



Meeting Minutes - Final

City Council

Monday, September 19, 2016

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 Monday, September 19, 2016, at 6:00 PM.

A motion was made by Council Member Amador, seconded by Council Member Teter, to excuse Council Member McEldowney from this meeting.

VOTE: 8 aye, 1 excused (McEldowney)

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

Excused: 1 - Council Member Jason McEldowney

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Audience Introduction

The audience introduced themselves.

4. Proclamations and Recognitions

Council Member McEldowney entered the meeting during the United Power presentation.

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

[16-42](#)

United Power Capital Credit Check Recognition

Tom Green, Bob Grant, and Dave Rose from United Power presented city council with a capital credit check in the amount of \$11,681.64.

[16-43](#)

Buffalo Run Golf Course Junior Golf Team Recognition

Golf Manager Paul Hebinck and Head Golf Coach Garrett Hoffman thanked council for encouraging junior golf and gave a brief presentation of the junior golf program.

[Proc 16-18](#)

Bridges of Silence Proclamation

City Attorney Sheesley read a proclamation recognizing Lisa Benjamin for her years of service to the community.

Lisa Benjamin and family were present to accept the proclamation.

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

[Proc 16-20](#)

Proclamation recognizing National Hispanic Heritage Month

City Attorney Sheesley read a proclamation declaring September 2016, as National Hispanic Heritage Month.

Maria Gonzales appeared before council to accept the proclamation.

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

5. Citizen Communication

Stephanie Levine and two students from Adams City High School invited council to the 2016 Homecoming events.

A motion was made by Council Member Amador, seconded by Mayor Pro Tem Bullock, to provide Adams City High School with \$500 for their homecoming activities.

VOTE: Unanimous; all present affirmed

Angela Brandt, 12168 Kitteridge St., asked for better access from Outlook to the new park being built at 116th & Chambers and other community features.

City Manager McBroom said the preliminary costs of this request are approximately \$200,000 and staff is working on a presentation to council for their input on funding this request.

Deborah Salazar, 12219 Village Circle East, expressed the same concerns as the speaker before her.

Shelly Holland, 6070 E. 74th Ave, expressed concern with issues at the trailer park at 69th & Highway 2, drug deals at 70th & Jasmine, and a motel that backs her property.

6. Approval of Minutes

[Min 16-64](#)

Meeting Minutes of July 18, 2016

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

[Min 16-67](#)

Meeting minutes of the September 12, 2016, Special Meeting

A motion was made by Council Member Teter, seconded by Council Member McEldowney, to allow Council Member Amador to abstain from voting on the minutes of September 12, 2016, because of his excused absence.

VOTE: 8 aye, 1 abstain (Amador)

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Douglas, that the minutes be approved. VOTE:

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

Abstained: 1 - Council Member Amador

7. Consent Agenda

Council Member Amador asked to remove Resolution 2016-104 from the consent agenda for additional discussion.

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

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

Abstained: 1 - Council Member Amador

[Z-937-16](#)

AN ORDINANCE REZONING FROM AG TO I-1 THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 6601 COLORADO BOULEVARD, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

[Ord 2110](#)

AN ORDINANCE AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE TO LICENSE AND REGULATE MOBILE ICE CREAM VENDORS

[Ord 2112](#)

AN ORDINANCE AMENDING THE 2016 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY INCREASING THE BUDGETED REVENUES IN THE GENERAL FUND BY \$2,553,900 FOR THE RECOGNITION OF THE PAYMENT FROM ADAMS COUNTY AS THE ADMINISTRATOR OF THE IGA FOR THE ADAMS COUNTY AIRPORT COMMITTEE, AUTHORIZING THE TRANSFER OF \$1,398,021 TO THE CIPP FUND AND AUTHORIZING THE EXPENDITURE THEREOF

[Ord 2113](#)

AN ORDINANCE AMENDING THE 2016 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO, BY APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE OF THE GENERAL FUND IN THE AMOUNT OF \$586,000 AND TRANSFERRING A PORTION OF THE UNENCUMBERED FUND BALANCE IN THE

GENERAL FUND TO THE FOLLOWING: CIPP FUND IN THE AMOUNT OF \$588,000 URA FUND IN THE AMOUNT OF \$100,000 TRANSFERRING \$40,000 FROM THE CIPP FUND TO THE GID FUND, APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE IN THE POLICE DONATION FUND IN THE AMOUNT OF \$46,704.42 FOR A TOTAL AMOUNT OF \$1,360,704.42 AND REAFFIRMING PRIOR APPROPRIATIONS AND AUTHORIZING THE EXPENDITURE THEREOF

[Res 2016-88](#) RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT REGARDING HIGHWAY 2 IMPROVEMENTS WITH SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT

[Res 2016-104](#) RESOLUTION APPROVING AMENDMENT TO MASTER SERVICES AGREEMENT FOR ENGINEERING SERVICES

Council had questions regarding the amount of the original master service agreement.

