



Meeting Minutes - Final

City Council

Monday, June 19, 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 June 19, 2017, at 6:00 PM.

A motion was made by Council Member Carson, seconded by Council Member McEldowney, to excuse Council Members Diaz, Douglas and Elliott from this meeting.

VOTE: 5 aye, 1 absent (Bullock), 3 excused (Diaz, Douglas, Elliott)

Present: 5 - Mayor Sean Ford, Council Member Jadie Carson, Council Member Rick A. Teter, Council Member Jason McEldowney and Council Member Andrew Amador

Excused: 3 - Council Member Crystal Elliott, Council Member Steven J. Douglas and Council Member Paolo Diaz

Absent: 1 - Mayor Pro Tem René Bullock

2. Executive Session

[17-48](#)

An executive session pursuant to Section 402(4)(e) of the Open Meetings Law for the purpose of determining positions, developing strategy, and instructing negotiators relating to the funding of a public parking lot in the Derby neighborhood

A motion was made by Council Member McEldowney, seconded by Council Member Teter, to enter into an executive session, pursuant to CRS 24-6-402(4) (e), for the purpose of determining positions, developing strategy, and instructing negotiators relating to the funding of a public parking lot in the Derby Neighborhood. VOTE:

Aye: 5 - Mayor Ford, Council Member Carson, Council Member Teter, Council Member McEldowney and Council Member Amador

Excused: 3 - Council Member Elliott, Council Member Douglas and Council Member Diaz

3. Pledge of Allegiance

Mayor Pro Tem Bullock arrived during the vote to enter into executive session.

The Pledge of Allegiance was recited.

Present: 6 - Mayor Sean Ford , Council Member Jadie Carson, Council Member Rick A. Teter, Mayor Pro Tem René Bullock, Council Member Jason McEldowney and Council Member Andrew Amador

Excused: 3 - Council Member Crystal Elliott, Council Member Steven J. Douglas and Council Member Paolo Diaz

4. Audience Introduction

The audience introduced themselves.

5. Proclamations and Recognitions

[Proc 17-14](#)

Day of Play and Parks & Recreation Month Proclamation

City Attorney Sheesley read a proclamation declaring July 4, 2017, as a Day of Play and July 2017 as Parks and Recreation Month.

Parks, Recreation and Golf staff were available to accept the proclamation.

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

Aye: 6 - Mayor Ford, Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member McEldowney and Council Member Amador

Excused: 3 - Council Member Elliott, Council Member Douglas and Council Member Diaz

6. Citizen Communication

None.

7. Consent Agenda

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

Aye: 6 - Mayor Ford, Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member McEldowney and Council Member Amador

Excused: 3 - Council Member Elliott, Council Member Douglas and Council Member Diaz

[Res 2017-52](#)

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR SAND CREEK OPEN SPACE REMEDIATION AND RESTORATION TO CONCRETE EXPRESS, INC.

[Res 2017-55](#)

RESOLUTION APPROVING FUNDING AGREEMENT WITH THE STATE OF COLORADO, DEPARTMENT OF NATURAL RESOURCES RELATING TO THE COLORADO NATURAL RESOURCES FOUNDATION FUND

8. Public Hearings

[Z-932-17](#)

AN ORDINANCE REZONING FROM AG TO I-2 THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 10020 HAVANA STREET, 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.

Planner Kerns presented the case. The applicant, AP Caissons, LLC, is requesting a rezone of 10200 Havana St. from AG to I-2. The applicant also submitted a development plan to construct a 5,000 square foot building for truck maintenance. The property was annexed into the city in 2007. The planning commission held a public hearing on May 2, 2017, and voted to recommend approval of the case.

No one appeared to speak in favor or opposition and the mayor 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: 6 aye, 3 excused (Diaz, Douglas, Elliott)

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

Aye: 6 - Mayor Ford, Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member McEldowney and Council Member Amador

Excused: 3 - Council Member Elliott, Council Member Douglas and Council Member Diaz

9. Ordinances on 1st Reading

[Ord 2127](#)

AN ORDINANCE AMENDING SECTION 21-5214 OF THE CITY OF COMMERCE CITY LAND DEVELOPMENT CODE BY REMOVING THE SEPARATION REQUIREMENT BETWEEN LIQUOR STORES, TAVERNS, BEER AND WINE BUSINESSES ABSENT A USE BY PERMIT.

