



Meeting Minutes - Final City Council

Monday, December 16, 2013

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 Mayor Ford on December 16, 2013, at 5:30 PM.

Present: 7 - Mayor Sean Ford , Council Member Rick A. Teter, Council Member Crystal Elliott, Council Member Steven J. Douglas, Council Member Andrew Amador, Council Member Jadie Carson and Council Member René Bullock

Absent: 2 - Council Member Jim Benson and Council Member Jason McEldowney

2. Executive Session

A motion was made by Council Member Bullock, seconded by Council Member Douglas, to enter into an executive session pursuant to CRS 24-6-402(4)(e) for the purpose of developing strategy for negotiations and instructing negotiators concerning a supplemental EIS for I-70 and the 2014 World Lacrosse Championship; also pursuant to CRS 24-6-402(4)(f)(I), for the purpose of follow-up to evaluations of the city manager, city attorney and municipal court judge. VOTE:

Aye: 7 - Mayor Ford, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member Carson and Council Member Bullock

[13-0052](#)

Pursuant to C.R.S. 24-6-402(4)(e) for the purpose of developing strategy for negotiations and instructing negotiators concerning a supplemental EIS for I-70

[13-0055](#)

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: developing strategy for negotiations: and instructing negotiators concerning the 2014 World Lacrosse Championship

[13-0058](#)

Executive session pursuant to 24-6-402(4)(f)(I) for the purpose of follow up to evaluations of City Manager, City Attorney, and Municipal Judge.

3. Pledge of Allegiance

Cub Scout Pack #607 presented the colors and led the audience in the Pledge of Allegiance.

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 Council Member René Bullock

4. Audience Introduction

The audience introduced themselves.

5. Proclamations and Recognitions

[Proc 13-16](#)

Proclamation recognizing Sherry James, visitor services manager

A proclamation was presented to U.S. Fish & Wildlife Service employee Sherry James for over 20 years of service.

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

6. Citizen Communication

Bruce Emery, 10071 Joplin St. and Tanner Coltrin, 10061 Joplin St., presented Council with a petition asking for resident input on planning Fronterra Park to address their key issues: (1) traffic and volume on Joplin Street (2) parking for new park and (3) park amenities.

City Manager McBroom invited residents to attend an upcoming study session regarding park planning.

John Gallagher, on behalf of Suncor, provided Council with an update on the spill into Sand Creek that occurred over two years ago. Since that time, many remediation measures have been implemented and have been successful in the clean up efforts. The floods of September did affect the remediation systems at a cost of approximately \$1 million.

Troy Younger, on behalf of Commerce City Cultural Council, thanked Council for their support of the Adams County School District 14 Art Show currently on display in the civic center atrium.

Sharon Myers, on behalf of St. Anthony North Foundation, addressed Council regarding a program that provides flu shots to at-risk community members. A request for financial support was made.

Councilman Bullock moved to provide financial support, in the amount of \$2,500, to St. Anthony North for their flu shot program.

Council members Bullock and Benson moved and seconded to provide financial support, in the amount of \$5,000, to St. Anthony North for their flu shot program. The money is to come from council's discretionary funds.

ROLL CALL VOTE: 8 aye, 1 nay (Douglas)

Council members McEldowney and Benson moved and seconded to amend the agenda to address the re-appointment of Municipal Court Judge Juarez

VOICE VOTE: Unanimous; all present affirmed

Council members McEldowney and Bullock moved and seconded to re-appoint Municipal Court Judge Juarez retroactive to October 24, 2013, for a two-year term. A contract will be drafted by the city attorney's office and presented to Council for ratification on January 6, 2014.

VOICE VOTE: Unanimous; all present affirmed

7. Approval of Minutes

[Min 13-103](#)

Minutes of December 2, 2013

Council members Teter and McEldowney moved and seconded to allow Councilwoman Carson to abstain from voting on the minutes of December 2, 2013, because of her excused absence.

VOICE VOTE: 8 aye, 1 abstain (Carson)

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

[Min 13-104](#)

Organizational Meeting Minutes of December 2, 2013

Council members Bullock and McEldowney moved and seconded to allow Councilwoman Carson to abstain from voting on the minutes of the organizational meeting of December 2, 2013, because of her excused absence.

VOICE VOTE: 8 aye, 1 abstain (Carson)

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

8. Consent Agenda

A motion was made by Council Member McEldowney, seconded by Council Member Douglas, to approve the consent agenda as presented. 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 Council Member Bullock

[Ord 1978](#)

AN ORDINANCE AMENDING THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE PREVIOUSLY ADOPTED BY THE CITY OF COMMERCE CITY THROUGH ORDINANCE 1907

[AN-230-13-13](#)

AN ORDINANCE AMENDING THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" TO ORDINANCE AN-230-13 REGARDING PROPERTY LOCATED AT 6771 E. 80TH AVENUE, COMMERCE CITY, COLORADO.

- [Z-905-13-13](#) AN ORDINANCE AMENDING THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" TO ORDINANCE Z-905-13 REGARDING PROPERTY LOCATED AT 6771 E. 80TH AVENUE, COMMERCE CITY, COLORADO.
- [Ord 1991](#) AN ORDINANCE AMENDING CHAPTER 20 OF THE COMMERCE CITY REVISED MUNICIPAL CODE BY SUBSTITUTING A SALES AND USE TAX RATE OF 4.5% IN LIEU OF 3.5% ON ALL SALES AND USE TAX TRANSACTIONS TAXABLE UNDER THE COMMERCE CITY SALES AND USE TAX CODE AND REGULATIONS WITH THE PROCEEDS FROM SUCH SALES AND USE TAX INCREASE TO BE USED FOR RESTRICTED PURPOSES AS AUTHORIZED BY THE ELECTORS OF THE CITY OF COMMERCE CITY IN THE COMMERCE CITY ELECTION HELD ON NOVEMBER 5, 2013 AND PROVIDING FOR THE COLLECTION OF SAID TAX AND RELATED PROVISIONS
- [Res 2013-77](#) RESOLUTION REGARDING POSTING LOCATIONS FOR ORDINANCES AND PUBLIC MEETINGS
- [Res 2013-78](#) RESOLUTION CANCELLING CITY COUNCIL MEETINGS THAT FALL ON OFFICIALLY SCHEDULED CITY HOLIDAYS
- [Res 2013-84](#) RESOLUTION REAFFIRMING COMMITMENT TO RAMP PROJECT SH2

9. Public Hearings

Mayor Ford opened the public hearing for the interrelated cases Z-885-13 and Resolution 2013-72.

