



Meeting Minutes - Draft City Council

Monday, July 20, 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 Ford on July 20, 2015, at 6:00 PM.

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 Mayor Pro Tem René Bullock

2. Executive Session

A motion was made by Council Member McEldowney, seconded by Mayor Pro Tem Bullock, that an executive session be held pursuant to CRS 24-6-204(4)(e) for the purpose of instructing negotiators regarding the 120th Avenue IGA with the City of Brighton and pursuant to CRS 24-6-402(4)(b) for the purpose of receiving legal advice regarding subdivision issues concerning design and development. VOICE VOTE: Unanimous, all present affirmed.

15-58 Executive session pursuant to 24-6-402(4)(e) for the purpose of instructing negotiators regarding the 120th Avenue IGA with the City of Brighton

15-59 Executive session pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice regarding subdivision issues concerning design and development

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Audience Introduction

The audience introduced themselves.

2. Citizen Communication

Tina Martinez appeared before council on behalf of the Boys & Girls Club. She announced that the grand opening of the Suncor Boys & Girls Club of Commerce City will be August 26th.

Hannah Mullen appeared before council on behalf of Congressman Perlmutter. She informed council of upcoming events.

Guillermo Serna, 14122 E. 102nd Pl, addressed council regarding the success of seeing the vision of the Boys & Girls Club come to fruition.

6. Consent Agenda

A motion was made by Council Member McEldowney, seconded by Mayor Pro Tem Bullock, 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 Mayor Pro Tem Bullock

Res 2015-71 RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT WITH URBAN DRAINAGE AND FLOOD CONTROL DISTRICT

Res 2015-75 RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN ADAMS COUNTY AND THE CITY OF COMMERCE CITY FOR THE NOVEMBER 3, 2015 COORDINATED MAIL BALLOT ELECTION

7. Public Hearings

Z-925-15 AN ORDINANCE REZONING THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 5171 EAST 56TH AVENUE (PIN 182307400027), COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

Mayor Ford opened the public hearing on the following inter-related cases: Zoning Ordinance Z-925-15, Resolution 2015-51 and Conditional Use Permit CU-106-14-15.

Planner Caitlin Hasenbalg-Long presented the cases. The applicant, Old Dominion Freight Line, is seeking to expand their terminal. In order to do the expansion, the company acquired several adjacent properties. These properties were zoned differently than the current site. The planning commission held a public hearing on June 16, 2015, and voted, unanimously, to forward the zoning ordinance, the subdivision plat and the conditional use permit to council with favorable recommendations.

Adam Maher, appeared on behalf of the applicant to answer questions.

No one else appeared to speak on the items and the public hearing portion was closed.

A motion was made by Councilman Amador, seconded by Councilman McEldowney to approve findings and recommendations of the planning commission on Zoning Ordinance Z-925-15.

VOICE VOTE: *Unanimous; all present affirmed*

A motion was made by Council Member Benson, 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 Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member Carson, Council Member McEldowney and Mayor Pro Tem Bullock

Res 2015-51 RESOLUTION APPROVING SUBDIVISION PLAT IN CASE S-638-15

A motion was made by Councilman McEldowney, seconded by Councilwoman Carson, to approve the findings and recommendation of the planning commission on Subdivision Plat S-638-15.

VOICE VOTE: Unanimous; all present affirmed

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

CU-106-14-15 CONDITIONAL USE PERMIT FOR TRANSPORTATION TERMINAL

A motion was made by Councilman Amador, seconded by Councilman McEldowney, to accept the findings and recommendations of Conditional Use Permit CU-106-14-5.

VOICE VOTE: Unanimous; all present affirmed

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Benson, that this conditional Use Permit be adopted. VOICE VOTE: Unanimous, all present affirmed.

Res 2015-50 RESOLUTION APPROVING SUBDIVISION PLAT IN CASE S-636-15

Mayor Ford opened the public hearing on Resolution 2015-50 and Conditional Use Permit CU-111-15.

Planner Jared Draper presented the case. The applicant, UPS Ground Freight, is seeking to expand their existing terminal. Their property is currently made up of three separate parcels and the applicant is requesting a consolidation into two lots. The subject property was constructed as a transportation terminal in the 1960s. This proposal will not generate an increase of truck traffic, but improve operational efficiencies. The planning commission held a public hearing and voted unanimously to forward the cases to council with a favorable recommendation.

