



Meeting Minutes - Final

City Council

Monday, April 3, 2017

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 April 3, 2017, at 6:00 PM.

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

VOTE: 8 aye, 1 excused (Carson)

Present: 8 - Mayor Sean Ford , 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

Excused: 1 - Council Member Jadie Carson

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Audience Introduction

The audience introduced themselves.

4. Proclamations and Recognitions

[17-03](#)

Recognition of Commerce City Nominated Youth for Adams County Mayors and Commissioners Youth Awards (ACMCYA)

Recreation Coordinator Whitmer gave a brief presentation regarding the Adams County Mayors and Commissioners Youth Awards Program and mentioned the following Commerce City youth:

*Joseph Banks
Ryan Plamowski
Victoria Terrell
Odessy Dominquez
Nicholas Gonzales
Brandon Macy
Jozlynn McCaslin
Simoukda Lounnivongsa
Jaime Wickersheim
Jessica Wickersheim
Ajaiye Mitchell*

Samantha Cruz-Mancia
Kambrya Martinez
Kei-Sean Ware
Veronica Chavez
Maranda Moreno
Kylie Gonzales
Nicole Wickersheim

[Proc 17-02](#)

Proclamation Declaring April as Child Abuse Prevention Month

Deputy City Attorney Hader read a proclamation declaring April as Child Abuse Prevention Month.

Representatives from both CASA and Ralston House were present to accept the proclamation.

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

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

Excused: 1 - Council Member Carson

[Proc 17-03](#)

Proclamation for Sex Assault Awareness Month

Deputy City Attorney Hader read a proclamation declaring April as Sex Assault Awareness Month.

Victim Advocate Manager Messina was on hand to accept the proclamation.

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

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

Excused: 1 - Council Member Carson

[Proc 17-04](#)

Proclamation for National Crime Victims' Rights Week

Deputy City Attorney Hader read a proclamation declaring the week of April 2, 2017, as National Crime Victims Rights Week.

Victim Services Manager Messina was on had to accept the proclamation.

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

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

Excused: 1 - Council Member Carson

5. Citizen Communication

Bradley Johnson, 11316 Lansing St., expressed concern about a proposed fracking site within certain northern neighborhoods and would like council permission to use the city attorney's office for legal assistance.

Shirley Henni, 6390 Olive St., expressed concern over the ongoing issue of traffic at 64th & Olive.

6. Approval of Minutes

[Min 17-20](#)

Meeting Minutes of December 19, 2016

A motion was made by Council Member McEldowney, seconded by Mayor Pro Tem Bullock, to allow Council Member Diaz to abstain from voting on the minutes of December 19, 2016, because of his excused absence.

VOTE: 7 aye, 1 excused (Carson), 1 abstained (Diaz)

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

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

Excused: 1 - Council Member Carson

Abstained: 1 - Council Member Diaz

[Min 17-21](#)

Meeting Minutes of February 6, 2017

A motion was made by Council Member Amador, seconded by Council Member Teter, that the minutes be approved. VOTE:

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

Excused: 1 - Council Member Carson

7. Consent Agenda

Council Member Douglas asked to remove Ordinance 2126 from the consent agenda for a separate discussion and vote.

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

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

Excused: 1 - Council Member Carson

[Ord 2124](#)

AN ORDINANCE AMENDING THE 2017 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY TRANSFERRING A PORTION OF THE UNDESIGNATED RETAINED EARNINGS IN THE INFORMATION TECHNOLOGY FUND TO THE CIPP FUND IN THE

AMOUNT OF \$174,200 FOR THE RECORDS INFORMATION MANAGEMENT PROJECT AND AUTHORIZING THE EXPENDITURE THEREOF

[Ord 2125](#)

AN ORDINANCE AMENDING THE 2017 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE OF THE WATER ACQUISITION FUND IN THE AMOUNT OF \$1,787,850 FOR THE PURCHASE OF 4A WATER AND AUTHORIZING THE EXPENDITURE THEREOF

[Ord 2126](#)

AN ORDINANCE AMENDING THE 2017 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY APPROPRIATING A PORTION OF THE DESIGNATED RETAINED EARNINGS IN THE INFORMATION TECHNOLOGY FUND IN THE AMOUNT OF \$500,000 FOR SERVER, STORAGE AND BACKUP UPGRADE SERVICES INCLUDING THE PROVISION OF RELATED HARDWARE AND SOFTWARE AND AUTHORIZING THE EXPENDITURE THEREOF.

Council Member Douglas asked if the contract includes backup of body camera records.

IT Manager Hindman replied that this contract does not include backup of body camera data, but it does include other police data.

**A motion was made by Council Member McEldowney, seconded by Council Member Douglas, that this ordinance be approved on second & final reading.
VOTE:**

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

Excused: 1 - Council Member Carson

[Res 2017-32](#)

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR SERVER, STORAGE, AND BACKUP UPGRADE SERVICES TO SENTINEL TECHNOLOGIES, INC.

