



Meeting Minutes - Final

City Council

Monday, March 21, 2016

6:00 PM

Council Chambers

1. Call to Order/Roll Call

The first part of this meeting was held jointly with the South Adams County Water and Sanitation District.

President Murray called to order the South Adams County Water and Sanitation District Board meeting.

Roll Call: Those present were: President Glen Murray, Secretary JoAnn Moss, Treasurer John Kuchar, Director Aaron Phillips, Director Mizraim Cordero

South Adams County Water & Sanitation District Manager Jim Jones provided some opening remarks. Mr. Jones stated that members of the district board and staff, and members of council and staff, have participated in a water commission. The commission's purpose is to look at water and wastewater matters and how they affect the community, and identify opportunities for improvement. The commission identified the need for a development review study and contracted with Raftelis to conduct that study.

A regular meeting of the City Council of the City of Commerce City was called to order by Mayor Ford on Monday, March 21, 2016, at 6:00 pm.

A motion was made by Council Member Bullock, seconded by Council Member Amador, to excuse Council Members Teter and Diaz from this meeting.

VOTE: 7 aye, 2 excused (Teter, Diaz)

Present: 7 - Mayor Sean Ford , Council Member Jadie Carson, Mayor Pro Tem René Bullock, Council Member Crystal Elliott, Council Member Jason McEldowney, Council Member Steven J. Douglas and Council Member Andrew Amador

Excused: 2 - Council Member Rick A. Teter and Council Member Paolo Diaz

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Audience Introduction

The audience introduced themselves.

4. Citizen Communication

Dave McFarland, no address given, expressed concern with the grading on 112th

Avenue from the golf course heading East.

Fire Chief Kevin Vincel gave an update of the South Adams County Fire District activities that included administrative changes and new construction projects.

5. Presentations

Pres 16-10

Joint Meeting with City Council and South Adams County Water and Sanitation District Board - Development Fee Comparison Study Results

City Manager McBroom stated that tonight's presentation has a lot of information and it is city staff's intent to conduct an in-depth study session with council to have an appropriate policy-level discussion about any changes council wishes to make on how we fund development projects in the city.

Rick Giardina with Raftelis gave a presentation on the results of the development fee comparison study that his company conducted. He stated that the project objective was to calculate and compare the cost of development in Commerce City to other Metro Denver communities. Eight different development profiles were examined: single-family residential, multi-family residential, commercial retail, industrial warehouse, irrigation only, restaurant, manufacturing, and truck wash. The comparison communities were Aurora, Brighton, Broomfield, Castle Rock, Denver, Greeley, Longmont, Parker, Thornton, and Westminster. The costs analyzed were: building fees, use tax, water and wastewater fees, development fees, general improvement district and metropolitan district fees, public works fees, park fees, school district fees, and other general government fees.

In regards to upfront development costs, Commerce City is not the most expensive, nor the least expensive, compared to the other communities. For example, the cost for a single-family detached residence is approximately \$41,000 with 50% of those fees coming from water and wastewater fees (\$21,000), the second largest fee is use tax (\$8,100). The use tax in Commerce City is assessed at 60% of the valuation, where in other communities it's 50%. The consultant's observation is that across the different profiles, the city is within a reasonable range of its competitors.

In regards to ongoing development costs, Commerce City is at the high end, mostly due to mill levies and the monthly water and sewer rates. The consultant's observation is that Commerce City's use tax is higher and no other community recovers the cost of water rights for public facilities in the same manner as the district.

Mayor Ford thought that this information provides a real view of where the city stands and council needs to look at ways to become a little more competitive. He said council's two primary goals, from an economic development standpoint, are restaurants and commercial.

President Murray felt the study was excellent and a lot more comprehensive than he thought it would be. He believes the study helps answer the question of why some development is not coming in, and identifies adjustments that can be made to address the issue.

A motion was made by Director Cordero, seconded by Director Phillips, to adjourn the South Adams County Water and Sanitation District Meeting.

VOTE: Unanimous; all members of the board voted affirmatively

6. Consent Agenda

Council Member Douglas asked to remove Ordinance 2082 from the consent agenda for further discussion and a separate vote.

