



Meeting Minutes - Final City Council

Monday, May 18, 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 May 18, 2015, at 6:00 PM.

A motion was made by Councilman McElDowney, seconded by Councilwoman Carson, to excuse Mayor Ford from this meeting.

VOTE: 8 aye, 1 excused (Ford)

A motion was made by Councilman Amador, seconded by Councilman Douglas to amend the agenda and move the senior advisory committee presentation after proclamations and presentations.

VOTE: 8 aye, 1 excused (Ford)

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

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Audience Introduction

The audience introduced themselves.

4. Proclamations and Recognitions

[Proc 15-03](#)

Proclamation declaring May 17-23, 2015, as Commerce City Public Works Week

City Attorney Gehler read a proclamation declaring May 17-23 as Commerce City Public Works week.

A motion was made by Council Member Teter, seconded by Council Member McElDowney, that the proclamation be approved. 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

[Proc 15-18](#)

Memorial Day Proclamation

City Attorney Gehler read a proclamation declaring May 25, 2015, as Memorial Day.

A motion was made by Council Member Teter, seconded by Council Member Benson, that the proclamation be approved. 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

[15-33](#)

Recognition of Earth Day Art Contest winner

Communications Supervisor Julia Emko asked council to recognize Kearney Middle School Student Joan Lopez for submitting the winning piece of artwork in the Earth Day Art Work Competition.

[15-34](#)

Recognition of Commerce City Historical Society Coloring Book Winners

Historical Society members presented winners of the coloring contest with their awards.

5. Citizen Communication

Diane Thompson, 11462 Chambers Drive, spoke about driveways being built by new developers that are inconsistent with neighborhood standards.

Brett Bidgood, 15354 E. 115th Avenue, spoke in support of his neighbors on Chambers Drive and expressed his displeasure with previous interactions with the city regarding Carapace Homes and now the new builder, Lokal. Neighbors are concerned about agreements previously negotiated by the city attorney and current height issues left unresolved.

Michael Genove, 11451 E. Chambers Drive, spoke about benefits of development and challenges facing the neighborhood. Mr. Genova encouraged council to review staff actions and existing process to represent residents.

6. Consent Agenda

Mayor Pro Tem Bullock removed Resolution 2015-20 from the consent agenda for a separate discussion and vote.

A motion was made by Council Member McEldowney, seconded by Council Member Benson, to approve the Consent Agenda as amended. 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

[Res 2015-20](#)**RESOLUTION APPROVING A CHANGE ORDER WITH HUITT-ZOLLARS, INC. FOR ADDITIONAL DESIGN SERVICES RELATED TO THE TOWER ROAD WIDENING PROJECT**

Deputy City Manager Hayes stated that the city went through a public procurement process to select Huitt-Zollars as the designer for the Tower Road project. This change order exceeds the \$250,000 limit because of additional design features identified in a previous study session.

Public Works Director D'Andrea stated that the change order covers a hydrolic and hydrologic analysis of the regional drainage improvements. The city's intent is to go through the analysis to determine if it's appropriate to include in Tower Road and staff will be coming back to council with the information to determine other potential funding sources for the work.

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

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

Nay: 1 - Council Member Carson

Excused: 1 - Mayor Ford

[Res 2015-38](#)**RESOLUTION APPROVING GRANT OF EASEMENT TO SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT**[Res 2015-39](#)**RESOLUTION APPROVING GRANT OF EASEMENT TO SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT**[Res 2015-41](#)**RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY****7. Public Hearings**[Res 2015-26](#)**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 LOCATED AT 7420 E. 86TH AVENUE, COMMERCE CITY, COLORADO IN AN-234-15**

Mayor Pro Tem Bullock opened the public hearing on Resolution 2015-26, Annexation Ordinance AN-234-15, and Zoning Ordinance Z-919-15.

Planner Jared Draper was sworn in by City Attorney Gehler. He testified to the following:

*his familiarity with the filed annexation petition,
a plan for the area has been adopted,
the proposed area meets the 1/6 contiguity requirement,
the proposed area can be integrated within the city,*

*there is only one petitioner,
a community of interest exists,
the petition is in proper order and meets state law,
the annexation would not extend the city boundary more than three miles,
the annexation does not include a street or alley.*

Mr. Draper stated that the applicant's site is approximately four and one quarter acres and is located in both the city and the county. The applicant wishes to annex the unincorporated portion, consolidate the two parcels, and rezone it from agricultural to industrial. The request aligns with the comprehensive plan. The planning commission held a public hearing and voted unanimously to forward the application to council with a favorable recommendation.

There was no further testimony offered and the public hearing portion was closed.

A motion was made by Council Member McEldowney, seconded by Council Member Douglas, that this resolution be adopted. 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-234-15](#)

AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 7420 EAST 86TH AVENUE, COMMERCE CITY, COLORADO

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: 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

[Z-919-15](#)

AN ORDINANCE REZONING THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 7420 EAST 86TH AVENUE, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

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

VOTE: 8 aye, 1 excuse (Ford)

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

[Z-920-15](#)

AN ORDINANCE REZONING THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 6440 EAST 64TH AVENUE, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

Mayor Pro Tem Bullock opened the public hearing on Zoning Ordinance Z-920-15 and Resolution 2015-24.

Planner Jared Draper testified that the subject property is vacant and located next to a church. The applicant is seeking to rezone the property from R-2 to R-4 and subdivide the property into six lots in order to construct townhomes on the site. This is the first site to come before council seeking the R-4 Townhome District. The intent behind the R-4 Zone District is to create owner-occupied high density residential development. The planning commission held a public hearing and voted to forward this application to council with a recommendation of denial.

