



Meeting Minutes - Final City Council

Monday, July 16, 2012

5:30 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 Councilman McEldowney July 16, 2012, at 5:32 p.m.

Council members Bullock and Teter moved and seconded to appoint Councilman McEldowney as acting mayor until Mayor Pro-Tem Moreno arrives.

VOICE VOTE: Unanimous; all present affirmed

Mayor Pro-Tem Moreno arrived at 5:35 p.m.

Councilman Benson arrived some time during the executive session.

Present: 8 - Mayor Pro-Tem Dominick Moreno, Council Member Jim Benson, Council Member Jadie Carson, Council Member Rick A. Teter, Council Member René Bullock, Council Member Crystal Elliott, Council Member Jason McEldowney and Council Member Steven J. Douglas

Absent: 1 - Mayor Sean Ford

2. Executive Session

[12-0048](#)

An executive session pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice concerning sales tax issues

A motion was made by Council Member Bullock, seconded by Council Member Teter, that this executive session be held pursuant to CRS 24-6-402(4)(b) for the purpose of receiving legal advice concerning sales tax issues. VOICE VOTE: Unanimous, all present affirmed.

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

[12-0039](#)

An executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations regarding the Black property purchase

A motion was made by Council Member Bullock, seconded by Council Member Teter, that an executive session, pursuant to CRS 24-6-402(4)(e) be held for the purpose of determining positions relative to matters that may be subject to negotiations regarding the Black property purchase. VOICE VOTE: Unanimous, all present affirmed.

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Audience Introduction

The audience introduced themselves.

5. Proclamations and Recognitions

[Proc 12-016](#) 2012 Relay for Life proclamation

Attachments: [Proclamation](#)

Mayor Pro-Tem Moreno read a proclamation declaring support of the 2012 Relay for Life Event sponsored by the American Cancer Society.

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

[Proc 12-017](#) National Auto Theft Awareness Month proclamation

Attachments: [Proclamation](#)

Mayor Pro-Tem Moreno read a proclamation declaring July 2012, as National Auto Theft Awareness Month in Commerce City.

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

6. Citizen Communication

There was no citizen communication.

7. Approval of Minutes

[Min 12-001](#) Meeting Minutes of June 18, 2012

Attachments: [Minutes](#)

A motion was made by Council Member Bullock, seconded by Council Member McEldowney, that the minutes of June 18, 2012, be approved. VOICE VOTE: Unanimous, all present affirmed.

[Min 12-002](#)

Meeting Minutes of June 28, 2012

Attachments: [Minutes](#)

Council members McEldowney and Bullock moved and seconded to allow Council members Benson and Carson to abstain from voting on the June 28, 2012, meeting because of their excused absence.

VOICE VOTE: Unanimous; all present affirmed

A motion was made by Council Member Douglas, seconded by Council Member McEldowney, that the minutes of June 28, 2012, be approved. VOTE:

Aye: 6 - Mayor Pro-Tem Moreno, Council Member Teter, Council Member Bullock, Council Member Elliott, Council Member McEldowney and Council Member Douglas

Abstained: 2 - Council Member Benson and Council Member Carson

8. Consent Agenda

Approval of the Consent Agenda

A motion was made by Council Member McEldowney, seconded by Council Member Bullock, to approve the Consent Agenda as presented. ROLL CALL VOTE:

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

[Ord Z-901-12](#)

AN ORDINANCE REZONING FROM C-3 and R-2 TO I-2 ZONE DISTRICT THE PROPERTIES DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 7021, 7055, AND 7065 EAST 54TH PLACE, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

Attachments: [Ordinance](#)[Minutes](#)[Ord 1915](#)

AN ORDINANCE TO REPEAL ORDINANCE 1881 AND AMEND THE FRANCHISE BETWEEN THE CITY OF COMMERCE CITY AND PUBLIC SERVICE COMPANY OF COLORADO d/b/a XCEL ENERGY

Attachments: [Ordinance](#)

[Res 2012-28](#) **RESOLUTION APPROVING AMENDMENTS TO 2012 INCENTIVES PROGRAM.**

Attachments: [Resolution](#)
 [Exhibit A](#)
 [Presentation](#)

[Res 2012-44](#) Resolution Calling a Special Election and Declaring Intent to Participate in the November 6, 2012, General Election

Attachments: [Resolution](#)

10. Resolutions

[Res 2012-34](#) RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT REGARDING MANHOLE WORK RELATED TO THE CITY'S 2012 PAVEMENT REHABILITATION PLAN

Attachments: [RESOLUTION](#)
 [IGA](#)

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

[Res 2012-41](#) Resolution Approving the Settlement IGA with the URA & SACWSD

Attachments: [Resolution](#)
 [IGA](#)