A motion was made by Council Member McEldowney, seconded by Mayor Pro Tem Bullock, to approve the consent agenda as amended. ROLL CALL VOTE:

Aye: 7 - Mayor Ford, Council Member Carson, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas and Council Member Amador

Excused: 2 - Council Member Teter and Council Member Diaz

[Res 2016-27](#) A RESOLUTION AMENDING COUNCIL POLICY #CP-5 REGARDING COUNCIL EXPENDITURES FOR AUTHORIZED EVENTS AND TRAVEL

[Res 2016-29](#) A RESOLUTION AMENDING COUNCIL POLICY #CP-19 REGARDING USE OF DISCRETIONARY FUNDS BY CITY COUNCIL

[Res 2016-45](#) RESOLUTION AMENDING RESOLUTION APPROVING ECONOMIC DEVELOPMENT INCENTIVE FOR PETER DEFRIES

[Res 2016-49](#) RESOLUTION AUTHORIZING LETTER OF SUPPORT FOR PLAYFUL CITY USA APPLICATION

[Res 2016-50](#) RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT BETWEEN SOUTH ADAMS COUNTY FIRE PROTECTION DISTRICT NO. 4 AND THE CITY OF COMMERCE CITY, COLORADO REGARDING PROVISION OF FIRE PROTECTION SERVICES

[Ord 2082](#) AN ORDINANCE AMENDING THE 2016 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY TRANSFERRING \$180,000 FROM THE IMPACT FEES FUND (PARKS) TO THE CIPP FUND TO OFFSET COSTS FOR THE FOREST DRIVE PROPERTY LOCATED AT 6023 FOREST DRIVE IN COMMERCE CITY AND AUTHORIZATION OF THE EXPENDITURE THEREOF

Councilman Douglas asked about the gap between the purchase price of the property and the amount of money referenced in the ordinance.

Deputy City Manager Hayes stated that the city is paying the \$130,000 assessed value, plus the cost of demolition.

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Douglas, that this ordinance be approved on second & final reading. VOTE:

Aye: 7 - Mayor Ford, Council Member Carson, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas and Council Member Amador

Excused: 2 - Council Member Teter and Council Member Diaz

[Z-706-99-01-02-06-14-16](#)

AN ORDINANCE APPROVING THE BURLINGTON NORTHERN/CATELLUS PUD ZONE DOCUMENT AMENDMENT NO. 5.

7. Public Hearings

Mayor Ford opened the public hearing on the annexation and interrelated zoning case.

Planner Paul Workman was sworn in. He testified to the following facts regarding the annexation:

There is only one property owner.

One property owner signed the petition.

The city council has adopted a plan for the area proposed to be annexed.

At least one-sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the city.

A community of interest exists between the area proposed to be annexed and the city.

The area is capable of being urbanized.

The area is capable of being integrated with the city.

The property is eligible for annexation by the city.

The proposed area to be annexed would not result in detachment of an area from one school district and attachment to another school district.

The annexation will not result in extending the boundary of the city more than three miles in any direction.

The entire width of an alley or street is included in the annexation petition.

All the requirements for annexation under the state constitution and the laws of the state have been met..

Planner Workman stated that the request for annexation and zoning represent over three years of coordination between RTD and the city. The subject property is located at 72nd & Colorado Boulevard and will be used as a transit station along the North Metro Rail Line. Mr. Workman reviewed the concept plan for the station and immediate area. The planning commission analysis of the station area master plan, as it relates to this request, is that the annexation and zoning of this property is the first step in realizing the unifying character as discussed in the station area master plan. The staff development review team recommends approval of the annexation.

Jeff Kay appeared on behalf of the applicant, RTD.

There was no citizen input and the mayor closed the public hearing.

[Res 2016-24](#)

RESOLUTION MAKING FINDINGS OF FACT BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY AND ITS CONCLUSION RELATIVE TO ELIGIBILITY OF ANNEXATION TO THE CITY OF COMMERCE CITY OF THE PROPERTY LOCATED AT 3851 E. 70TH AVENUE, COMMERCE CITY, COLORADO IN AN-236-16, NO. 2016-24

A motion was made by Council Member McEldowney, seconded by Council Member Douglas, that this resolution be adopted. VOTE:

Aye: 7 - Mayor Ford, Council Member Carson, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas and Council Member Amador

Excused: 2 - Council Member Teter and Council Member Diaz

[AN-236-16](#)

AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 3851 E. 70TH AVENUE, COMMERCE CITY, COLORADO.

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member McEldowney, that this annexation ordinance be introduced by council as seated and approved on first reading. VOTE:

Aye: 7 - Mayor Ford, Council Member Carson, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas and Council Member Amador

Excused: 2 - Council Member Teter and Council Member Diaz

[Z-930-16](#)

AN ORDINANCE REZONING THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 3851 E. 70TH AVENUE, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

A motion was made by Council Member McEldowney, seconded by Mayor Pro Tem Bullock, to accept the findings and recommendations of the planning commission.

