



Meeting Minutes - Final City Council

Monday, July 7, 2014

6:00 PM

Council Chambers

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 Ford on July 7, 2014, at 6:00 PM.

Present: 8 - Mayor Sean Ford , Council Member Jim Benson, Council Member Rick A. Teter, Council Member Crystal Elliott, Council Member Steven J. Douglas, Council Member Andrew Amador, Council Member Jadie Carson and Mayor Pro Tem René Bullock

Absent: 1 - Council Member Jason McEldowney

2. Executive Session

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Benson, to enter into an executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of instructing negotiators regarding an agreement for the Victory Crossing development and pursuant to C.R.S. 24-6-402(4)(e) for the purpose of instructing negotiators regarding DIA issues. VOTE:

Aye: 8 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member Carson and Mayor Pro Tem Bullock

[14-25](#)

Executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of instructing negotiators regarding an agreement for the Victory Crossing development

[14-41](#)

Executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of instructing negotiators regarding DIA issues

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

Present: 9 - Mayor Sean Ford , Council Member Jim Benson, Council Member Rick A. Teter, Council Member Crystal Elliott, Council Member Steven J. Douglas, Council Member Andrew Amador, Council Member Jadie Carson, Council Member Jason McEldowney and Mayor Pro Tem René Bullock

4. Audience Introduction

The audience introduced themselves.

5. Proclamations and Recognitions

[Proc 14-13](#)

Proclamation supporting the "Brake for Bela" safety campaign.

City Attorney Gehler read a proclamation recognizing June 1st through August 31st, 2014 as "Brake for Bela" Summer Safe Neighborhood Driving Awareness Campaign.

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member McEldowney, that this proclamation be approved. VOICE VOTE: Unanimous, all present affirmed.

6. Citizen Communication

Roy Hayes, 6970 Birch St, appeared before Council to question the ownership of the old Adams City High School site. Recently, the property caught on fire because of fireworks and caused damage to his property.

Bradley Johnson, 11396 Lansing St, asked Council to reconsider re-establishing the recycle drop site along Highway 2.

Lisha Burnett appeared before Council on behalf of Suncor to provide a brief update on their pipeline project. Construction will begin this week and will progress from Commerce City north to Wyoming.

7. Consent Agenda

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

Aye: 9 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member Carson, Council Member McEldowney and Mayor Pro Tem Bullock

[Z-909-14](#)

AN ORDINANCE REZONING LOT 1 FROM ADAMS COUNTY A-3 TO COMMERCE CITY R-1 ZONE DISTRICT AND LOT 2 FROM ADAMS COUNTY A-3 TO COMMERCE CITY AG FOR THE PROPERTIES DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 10730 POTOMAC STREET, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

[Z-906-14](#)

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO FOR REZONING TO PUD ZONE DISTRICT AND APPROVING A PUD ZONE DOCUMENT FOR THE PROPERTIES DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF COMMONLY KNOWN AS PARCELS 172300000075 (GENERALLY LOCATED SOUTH OF EAST 104TH AVENUE, BETWEEN POTOMAC STREET AND CHAMBERS ROAD) AND 172300000272 (GENERALLY LOCATED SOUTH OF 104TH AVENUE AND EAST OF HIMALAYA STREET), COMMERCE CITY, COLORADO.

- [AN-227-14](#) AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, COMMONLY KNOWN AS PARCEL 172300000075, COMMERCE CITY, COLORADO
- [AN-228-14](#) AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, COMMONLY KNOWN AS PARCEL 1723000000272 WEST, COMMERCE CITY, COLORADO
- [AN-229-14](#) AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, COMMONLY KNOWN AS PARCEL 1723000000272 EAST, COMMERCE CITY, COLORADO
- [AN-231-14](#) AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 10730 POTOMAC STREET, COMMERCE CITY, COLORADO.
- [Ord 2008](#) AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE E-470 TRANSPORTATION SAFETY FOUNDATION GRANT IN THE AMOUNT OF \$2,500 FOR A DAY AT THE COMMERCE CITY POLICE DPEARTMENT PROGRAM AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.
- [Ord 2009](#) AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT IN THE AMOUNT OF \$5,000 TO BE USED FOR BUFFALO RUN GOLF COURSE SAND BUNKER FLOOD REPAIRS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.
- [Ord 2010](#) AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT IN THE AMOUNT OF \$345,500 TO BE USED FOR SAND CREEK TRAIL FLOOD REPAIRS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.
- [Ord 2011](#) AN ORDINANCE EXTENDING THE TEMPORARY MORATORIUM ON THE ESTABLISHMENT OF RECREATIONAL MARIJUANA BUSINESS AND RELATED INDUSTRY

[Ord 2012](#)

AN ORDINANCE AMENDING SECTION 8-1402 OF THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING LIQUOR VIOLATIONS INVOLVING UNDERAGE PERSONS

[Res 2014-66](#)

RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND HUITT-ZOLLARS, INC. FOR DESIGN SERVICES FOR TOWER ROAD WIDENING PROJECT

Councilman Douglas asked to have the resolution removed from the consent agenda to discuss the bid process for awarding this contract.