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

[Res 2012-42](#) Resolution Approving Council Policy #CP-23 Regarding City Council Study Sessions

Attachments: [Resolution](#)
 [CP #23 - procedure for conduct of study sessions](#)

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

11. Ordinances on 1st Reading

[Ord 1896](#)

AN ORDINANCE AMENDING CHAPTER 10 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADD ARTICLE IV ESTABLISHING A STORMWATER MANAGEMENT UTILITY AND AUTHORIZING THE COLLECTION OF A FEE THEREFOR

Attachments: [Ordinance](#)

A motion was made by Council Member Benson, seconded by Council Member Douglas, that this ordinance be continued to August 6, 2012. VOTE:

Aye: 5 - Mayor Pro-Tem Moreno, Council Member Benson, Council Member Bullock, Council Member Elliott and Council Member Douglas

Nay: 3 - Council Member Carson, Council Member Teter and Council Member McEldowney

12. Ordinances on 2nd Reading

[Ord 1880](#)

AN ORDINANCE CREATING AND DECLARING A SIX-MONTH MORATORIUM ON ANY LAND USE, INCLUDING SURFACE OR SUBSURFACE USE, FOR THE CONDUCT OF ANY OIL AND GAS OPERATIONS THAT INCLUDE HYDRAULIC FRACTURING OR DRILLING ACTIVITIES WITHIN THE CITY LIMITS OF THE CITY OF COMMERCE CITY.

Attachments: [Ordinance](#)

Council members McEldowney and Bullock moved and seconded to defeat this ordinance.

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

13. Presentations - 8:30

[Pres 12-196](#)

US Highway 85 Project Environmental and Linkage (PEL) Study

Representatives of CDOT addressed Council regarding an environmental and linkage study for US Highway 85. This study is the interim step of evaluation for a transportation need or project that has been identified in the regional transportation plan. This study will be used for transportation analysis, long range planning, identifying environmental concerns and prioritization.

[Pres 12-205](#)

Summary presentation of the 2012 International Council of Shopping Centers (ICSC) Retail Real Estate Convention (RECon)

Attachments: [ICSC Report to Council](#)

Michelle Hill and Julie Jacoby of the economic development division provided an overview of the 2012 International Council of Shopping Centers Convention. The ICSC is the largest retail convention in the world, with over 32,000 attendees and 1,000 exhibitors. Commerce City representatives attend to keep the city on top of mind for retailers, target specific needs for the community, build new relationships and grow existing relationships. Staff begins preparing for the convention 90 days prior to the convention and this year 32 meetings were pre-scheduled. This year's goals included: sit-down restaurants, hotels and development partners for URA projects.

14. Administrative Council Business

City Manager McBroom referenced a letter that a group of Adams County communities would like to send to DIA with respect to discussions regarding Airport City. Mr. McBroom would like Council's consent to sign the letter addressed to Mayor Hancock.

Council members McEldowney and Bullock moved and seconded to allow Mayor Ford to sign a letter addressed to Mayor Hancock.

VOICE VOTE: Unanimous; all present affirmed

Council members McEldowney and Bullock moved and seconded to begin the meeting of August 6, 2012, at 5:30 pm for the purpose of convening an executive session.

VOICE VOTE: Unanimous; all present affirmed

Council members Bullock and Teter moved and seconded to purchase a foursome in the amount of \$280 for the Vincel Golf Tournament.

VOICE VOTE: Unanimous; all present affirmed

Council members Bullock and Teter moved and seconded to contribute 20 soccer stadium suite tickets each to both a local Boy Scout Troop and the Housing Authority for two separate functions.

VOICE VOTE: Unanimous; all present affirmed

Council members McEldowney and Teter moved and seconded to cease further progress of purchasing the Black property.

7 aye, 1 nay (Bullock)

Councilman Benson asked for up-to-date cost estimate for street lighting along Tower Road between Pena Blvd. and 96th Ave.

Council member McEldowney moved and seconded to provide updated cost estimates for street lighting along Tower Road between Pena Blvd. and 96th Avenue.

VOICE VOTE: Unanimous; all present affirmed

Council members McEldowney and Teter moved and seconded to direct staff to draft a letter of support to DRCOG regarding funding for a proposed Commerce City project.

VOICE VOTE: Unanimous; all present affirmed

Councilman Douglas asked for the organization chart for 2007 and today.

Council members and Douglas moved and seconded to excuse Councilman McEldowney from the August 23, 2012, study session.

VOICE VOTE: Unanimous; all present affirmed

15. Reports

City Manager McBroom outlined the contents of his weekly report to Council

Mayor Pro-Tem Moreno and Council reported on attending various meetings and events.

16. Adjourn

The meeting adjourned at 9:44 pm.