott, Simpson
The Motion was Approved

- B. CB19-049 An Ordinance Repealing and Reenacting Section 74-31, Land-Use Fees, of Article II, Community Development Department Service Fees, of Chapter 74, Planning and Development, of the Arvada City Code (Ordinance No. 4720)

Mayor Williams opened the public hearing on CB19-049.

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

Mayor Williams closed the public hearing.

Councilmember Ford moved that CB19-049, An Ordinance Repealing and Reenacting Section 74-31, Land-Use Fees, of Article II, Community Development Department Service Fees, of Chapter 74, Planning and Development, of the Arvada City Code, be approved final reading, numbered 4720 and published by title only.

The following votes were cast on the Motion:

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

- C. CB19-050 An Ordinance Authorizing an Additional Appropriation for Fiscal Year 2019 (Ordinance No. 4721)

Mayor Williams opened the public hearing on CB19-050.

Bryan Archer, Director of Finance, reviewed this ordinance with council.

Mayor Williams closed the public hearing.

Councilmember Simpson moved that CB19-050, An Ordinance Authorizing an Additional Appropriation for Fiscal Year 2019, be approved on final reading, numbered 4721 and ordered published by title only.

The following votes were cast on the Motion:

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

- D. CB19-051 An Ordinance Approving a License Agreement between the County of Jefferson and the City of Arvada for the Installation and Use of a Potable Water Fill Station (Ordinance No. 4722)

Mayor Williams opened the public hearing on CB19-051.

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

Mayor Williams closed the public hearing.

Councilmember Fifer moved that CB19-051, An Ordinance Approving a License Agreement between the County of Jefferson and the City of Arvada for the Installation and Use of a Potable Water Fill Station, be approved on final reading, numbered 4722 and ordered published by title only.

The following votes were cast on the Motion:

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

9. Public Comment - Five Minute Limit – none

10. City Council Reports –

A. Councilmember Jones noted the passing of Ralston Valley High School Student, Cam Holland and reminded everyone to wear their seat belt.

B. Councilmember Fifer said that 40% of all automobile accidents deaths are caused by the person not wearing their seat belt.


- C. Councilmember Fifer wished everyone a Merry Christmas and thanked staff for all of their work this year.
- D. Mayor Williams said that he echoes the previous comments and wished everyone Happy Holidays.

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



Marc Williams, Mayor

SEAL:



Kristen R. Rush, City Clerk

