



Commerce City

7887 E. 60th Ave.
Commerce City, CO 80022
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Meeting Minutes

City Council

Monday, May 20, 2019

6:00 PM

Council Chambers

Regular Meeting

1. Call to Order/Roll Call

A regular meeting of the City Council of the City of Commerce City was called to order by Mayor Pro Tem Teter on May 20, 2019, at 6:00 PM.

A motion was made by Council Member Davis, seconded by Council Member Madera, to excuse Mayor Ford from tonight's meeting.

ROLL CALL: 8 aye, 1 excused (Ford)

Present: 8 - Mayor Pro Tem Rick A. Teter, Council Member Oscar Madera, Council Member Nicole Frank, Council Member Steve Davis, Council Member Steven J. Douglas, Council Member Benjamin Huseman, Council Member Craig Hurst and Council Member Jose Guardiola

Excused: 1 - Mayor Sean Ford

2. Executive Session

19-36

An executive session of the City Council and City staff, pursuant to CRS 24-6-402(4)(a, e), to discuss and determine negotiating positions regarding the potential purchase or lease of facilities for municipal operations.

This executive session was not held.

19-37

An executive session of the City Council and City staff, pursuant to CRS 24-6-402(4)(a, e), to determine negotiating positions regarding the potential transfer of City funds or real property for the formation of an entertainment district in the Reunion area.

A motion was made by Council Member Madera, seconded by Council Member Huseman, to enter into an executive session, pursuant to C.R.S. 24-6-402(4)(a,e), to determine negotiating positions regarding the potential transfer of city funds or real property for the formation of an entertainment district in the Reunion area. VOTE:

Aye: 8 - Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Huseman, Council Member Hurst and Council Member Guardiola

Excused: 1 - Mayor Ford

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Audience Introduction

The audience introduced themselves.

5. Proclamations and Recognitions

[Proc 19-05](#)

Proclamation Declaring May 19-25, 2019 as Public Works Week

City Attorney Sheesley read a proclamation declaring May 19-25, 2019, as Public Works Week.

Department staff were on hand to accept the proclamation.

A motion was made by Council Member Huseman, seconded by Council Member Madera, that this proclamation be approved. VOTE:

Aye: 8 - Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Huseman, Council Member Hurst and Council Member Guardiola

Excused: 1 - Mayor Ford

6. Citizen Communication

Sean Cuevo, 11754 Hannibal St., asked council for a six-month moratorium on oil and gas.

Laura Martinez, 6230 Pontiac, would like council to reconsider the city's pit bull ban.

Susan Noble said she wanted to draw attention to recent changes in oil and gas activity.

Erica Royer, 10243 Norfolk St., said she emailed council regarding prairie dogs in the open space areas of the city.

A motion was made by Council Member Huseman, seconded by Council Member Guardiola, to put on hold the open space management plan to include the wildlife management plan until council has a better idea on what actions to take going forward.

VOTE: 8 aye, 1 excused (Ford)

A motion was made by Council Member Douglas, seconded by Council Member Guardiola, to direct the city attorney to prepare an ordinance for a six-month moratorium on oil and gas to be read June 3, 2019.

VOTE: 4 aye, 4 nay (Madera, Frank, Davis, Teter), 1 excused (Ford)

7. Consent Agenda

A motion was made by Council Member Frank, seconded by Council Member Madera, to approve the consent agenda as presented. ROLL CALL VOTE:

Aye: 8 - Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Huseman, Council Member Hurst and Council Member Guardiola

Excused: 1 - Mayor Ford

[Min 19-63](#) Minutes of May 6, 2019 Special Meeting

[Min 19-66](#) Minutes of May 6, 2019

[Ord 2209](#) AN ORDINANCE REPEALING AND REENACTING ARTICLE X OF CHAPTER 20 OF THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING THE VOTER-APPROVED EXCISE TAX ON THE WHOLESALE TRANSFER OF MARIJUANA AND MARIJUANA PRODUCTS TO SUPPORT PUBLIC SAFETY.

[Res 2019-53](#) RESOLUTION WAIVING DEVELOPMENT-RELATED FEES FOR CERTAIN NEW COMMERCIAL DEVELOPMENT IN THE CITY OF COMMERCE CITY

[Res 2019-54](#) RESOLUTION APPROVING GRANT OF EASEMENT TO SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT

8. Ordinances on 1st Reading

[Ord 2211](#) AN ORDINANCE AMENDING THE 2019 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE OF THE CIPP FUND AND TRANSFERRING A PORTION OF THE UNENCUMBERED FUND BALANCE IN THE GENERAL FUND FOR COSTS ASSOCIATED WITH THE DIA MITIGATION PROJECT AND PROPERTY ACQUISITION ON THE SOUTH SIDE OF EAST 88TH AVENUE IN COMMERCE CITY AND AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

Aye: 8 - Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Huseman, Council Member Hurst and Council Member Guardiola

Excused: 1 - Mayor Ford

[Ord 2212](#)

AN ORDINANCE AMENDING THE 2019 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY TRANSFERRING \$1,450,000 FROM THE 2K FUND BALANCE IN THE GENERAL FUND TO THE CIPP FUND FOR COSTS ASSOCIATED WITH THE VETERANS MEMORIAL PARK RENOVATION PROJECT AND AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

Aye: 8 - Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Huseman, Council Member Hurst and Council Member Guardiola

Excused: 1 - Mayor Ford

9. Ordinances on 2nd Reading

[Z-695-98-19](#)

AN ORDINANCE APPROVING THE VILLAGES AT BUFFALO RUN WEST PUD ZONE DOCUMENT, AMENDMENT NO. 1

A motion was made by Council Member Madera, seconded by Council Member Huseman, to allow Council Member Hurst to abstain from voting on this item because he is a newly seated member and was not present for the public hearing.