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

Aye: 6 - Mayor Ford, Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member McEldowney and Council Member Amador

Excused: 3 - Council Member Elliott, Council Member Douglas and Council Member Diaz

[Ord 2131](#)

AN ORDINANCE AMENDING SECTION 8-1104 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ELIMINATE STATE IMPOSED DISTANCE RESTRICTIONS

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

Aye: 5 - Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member McEldowney and Council Member Amador

Nay: 1 - Mayor Ford

Excused: 3 - Council Member Elliott, Council Member Douglas and Council Member Diaz

[Ord 2132](#)

AN ORDINANCE AMENDING THE 2017 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT FUNDS IN THE AMOUNT OF \$50,000 FOR THE VETERAN'S MEMORIAL PARK MASTER PLAN AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

Aye: 6 - Mayor Ford, Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member McEldowney and Council Member Amador

Excused: 3 - Council Member Elliott, Council Member Douglas and Council Member Diaz

[Ord 2136](#)

AN ORDINANCE AMENDING THE 2017 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE OF THE COMMERCE CITY BRIGHTON SCHOOL DISTRICT USE TAX FUND (CCBSD) IN THE AMOUNT OF \$200,000 FOR HALF THE COST TO UPGRADE THE NATURAL SURFACE PLAYFIELD LOCATED AT REUNION ELEMENTARY AND AUTHORIZING 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: 6 - Mayor Ford, Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member McEldowney and Council Member Amador

Excused: 3 - Council Member Elliott, Council Member Douglas and Council Member Diaz

[Ord 2135](#)

AN ORDINANCE AMENDING THE 2017 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$9,000 FOR (DUI) ENFORCEMENT EFFORTS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

Aye: 6 - Mayor Ford, Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member McEldowney and Council Member Amador

Excused: 3 - Council Member Elliott, Council Member Douglas and Council Member Diaz

[Ord 2137](#)

AN ORDINANCE AMENDING DIVISION 2 OF ARTICLE II OF CHAPTER 8 OF THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING THE LICENSURE OF MARIJUANA BUSINESSES TO ESTABLISH DISTANCE REQUIREMENTS FOR THE LICENSING OF RETAIL MARIJUANA STORES AND MEDICAL MARIJUANA CENTERS

Council Member Amador stated that in order to preserve the diversity of our commercial retail spaces in the city and after receiving multiple requests to rezone properties for retail marijuana establishments, and after multiple study sessions on the density of retail marijuana establishments, he supports amending the marijuana licensing ordinance to add a 1,000 foot setback along with a cap of four retail businesses within each ward as established today.

There was council discussion about continuing this subject to a study session.

A motion was made by Council Member Amador, seconded by Council Member McEldowney, that this ordinance be continued to a future study session. VOTE:

Aye: 6 - Mayor Ford, Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member McEldowney and Council Member Amador

Excused: 3 - Council Member Elliott, Council Member Douglas and Council Member Diaz

10. Presentations

[Pres 17-97](#)

Street Lighting Program Overview

Public Works Director D'Andrea and Construction Inspector Trudell reported that there are 3,900 streetlights in the city served by Xcel and United Power. The city is responsible for all electricity costs and monthly fees for routine maintenance. Half of the streetlights are owned by Xcel and the other half are owned by United Power. There are three various styles of lights throughout the city and Xcel repairs can take up to five working days and United Power can take up to 10 working days. Xcel is offering a program to convert some of our streetlights to LED that would result in lower costs to the city.

11. Administrative Council Business

None.

12. Reports

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

Council reported on their attendance at meetings and events.

13. Adjourn

The meeting adjourned at 7:47 p.m.

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

Submitted by:

Laura Bauer, City Clerk