Council asked if this proposal is consistent with other high-quality townhome projects being developed in other communities, if the fire district had concerns regarding the depth of the lots, if the trash vendor had issues with the lots.

Alberto Rodriguez appeared on behalf of the applicant. Mr. Rodriguez stated that he has been a real-estate broker since 2004 and is committed to providing affordable housing to first-time, low-income, Hispanic home buyers. He said he listened to the planning commission's feedback and worked with staff and engineers to address those concerns. He met with Waste Management who assured him they could provide service to the site. Each unit will be provided with a storage unit to address storage concerns.

No one else came forward to address council and the public hearing portion was closed.

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

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

Nay: 1 - Council Member Amador

Excused: 1 - Mayor Ford

[Res 2015-24](#)

RESOLUTION APPROVING SUBDIVISION PLAT IN CASE #S-630-15

A motion was made by Council Member McEldowney, seconded by Council Member Benson, that this resolution be adopted. 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. Resolutions

[Res 2015-34](#)

RESOLUTION APPROVING PURCHASE AND SALE AGREEMENT & OPTION TO REPURCHASE SOUTH ADAMS COUNTY FIRE DISTRICT ADMINISTRATIVE BUILDING

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

[Res 2015-43](#)

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-235-15

A motion was made by Council Member Douglas, seconded by Council Member Elliott, that this resolution be adopted. 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

[Res 2015-30](#)

RESOLUTION APPROVING THE COMMERCE CITY NOXIOUS WEED MANAGEMENT PLAN

Community Director Chris Cramer gave a brief presentation stating that there are two changes included in the upcoming ordinance, 2050. First, parcels greater than five acres maintain weeds lower than eight inches along the perimeter when adjacent to developed land. Second, large parcels must maintain the 20 foot perimeter as measured from the right-of-way and not the edge of the roadway. Council is being asked to adopt a noxious weed plan by approving Resolution 2015-30.

A motion was made by Council Member Elliott, seconded by Council Member Carson, that this resolution be adopted. 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

9. Ordinances on 1st Reading

[Ord 2051](#)

AN ORDINANCE AMENDING SECTION 6-2012(B)(1)(D) OF THE COMMERCE CITY REVISED MUNICIPAL CODE PERTAINING TO THE MAINTENANCE OF WEEDS AND VEGETATION ON UNDEVELOPED PROPERTIES THAT EXCEED FIVE ACRES IN

SIZE

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

10. Presentations

[Pres 15-220](#)

Senior Advisory Committee Bi-Annual Presentation

The senior advisory committee gave their bi-annual presentation to council. Four sub-groups make up the senior advisory committee: outreach, program, health and wellness, and umbrella. A goal setting meeting was held in February and the subcommittees meet bi-monthly throughout the year. Thelma Cole spoke on behalf of the program subcommittee and stated that their goals for this year included evaluating their programs and trips, a new special event, offering new classes in home repair and maintenance, and develop the holiday dinner program. Linda Wulf spoke on behalf of the outreach subcommittee. Their goals include advertising senior advisory committee meetings to the public, creating a senior services informational pamphlet, creating a senior advisory committee flyer, and creating senior services promotional shirts. George Maxey spoke on behalf of the health and wellness subcommittee. Their goals include: continued improvement to the home remedy program, exploring interest in Tai Chi classes, DIY home solutions, develop exercise classes for the aging senior, and providing new dietary classes. Jennie Loveridge spoke on behalf of the umbrella subcommittee. This subcommittee's goals are: enhance communications between all subcommittees, hosting an idea sharing event, bring in speakers from the community, and new senior recruitment.

12. Administrative Council Business

A motion was made by Councilman Benson, seconded by Councilman McEldowney to instruct the city attorney to provide a legal opinion, by next meeting, about whether or not the funds to build out the utility infrastructure are included in the 2K financing, and if not, instruct the staff to come up with a plan within the next 30 days, as to how the city will raise the money to widen Tower Road.

VOTE: 8 aye, 1 excused (Ford)

Councilman Douglas asked for more procurement information on the website.

Deputy City Manager Hayes said that enhancements have been made to the website.

Councilman Benson asked that if anyone thinks the definition of administrative business should be changed, they should meet with City Attorney Gehler and bring it before council for a vote.

Deputy City Manager Hayes asked council to authorize the mayor to approve a veto request letter for HB15-1348.

A motion was made by Councilman Benson, seconded by Councilman McEldowney, to authorize the mayor to approve a veto request letter for HB15-1348.

VOTE: 8 aye, 1 excused (Ford)

Deputy City Manager asked for a fifth Monday study session on June 29th.

A motion was made by Councilman Douglas, seconded by Councilman Benson to convene a meeting on June 29th.

VOTE: 8 aye, 1 excused (Ford)

13. Reports

Deputy City Manager Hayes highlighted items off the weekly city manager report provided to council earlier.

Mayor Pro Tem Bullock and members of council reported on their attendance at various meetings and events.

14. Executive Session

A motion was made by Councilman Benson, seconded by Councilman McEldowney, to hold an executive session pursuant to CRS 24-6-402(4)(b) for the purpose of receiving legal advise on Colorado's construction defects law, and pursuant to CRS 24-6-402(4)(b) for the purpose of receiving legal advise regarding potential litigation concerning taxation of marijuana transactions. and pursuant to CRS 24-6-402(4)(b) for the purpose of receiving legal adivse regarding police issues.

VOTE: 8 aye, 1 excused (Ford)

[15-39](#)

An executive session pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice on Colorado construction defects laws

[15-42](#)

An executive session pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice regarding potential litigation concerning taxation of marijuana transactions.

[15-43](#)

An executive session pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice regarding police issues

15. Adjourn to URA Meeting

Council returned from their executive session and adjourned to the Urban Renewal Authority Meeting

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