Planner Paul Workman presented the cases to Council. He stated that the applicant, James Parent, is requesting to rezone 8600 Verbena Street from the current agriculture designation to an I-2 designation in order to legally operate JBS Pipeline and have outdoor storage. Additionally, the applicant is applying to consolidate the property in order to create a lot and block description and dedicate public right-of-way. The property has been owned by the Parents since 2008 and they have worked with the city since that time to address ownership issues. On November 6, 2013, the planning commission voted unanimously to recommend approval of this case.

Jim Parent, 8600 Verbena St., appeared on behalf of the applicant and had no further information to provide to Council.

There being no further comment, the public hearing portion was closed.

- [Z-885-13](#) AN ORDINANCE REZONING FROM AG TO I-2 ZONE DISTRICT THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, COMMONLY KNOWN AS 8600 VERBENA STREET, COMMERCE CITY, COLORADO, AND

AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

Council members McEldowney and Amador moved and seconded to accept the findings and recommendations of the planning commission on Case Z-885-13.

VOICE VOTE: Unanimous; all present affirmed

A motion was made by Council Member McEldowney, seconded by Council Member Amador, that this zoning 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 Council Member Bullock

[Res 2013-72](#)

RESOLUTION APPROVING SUBDIVISION PLAT IN CASE #S-564-13

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

10. Resolutions

[Res 2013-81](#)

RESOLUTION APPROVING CONVEYANCE OF EASEMENT TO NORTHERN COMMERCE METROPOLITAN DISTRICT

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

[Res 2013-85](#)

RESOLUTION MODIFYING LOAN AGREEMENT BETWEEN CITY OF COMMERCE CITY AND BUFFALO HIGHLANDS METROPOLITAN DISTRICT WITH RESPECT TO 96TH AVENUE CONSTRUCTION

Public Works Director Maria D'Andrea addressed Council. Project costs have increased and that is why Buffalo Highlands is seeking additional funding. The load will be repaid at a 6% interest rate with a 25-year term. Construction has begun, the bridge plans are approved and clean-up plans for Parcel K are being finalized.

In response to Council questions, Buffalo Highlands was unable to obtain financing options so the city stepped in as the lending agent.

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

11. Ordinances on 1st Reading

[Ord 1981](#)

AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT FUNDS IN THE AMOUNT

OF \$25,000 FOR THE RESTORATION OF TWO PROPERTIES ALONG SAND CREEK AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

A motion was made by Council Member 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 Council Member Bullock

[Ord 1982](#)

AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT FUNDS IN THE AMOUNT OF \$25,000 FOR LOS VALIENTES PARK IMPROVEMENTS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

A motion was made by Council Member McEldowney, seconded by Council Member Bullock, 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 Council Member Bullock

[Ord 1983](#)

AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT FUNDS IN THE AMOUNT OF \$5,000 FOR INTERPRETIVE SIGNAGE AT FAIRFAX PARK AND THE AUTHORIZATION FOR 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:

[Ord 1989](#)

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 12 OF THE COMMERCE CITY REVISED MUNICIPAL CODE RELATING TO THEFT AND POSSESSION OF MARIJUANA

In response to Council questions, Assistant City Attorney Graham stated that this ordinance does not allow for public consumption of marijuana. Police Chief Smith appeared before Council to state that the intent of the ordinance before them is to mirror state statute and that "public place" will have to be decided by case law.

Municipal Court Judge Juarez stated that his role is completely separated from the legislative process that Council takes. However, when making a ruling on what constitutes a public place versus private property versus being viewed publicly while on private property, the more guidance Council can provide Judge Juarez in regards to what constitutes public place the less likelihood of him making a determination contrary to Council's intent.

Council would like this topic brought forward to a future study session neighboring communities and the state come to terms with the definitions laid out in the statute.

A motion was made by Council Member McEldowney, seconded by Council Member Teter, 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 Council Member Bullock

12. Administrative Council Business

Council members Teter and McEldowney moved and seconded to change the start times of the meetings scheduled for January 6th, January 13th, January 27th, February 3rd and February 24th.

VOICE VOTE: Unanimous; all present affirmed

Council members McEldowney and Bullock moved and seconded to convene a special URA meeting on February 10, 2014, to begin at 6:00 pm.

VOICE VOTE: Unanimous; all present affirmed

[13-0056](#)

Discussion of winter planning retreat dates

City Manager McBroom provided Council with options for holding their winter retreat. The options presented were: an afternoon/evening meeting or a Fri/Sat meeting.

Mayor Ford asked that the Council Retreat Committee collect items for discussion from other council members then work with City Manager McBroom to schedule their retreat.

13. Reports

City Manager McBroom highlighted items from his weekly city manager report emailed to council earlier.

Mayor and council reported on meetings and events they attended over the last week.

Council reconvened the executive session called at the beginning of the meeting.

Council came out of the executive session at 10:45 pm. and reconvened the regular business meeting.

14. Adjourn

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

The meeting adjourned at 10:52 pm.