Public Works Director D'Andrea stated the initial cost of the agreement was \$150,000 and amended to include an additional \$80,000.

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.

[Res 2016-105](#) RESOLUTION APPROVING CITY ATTORNEY EMPLOYMENT CONTRACT

[Res 2016-107](#) RESOLUTION APPROVING ADJUSTMENT TO CITY MANAGER COMPENSATION

8. Public Hearings

[Res 2016-94](#) D-305-16: Crown Enterprises, Inc. is requesting approval of a development plan for a transportation terminal located at 10251 Newark Street, zoned I-2.

A motion was made by Council Member McEldowney, seconded by Council Member Douglas, that this resolution be continued to a date to be determined. VOICE VOTE: Unanimous, all present affirmed.

[Res 2016-95](#) S-662-16: Crown Enterprises, Inc. is requesting approval of the Aberdeen South Subdivision Replat, a request to consolidate 2 lots into 1 lot, for the property located at 10251 Newark Street, zoned I-2.

A motion was made by Council Member Amador, seconded by Council Member McEldowney, that this resolution be continued to a date to be determined. VOICE VOTE: Unanimous, all present affirmed.

[Res 2016-84](#) 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 WITH PIN 172306000013, COMMERCE CITY, COLORADO IN AN-237-16

Mayor Ford opened the public hearing.

Planner Workman testified to the following annexation cases: there is an adopted plan for the area, they are contiguous with the existing boundaries of the city, a community of interest exists between the areas proposed to be annexed and the city, the areas proposed to be annexed are, or will be, urbanized, the areas are integrated, or capable of being intergrated with the city, all the land owners have signed the annexation petitions, proceedings for annexation in another municipality have not been commenced, the proposed annexations will not result in detachment from one school district then attached to another, the annexation petitions have met all legal requirements, the proposed annexations will not extend the city boundaries more than three miles in any direction, and the entire width of street and alleys are included in the annexation.

Mr. Workman stated that the city is the applicant, the subject property is commonly known as the Second Creek Park site, and is located in the general vicinity north of 112th Avenue, west of the O'Brien Canal, and south of the Burlington Railroad and I-76. The adopted land use plan designates this area as future park site and the site will be developed into a public park in the future.

No one appeared to speak in favor or opposition of the cases and the public hearing was closed.

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

[AN-237-16](#)

AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED NORTH OF E. 112TH AVENUE, WEST OF THE O'BRIAN CANAL, SOUTH OF THE BURLINGTON NORTHERN SANTA FE RAILROAD, AND EAST OF HIGHWAY 2 (PIN: 172306000013), 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: 9 - Mayor Ford, Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas, Council Member Amador and Council Member Diaz

[Res 2016-85](#)

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 WITH PIN 172306200001, COMMERCE CITY, COLORADO IN AN-238-16

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.

[AN-238-16](#)

AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED SOUTHEAST OF THE BURLINGTON NORTHERN SANTA FE RAILROAD AND THE INTERSTATE 76 ALIGNMENT (PIN: 172306200001), COMMERCE CITY, COLORADO.

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

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

[Z-934-16](#)

AN ORDINANCE REZONING FROM ADAMS COUNTY A-3 TO COMMERCE CITY PUBLIC THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED NORTH OF E. 112TH AVENUE, SOUTH OF THE BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY, WEST OF THE O'BRIAN CANAL, AND EAST OF HIGHWAY 2 (PIN: 172306000013 AND 172306200001), 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 Council Member Amador, to accept the findings and recommendations of the planning commission.

VOTE: Unanimous; all present affirmed

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

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

9. Ordinances on 1st Reading

[Ord 2108](#)

AN ORDINANCE AMENDING SECTION 21-9210 OF THE COMMERCE CITY LAND DEVELOPMENT CODE RELATING TO PUBLIC PARKS AND RECREATION FEES

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

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

[Ord 2115](#)

AN ORDINANCE AMENDING THE 2016 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE DEPARTMENT OF JUSTICE - JAG/BYRNE GRANT FUNDS IN THE AMOUNT OF \$18,766 FOR THE PURCHASE OF TASERS TO BE USED BY POLICE DEPARTMENT PERSONNEL AND AUTHORIZATION OF THE EXPENDITURE THEREOF

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

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

10. Administrative Council Business

None.

11. Reports

City Manager McBroom provided council with highlights from his weekly report emailed to council earlier.

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

12. Adjourn

The meeting adjourned at 8:18 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:

City Clerk Laura Bauer