[Res 2017-35](#)

RESOLUTION APPROVING GRANT OF PARKING EASEMENT TO SOUTH ADAMS COUNTY FIRE PROTECTION DISTRICT

[Res 2017-37](#)

RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY

[Res 2017-39](#)

RESOLUTION APPROVING ASSISTANCE TO COMMERCE CITY LEASED HOUSING ASSOCIATES I, LLLP FOR THE CONSTRUCTION OF AN AFFORDABLE HOUSING PROJECT

8. Public Hearings

A motion was made by Council Member McEldowney, seconded by Mayor Pro Tem Bullock, to amend the agenda to hear the continued public hearing on Resolution 2017-17 first.

VOTE: 8 aye, 1 excused (Carson)

[CU-21-91-94-96-97-17](#)

CONDITIONAL USE PERMIT FOR A SAND AND GRAVEL OPERATION, ROCK CRUSHING OPERATION, CONCRETE BATCH PLANT, AND ASPHALT BATCH PLANT

Mayor Ford opened the public hearing.

Planner Paul Workman presented to council. The applicant, LG Everist is seeking to amend or remove conditions from their permit. The permit was originally approved in 1991 with 18 conditions and has been amended several times over the years. This request includes amending two conditions to update the language and deleting 13 conditions.

Lynn Meyer-Shultz appeared on behalf of applicant

Mayor Ford closed the public hearing.

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

VOTE: 8 aye, 1 excused (Carson)

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

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

Excused: 1 - Council Member Carson

[Z-660-97-99-00-03\(2\)-17](#)

AN ORDINANCE APPROVING THE MOUNTAIN VIEW INDUSTRIAL PARK PUD ZONE DOCUMENT AMENDMENT NO. 5.

Mayor Ford opened the public hearing.

Planner Robin Kerns presented to council. The applicant, B&W Construction Company, is seeking a 5th amendment to their planned unit development plan to allow I-1 uses to the existing C-2 uses. The planning commission held a public hearing on March 7, 2017, and voted to forward the case to council with a favorable recommendation.

Cory Miller appeared on behalf of the applicant. Mr. Miller stated that most of the lots within the development promote I-1 or I-2 uses.

Mayor Ford closed the public hearing.

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

VOTE: 8 aye, 1 excused (Carson)

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

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

Excused: 1 - Council Member Carson

[Res 2017-17](#)

D-305-17: CROWN ENTERPRISES, INC. IS REQUESTING CONSIDERATION OF A DEVELOPMENT PLAN FOR A TRANSPORTATION TERMINAL FOR THE PROPERTY LOCATED AT 10251 NEWARK STREET, ZONED I-2.

Mayor Ford recused himself from this continued public hearing because he was not present on March 20, 2017, when this matter first came before council.

Council Member Teter stated that he had reviewed the video from the March 20, 2017, public hearing and is prepared to hear the matter.

A motion was made by Council Member Amador, seconded by Council Member Diaz, to open the public hearing to take limited testimony.

VOTE: 7 aye, 1 recused (Ford), 1 excused (Carson)

Mayor Pro Tem Bullock reopened the public hearing.

City Attorney Sheesley stated that staff is prepared to provide a few answers to some questions made when the matter was continued. Additional public comment and writing was received and has been placed at council's seats and at the back of the room; also, a letter from the applicant has been placed at council's seats and the back of the room.

Planning Manager Timms provided council with the information staff obtained relative to questions asked during the March 20, 2017, hearing. Current traffic count at East 104th Avenue is 11,000 average daily trips and the four-lane capacity is 24,000 average daily trips. Staff is not aware of any agreement or plan to route traffic to East 96th Avenue. Both East 96th and East 104th are designated truck routes and estimated construction cost of a signal is \$375,000.

A representative of Crown Enterprises stated that they are prepared to increase their offer up to \$300,000 for installation of a traffic signal.

Public Input:

Theresa Eskridge, 10553 Joplin St.

Mayor Pro Tem Bullock closed the public hearing.

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

Aye: 6 - Council Member Teter, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Amador and Council Member Diaz

Nay: 1 - Council Member Douglas

Excused: 1 - Council Member Carson

Recused: 1 - Mayor Ford

9. Ordinances on 1st Reading

[Ord 2121](#)

AN ORDINANCE AMENDING SECTION 2-4202 OF THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING SURPLUS, CONTRABAND, AND UNCLAIMED PROPERTY

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

Excused: 1 - Council Member Carson

10. Administrative Council Business

A motion was made by Council Member McEldowney, seconded by Council Member Amador, to support drafting a letter to South Adams County Water & Sanitation regarding multi-line taps.

VOTE: 8 aye, 1 excused (Carson)

Council Member Douglas asked about the trail behind Buckley Ranch going to Stuart Middle School.

Council Member Amador, expressed concern over drag racing along Old Quebec.

11. Reports

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

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

12. Adjourn

The meeting adjourned at 8:44 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 Bauer, City Clerk