No one appeared to address council and the public hearing portion was closed.

A motion was made by Councilman Benson, seconded by Councilman McEldowney, to accept the findings and recommendations of the planning commission.

VOTE: Unanimous; all present affirmed.

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

**CU-111-15 CONDITIONAL USE PERMIT FOR TRANSPORTATION TERMINAL
CU-111-15:**

A motion was made by Councilman Amador, seconded by Councilman McEldowney, to accept the findings and recommendations of the planning commission.

VOTE: Unanimous; all present affirmed

A motion was made by Council Member Amador, seconded by Council Member McEldowney, that this conditional use permit be adopted. VOICE VOTE: Unanimous, all present affirmed.

8. Resolutions

- Res 2015-54** RESOLUTION APPROVING THE SETTLEMENT OF THE CITY OF COMMERCE CITY'S LITIGATION WITH DOUGLAS N. DARR AND THE ADAMS COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING PRISONER SPACE AT THE ADAMS COUNTY JAIL
- 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.**

9. Ordinances on 1st Reading

- Ord 2061** AN ORDINANCE AMENDING SECTION 21-7730(4) OF THE COMMERCE CITY LAND DEVELOPMENT CODE RELATING TO ELECTRIC FENCES
- 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 Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member Carson, Council Member McEldowney and Mayor Pro Tem Bullock
- Ord 2066** AN ORDINANCE AUTHORIZING A FIRST AMENDMENT TO A PREVIOUSLY EXECUTED MASTER LEASE PURCHASE AGREEMENT AND PROVIDING OTHER MATTERS RELATING THERETO
- In response to council's questions, City Attorney Gehler stated that this ordinance has to do with the agreement that the city has with the fire district. This site would be released from the original master agreement in order that it would be available for transfer to the fire district in accord with a pending negotiation for construction on the site.*
- A motion was made by Mayor Pro Tem 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 Mayor Pro Tem Bullock

10. Presentations

Pres 15-318 Highway 2 Widening Project Design Elements Discussion

Project Manager Nathan Haasis appeared before council to present information regarding the Highway 2 widening project. Mr. Haasis stated that the goals of this project are to increase vehicle capacity and improve levels of service, improve safety, reduce flooding and improve water quality, environmental sensitivity, and multi-modal options. Project elements include: widen the highway from two to four lanes with turn lanes as needed, install street lighting, build a new culvert at First Creek Crossing, add a raised and painted median at Oneida Street in Derby, add public art at Oneida Street and near the Refuge, underground electrical lines, and a 10' bike path.

Council questions included: retaining walls, landscaping, medians, width of bike lanes, and drainage near Eagle Creek.

Pres 15-380 US 85 Planning and Environmental Linkage Study Update

A representative from Flesburg-Holt appeared before council to give a presentation regarding the US 85 Planning and Environmental Linkage Study. This is a long-term study to establish a vision for US 85 looking ahead 20 to 25 years. The study covers approximately 62 miles. Two committee types were formed: executive and technical advisory and both have been meeting regularly over this past year. This project is still in the brainstorming phase. The highest traffic volume in the corridor is between 104th to 124th and has been classified as Council was presented with three major interchange design concepts.

Council expressed concern over creating a freeway system near Belle Creek.

11. Administrative Council Business

City Manager McBroom confirmed cancellation of the July 27, 2015, study session.

A motion was made by Councilman Douglas, seconded by Councilman Benson to place a charter amendment on the 2015 municipal ballot to change council's term of office to a beginning date of January.

VOTE: 1 aye, 8 nay (Amador, Teter, Carson, Benson, Ford, Bullock, McEldowney, Elliott)

Councilman Amador asked about the calendar invitations for the MLS events.

Councilman Douglas reported that vehicles are still trying to access 88th off of Tower Road, he is receiving calls about trucks driving down 61st, and he asked if the traffic pattern at 56th & Eudora has been changed.

A motion was made by Mayor Pro Tem Bullock, seconded by Councilman McEldowney to call a special meeting for August 31st to conduct the lot draw for placing candidate names on the ballot.

VOTE: Unanimous; all present affirmed

12. Reports

City Manager McBroom informed council that many of the items on his weekly emailed report are responses to council action items.

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

13. Adjourn to URA Meeting

The meeting adjourned at 11:00 pm

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