



Meeting Minutes - Final City Council

Monday, February 2, 2015

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 Pro Tem Bullock on February 2, 2015, at 6:03 PM.

Present: 7 - 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

Excused: 1 - Mayor Sean Ford

Absent: 1 - Council Member Jim Benson

2. Executive Session

[15-03](#)

An executive session C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice on water policy

A motion was made by Council Member McEldowney, seconded by Council Member Carson, that an executive session, pursuant to CRS 24-6-402(4)(b) for the purpose of receiving legal advice on water policy, be held. VOTE:

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

Excused: 1 - Mayor Ford

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

Present: 8 - 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

Excused: 1 - Mayor Sean Ford

4. Audience Introduction

A motion was made by Council member Benson, seconded by Council member McEldowney to amend the agenda to move up the State of the Court presentation to follow citizen communication.

VOTE: 8 aye, 1 excused (Ford)

The audience introduced themselves.

5. Citizen Communication

Orval Lewis, 5680 E. 67th Ave., asked about the plans for the new park and the anticipated revenue. He also asked if a road was going to be built through the dog track property.

Beverly Benzel, 6696 Niagara St., addressed council regarding the installation and removal of speed bumps installed on Olive Street.

6. Consent Agenda

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

Aye: 8 - 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

Excused: 1 - Mayor Ford

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| <u>Ord 2020</u> | AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE LAND DEVELOPMENT CODE |
| <u>Ord 2021</u> | ADOPTING THE COMMERCE CITY HISTORIC PRESERVATION PLAN |
| <u>Ord 2041</u> | AN ORDINANCE AMENDING THE 2015 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT IN THE AMOUNT OF \$200,000 TO BE USED FOR THE FRONTERA NEIGHBORHOOD PARK PROJECT AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF. |
| <u>Ord 2042</u> | AN ORDINANCE AMENDING THE 2015 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT IN THE AMOUNT OF \$518,281 TO BE USED FOR THE OUTDOOR LEISURE POOL AT PIONEER PARK PROJECT AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF. |
| <u>Ord 2043</u> | AN ORDINANCE REVISING SECTION 2-3002 OF THE MUNICIPAL CODE FOR THE DERBY REVIEW BOARD IN CONJUNCTION WITH THE DERBY PUD AMENDMENT NO. 2 |
| <u>Z-867-07-09-15</u> | AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE DERBY DOWNTOWN DISTRICT PUD ZONE DOCUMENT. |
| <u>Z-914-15</u> | AN ORDINANCE REZONING FROM AG TO I-2 ZONE DISTRICT THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO |

AND MADE A PART HEREOF, LOCATED AT 9109 MONACO STREET, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

- [Res 2015-02](#) RESOLUTION AMENDING THE DIRECTORY OF CITY FEES AND CHARGES
- [Res 2015-06](#) RESOLUTION APPROVING GRANT OF EASEMENT TO UNITED POWER, INC.
- [Res 2015-07](#) RESOLUTION APPROVING CITY 2014 HIGHWAY USER TAX FUND (HUTF) REPORT
- [Res 2015-08](#) RESOLUTION FINDING SUBSTANTIAL COMPLIANCE OF AN ANNEXATION PETITION AND SETTING A PUBLIC HEARING TO DETERMINE IF THE PROPOSED ANNEXATION COMPLIES WITH STATUTORY REQUIREMENTS FOR SUCH ANNEXATION AN-233-15
- [Res 2015-10](#) RESOLUTION APPROVING GRANT OF EASEMENT TO PUBLIC SERVICE COMPANY OF COLORADO
- [Res 2015-11](#) RESOLUTION APPROVING GRANT OF EASEMENT TO SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT
- [Res 2015-12](#) RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT REGARDING SAFE ROUTES TO SCHOOL – EAST 72ND AVENUE CORRIDOR PROJECT

7. Ordinances on 1st Reading

- [Ord 1998](#) AN ORDINANCE AMENDING THE 2015 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$166,720 FOR DERBY SIDEWALK REPAIR AND REPLACEMENT PROJECT AND THE 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: 8 - 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

Excused: 1 - Mayor Ford

- [Ord 2044](#) AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF COMMERCE CITY, COLORADO OF ITS SALES AND USE TAX

REVENUE REFUNDING BONDS, SERIES 2015; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

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

Aye: 8 - 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

Excused: 1 - Mayor Ford

[Ord 2045](#)

AN ORDINANCE AMENDING THE 2015 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$8,500 FOR (DUI) ENFORCEMENT EFFORTS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