VOTE: 7 aye, 2 excused (Teter, Diaz)

A motion was made by Council Member Carson, seconded by Council Member Amador, that this zoning ordinance be introduced by council as seated and approved on first reading. VOTE:

Aye: 7 - Mayor Ford, Council Member Carson, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas and Council Member Amador

Excused: 2 - Council Member Teter and Council Member Diaz

8. Resolutions

[Res 2016-12](#)

RESOLUTION ESTABLISHING THE PARKS, RECREATION AND GOLF ADVISORY COMMITTEE

A motion was made by Council Member McEldowney, seconded by Mayor Pro Tem Bullock, that this resolution be adopted. VOTE:

Aye: 7 - Mayor Ford, Council Member Carson, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas and Council Member Amador

Excused: 2 - Council Member Teter and Council Member Diaz

[Res 2016-47](#)**RESOLUTION APPROVING INTERIM CITY ATTORNEY
EMPLOYMENT AGREEMENT**

City Attorney Gehler stated that he received communication from Deput City Attorney Stevens that she will be leaving the city to take the position of deputy city attorney in Westminster and he would like council to appoint Robert Sheesley as the interim city attorney effective April 5, 2016.

A motion was made by Council Member McEldowney, seconded by Council Member Amador to rescind the appointment of Karen Stevens as interim city attorney and designate Robert Sheesley as interim city attorney effective April 5, 2016.

In response to council questions, City Attorney Gehler stated that Ms. Stevens is working hard toward a smooth transition until her anticipated leave date of April 8, 2016, and that placing her on paid administrative leave would place a hardship on the city attorney's office. Mr. Gehler also responded that he learned of her acceptance of the Westminster position last Thursday or Friday.

In response to council questions, City Manager McBroom stated that he learned of her pending departure last Wednesday.

VOTE: 7 aye, 2 excused (Teter, Diaz)

9. Administrative Council Business

Mayor Ford and Mayor Pro Tem Bullock asked to be excused from the March 28, 2016, study session to attend the Adams County Commissioners Youth Awards recognition event. Mayor Ford announced that he will not be able to accept the invitation from Mayor Hancock to travel to Munich as part of the International Advisory Council because he is seeking election for another position.

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member McEldowney, to request Mayor Ford advance the city's support of the hospital provider fee reclassification to the Metro Mayors' Caucus.

VOTE: 7 aye, 2 excused (Teter, Diaz)

Council Member Douglas reported graffiti on the tunnel underneath 104th & Landmark Drive. Mr. Douglas asked that staff get a construction timeline, from Adams County, for 112th East of Chambers to Tower Road. He also asked council to consider delaying the historical society's rent increase for the Conter Center. Council Member Douglas expressed concern with traffic safety around the truck business on Highway 2, south of 104th and from Derby Tire. He would also like the timing of the traffic signal at 104th & Highway 2 looked at.

Council asked to review the lease agreement between the city and the historical society at an upcoming study session.

Council Member Elliott reported that a problem still exists with a vendor giving away cell phones at the Adams County building on 72nd Avenue.

10. Reports

City Manager McBroom highlighted items from his weekly report sent to council by email earlier in the day.

Mayor and council reported on their attendance at various meetings and events.

11. Executive Session

[16-16](#)

Executive session pursuant to C.R.S. 24-6-402(4)(a) and (e) for the purpose of instructing negotiators concerning property acquisition for Highway 2 improvements

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Amador, to enter into an executive session, pursuant to CRS 24-6-402(4)(a) and (e) for the purpose of instructing negotiators concerning property acquisition for Highway 2 improvements. VOTE:

Aye: 7 - Mayor Ford, Council Member Carson, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas and Council Member Amador

Excused: 2 - Council Member Teter and Council Member Diaz

12. Adjourn

Following the executive session, City Attorney Gehler stated that Mayor Ford brought up another item under administrative business. He informed council that he had been asked to speak at the Adams County School District board meeting, to be held on March 22, 2016, regarding a personnel issue.

Based on legal advice from the city attorney, a motion was made by Council Member McEldowney, seconded by Council Member Carson, to not authorize the mayor to appear before the school board to speak on a school board personnel issue.

VOTE: 7 aye, 2 excused (Teter, Diaz)

The meeting adjourned at 10:25 pm

In accord with the city charter, the city attorney read the title to all ordinances and resolutions adopted by Council at this meeting.

Respectfully submitted by:

Laura J. Bauer, City Clerk