Public Works Director D'Andrea provided an outline of the selection process.

A motion was made by Council Member McEldowney, seconded by Council Member Amador, that this resolution be adopted. VOICE VOTE: Unanimous, all present affirmed.

8. Public Hearings

[CU-105-14](#)

CONDITIONAL USE PERMIT FOR THE OPERATION OF A PETROLEUM STORAGE FACILITY CASE #CU-105-14

Mayor Ford opened the public hearing on case #CU-105-14.

Planner Paul Workman presented the case. The applicant, Sinclair Transportation Company is seeking a conditional use permit to bring the existing operation into legal and conforming status. The property was annexed in a large city-initiated annexation in 2007 and has been operating as a legally non-conforming use since that time. The planning commission held a public hearing on June 5, 2014, and voted unanimously to forward the case to council with a favorable recommendation. The company has immediate plans to expand creating the need for the conditional use permit application.

In response to council's questions regarding security, Shannon Walsh appeared on behalf of the applicant and answered that the property is surrounded by fencing and security codes are required to enter

No one else appeared to speak in favor or opposition, and the mayor closed the public hearing portion of the meeting.

A motion was made by Councilman McEldowney, seconded by Councilman Amador to accept the findings and recommendations of the planning commission.

VOICE VOTE: Unanimous; all present affirmed

A motion was made by Council Member Amador, seconded by Council Member Teter, that this conditional use permit be adopted. VOICE VOTE: Unanimous, all present affirmed.

9. Resolutions

[Res 2014-74](#)

RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF BRIGHTON TO ESTABLISH A SHARED VICTIM SERVICES UNIT

Police Chief Smith appeared before council. Chief Smith stated that he met with the Brighton Chief of Police to explore combining victim services. The victim services staff will become employees of Brighton. For the remainder of 2014 and through 2015, those employees will remain Commerce City employees; however, they will be serving Brighton victims in addition to Commerce City victims.

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

[Res 2014-75](#)

RESOLUTION APPOINTING MEMBERS TO THE CITY OF COMMERCE CITY PERMANENT ARBITRATION PANEL

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

10. Ordinances on 1st Reading

[Ord 2014](#)

AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE KAISER PERMANENTE WALK & BIKE TO WORK GRANT FUNDS IN THE AMOUNT OF \$7,395 FOR THE SUPPORT OF THE CITY OF COMMERCE CITY WELLNESS COMMITTEE AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

Aye: 9 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member Carson, Council Member McEldowney and Mayor Pro Tem Bullock

11. Presentations

[Pres 14-810](#)

Rocky Mountain Arsenal National Wildlife Refuge (RMANWR) Master Plan Update

Dave Lucas and Bernardo Garza appeared on behalf of US Fish and Wildlife to provide a process update on their comprehensive plan for the refuge. Pre-planning and study began in the spring of 2013. The Fish and Wildlife Service received numerous comments during the public scoping phase of the process. The planning team has developed nine goals: habitat management, wildlife management, visitor services, communications and outreach, research and science, cultural resources, partnerships, infrastructure and operations and access and transportation. Next steps include: preparation of a draft plan in June-Oct 2014, public draft November 2014 and final plan June 2015.

12. Administrative Council Business

Councilman Douglas asked that staff consider best value versus low bid on proposals. He asked about the protocol for water shedding, how russian thistle is being

managed and how road impact fees are supported from vehicle registration.

Councilwoman Elliott stated that she is not able to serve on the police pension board because of scheduling conflicts.

A motion was made by Councilman Benson, seconded by Mayor Pro Tem Bullock to accept Councilwoman Elliot's resignation from the police pension board.

VOICE VOTE: Unanimous; all present affirmed

A motion was made by Councilman Amador, seconded by Councilman /McEldowney to support the appointment of Councilmnan Douglas as the regular appointee and Councilman Teter as the alternate appointee on the police pension board.

Councilwoman Elliott spoke of the challenges of commuters crossing 104th & Revere without a crosswalk. She also expressed concern about a train stopping on the railroad tracks at 104th for an extended period of time.

A motion was made by Councilman McEldowney, seconded by Councilman Teter to direct staff to prepare a multi-jurisdictions letter regarding the trains stopping on the tracks for extended periods of time. Councilwoman Elliott will present the letter to railroad staff when she takes an upcoming train trip.

VOICE VOTE: Unanimous; all present affirmed

Mayor Pro Tem Bullock said he is getting complaints about the weeds at the old dog track site.

Mayor Ford stated that all city properties and other governmental entities should be in compliance with the city's weed ordinance. He also stated that he was contacted by Carl's Dairy about obtaining an exemption from the city's solicitation ordinance.

13. Reports

City Manager McBroom highlighted items off his weekly emailed report.

The mayor and council reported on their attendance at various meetings and events.

14. Adjourn

Council returned to the executive session started earlier in the meeting.

The meeting adjourned at 10:20 pm.

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