Aye: 8 - 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

Excused: 1 - Mayor Ford

[Ord 2046](#)

AN ORDINANCE AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING THE COMMERCE CITY LIQUOR AUTHORITY

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

Aye: 8 - 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

Excused: 1 - Mayor Ford

[AN-231-14-15](#)

AN ORDINANCE AMENDING THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" TO ORDINANCE AN-231-14-15 REGARDING PROPERTY LOCATED AT 10730 POTOMAC STREET, COMMERCE CITY, COLORADO

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

Aye: 8 - 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

Excused: 1 - Mayor Ford

8. Presentations

[Pres 15-21](#)

State of the Court for 2014

Municipal Court Judge Juarez gave a presentation to council. He stated that the state of the court is good and that total number of citations, of all types, is increasing. He stated that an intergovernmental agreement to address the jail issues of the past has been put into place. Judge Juarez informed council of a change in process that the municipal court is using with regard to restitution. Restitution orders entered by the municipal court are recorded in the county court for Adams County; that way all collection mechanisms are available to judgment creditors to use in an effort to collect their judgment, rather than relying on the municipal court to try to collect their restitution and damages. The city has sent approximately \$1.6 million in state court debts to a collection agency and a good return on that referral is seen. Judge Juarez felt it might be time to revisit the community justice surcharge now that the victims' advocates have been moved to Brighton.

[Pres 15-07](#)

Capital Program Update

Program Manager Scott Hergenrader provided an update on the city's capital programs. Highlights included two projects under construction and another project is expected to be delivered ahead of schedule. Mr. Hergenrader invited Gordon Hamby of the Capital Improvement Program Citizen Advisory Committee and he was joined by Delilah Collins. They provided an update on the committee's activities.

In response to council questions, Mr. Hergenrader confirmed that the projected completion date for the northern range recreation center project is end of 2017.

[Pres 15-08](#)

2014 4th Quarter Update

City Manager McBroom provided council with the end of 2014 work plan updates. Highlights included: neighborhood services division achieved an 87% compliance rate for courtesy notices; the building division issued 558 permits, parks, recreation and golf department completed all 2013 flood damage repair at Sand Creek Regional Greenway; public works cracked-sealed 25.1 lane miles and patched 10,016 potholes; economic development sponsored Aerotropolis Americans to promote Commerce City to 350 senior airport and aviation professionals throughout the world; the police department experienced an 8% increase in traffic accidents and DUI arrests have increased 2.3%; human relations hired 23 new employees; finance completed audits on 30 businesses; IT installed public WiFi at Buffalo Run Golf Course and the recreation center and communications saw 7% increase in social media traffic.

9. Administrative Council Business

Council member Douglas would like the hours for the game room and pool at the recreation center expanded.

A motion was made by Council member Amador, seconded by Council member Teter, to direct staff to investigate a drainage issue between two properties: 7260 and 7280 E. 63rd Avenue.

VOTE: 8 aye, 1 excused (Ford)

A motion was made by Councilman Benson to direct staff to further pursue starting English as a second language program.

Some council members expressed concerns that this is not a city function and that there are other programs within the community filling this need.

The motion died for lack of a second.

A motion was made by Councilwoman Carson, seconded by Councilman Benson, to direct staff to bring back to council a presentation of cost, what other cities are doing, and what staff believes can be done within the estimated cost.

Vote: 4 aye, 4 nay (Bullock, McEldowney, Amador, Teter), 1 excused (Ford)

City Manager McBroom offered that staff would explore a scholarship program in support of other programs within the community.

15-14

Motion to call a special meeting on February 9, 2015 in order to hold an Executive Session:

A motion was made by Council member Amador, seconded by Council member Teter, to call a special meeting on February 9, 2015, in order to hold an executive session.

ROLL CALL VOTE: 8 aye, 1 excused (Ford)

15-10

Action to approve recommended state legislative bill positions

Communications Director Halstead stated that the city's health partners are seeking council support of HB 1194, dealing with funding of long acting reversible contraception. This bill is outside of council's policy statement.

A motion was made by Council member Carson, seconded by Council member Amador, to include Commerce City support of HB 1194.

VOTE: 7 aye, 1 nay (Benson), 1 excused (Ford)

10. Reports

Council members reported on their attendance at various meetings and events.

City Manager McBroom highlighted items off his weekly email report that was sent to council earlier.

City Attorney Gehler reported that his activity report was provided to council in January.

11. Adjourn

The meeting adjourned at 8:55 pm.

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