VOTE: 7 aye, 1 abstain (Hurst), 1 excused (Ford)

A motion was made by Council Member Madera, seconded by Council Member Davis, that this zoning ordinance be approved on second & final reading. VOTE:

VOTE:

Aye: 4 - Mayor Pro Tem Teter, Council Member Madera, Council Member Davis and Council Member Guardiola

Nay: 3 - Council Member Frank, Council Member Douglas and Council Member Huseman

Excused: 1 - Mayor Ford

Abstained: 1 - Council Member Hurst

10. Presentations

[Pres 19-79](#)

Active Adult Advisory Committee Annual Presentation

Derrick Tripp, Thelma Cole, Sandy Schmoller and George Maxey reviewed the committee's purpose, 2018 goals accomplished and 2019 goals.

[Pres 19-257](#)**Intelligent Railroad Systems: Measuring & Mitigating Traffic Delays At Railroad Crossings In Commerce City**

Brent Soderlin and Joe Wilson of public works presented a plan to implement a project to measure and mitigate traffic delays at railroad crossings and options to address these delays. Blue tooth can be used to count cars at roadside locations and a trackside detector can determine how long a crossing is blocked. The total cost is approximately \$100,000.

11. Administrative Council Business

City Attorney Sheesley advised council that due to a data issue, 14 property owners were not mailed a notice of public hearing on the Ronquillo application. Council may correct this issue by scheduling a limited public hearing on June 3rd to hear testimony from 14 property owners, applicant response and staff response.

A motion was made by Council Member Huseman, seconded by Council Member Madera, to reopen the public hearing on June 3, 2019, to the 14 property owners near the Ronquillo application site.

VOTE: 8 aye, 1 excused (Ford)

Council Member Huseman would like the weeds on Potomac Avenue near the Bison Ridge Recreation Center knocked down.

A motion was made by Council Member Huseman, seconded by Council Member Guardiola, to direct staff to prepare, and bring forward to a study session, a report regarding the city's pit bull ban to include: history, implications, impact and effectiveness of pit bull bans in communities.

VOTE: 8 aye, 1 excused (Ford)

A motion was made by Council Member Huseman, seconded by Council Member Douglas, to enter into an executive session after reports and prior to adjournment, pursuant to C.R.S. 24-6-402(4)(f)(i), to discuss a personnel matter regarding City Manager McBroom.

VOTE: 5 aye, 3 nay (Madera, Davis, Teter), 1 excused (Ford)

City Attorney Sheesley stated that a two-thirds of the majority present, six, is required to go into executive session.

Council Member Davis recognized members of the police department present in Washington, D.C.

Council Member Douglas expressed concern over inaccurate information regarding council sent to the public.

[Pres 19-78](#)

Oil and Gas Monthly Update

Community Development Director Cramer presented a monthly update on oil and gas activity. There have been no permit applications or regional operator agreements to date. The three spacing unit applications at the state have changed somewhat to not go over to DIA. Staff continues to meet with Extraction Oil & Gas regarding a potential submittal of a regional operator agreement and best management practices. The first oil and gas focus group met on April 24th and will be meeting a second time on May 22nd.

[19-38](#)

City Council Boards and Committee Assignments

A motion was made by Council Member Huseman, seconded by Council Member Madera, to make the following board and commission appointments:

*Parks & Recreation Advisory: Davis
Memorial Day Advisory Committee: Huseman
City Manager, City Attorney, Municipal Judge Review Committee: Davis
Cultural Council: Hurst
Retreat Planning Committee: Hurst
Legislative Committee: Hurst
Education Commission: Hurst
Friends of the Front Range Wildlife Refuge: Hurst
ADCO Water Quality Advisory: Hurst
Memorial Day Parade Advisory Committee: Hurst*

VOTE: 8 aye, 1 excused (Ford)

[19-41](#)

Buffalo Highlands Metropolitan District: Request for Consent to Exclusion of Property

City Attorney Sheesley stated there is no set process for requests to be excluded from an approved metro district.

A motion was made by Council Member Huseman, seconded by Council Member Douglas to direct staff to prepare a report on the pros, cons and impacts of this proposal to be brought forward to a study session.

VOTE: 8 aye, 1 excused (Ford)

12. Reports

No reports.

13. Adjourn

The meeting adjourned at 8:50 p.m.

Respectfully Submitted By:

*Laura Bauer, MMC
City Clerk*