



Commerce City

7887 E. 60th Ave.
Commerce City, CO 80022
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Meeting Minutes

City Council

Monday, November 4, 2019

6:35 PM

Council Chambers

Regular Meeting

Or Immediately Following the Urban Renewal Authority Meeting.

Times given are estimates only.

Updated November 1, 2019

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 November 4, 2019, at 6:24 PM.

Present: 9 - Mayor Sean Ford, Mayor Pro Tem Rick A. Teter, Council Member Oscar Madera, Council Member Nicole Frank, Council Member Steve Davis, Council Member Steven J. Douglas, Council Member Benjamin Huseman, Council Member Craig Hurst and Council Member Jose Guardiola

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Proclamations and Recognitions

[19-67](#)

2019 Colorado Parks & Recreation Association Awards Recognition

Mayor Ford invited the Parks & Recreation staff forward. Carolyn Keith, Director of Parks, Recreation & Golf, presented council with the Colorado Parks and Recreation Association 2019 New Facility Design award and the 2019 Fellow Award to Tony Jaramillo, Parks, Recreation & Golf Capital Projects Manager. The council came forward for photos.

4. Citizen Communication

There was no citizen communication.

5. Public Hearing

Mayor Ford opened the second public hearing on Ordinance 2216 through 2224, 2238, 2242, and 2243 as required by charter.

Mayor Ford accepted the staff presentation from October 7, 2019 into the record.

There was no public comment.

Mayor Ford closed the public hearing.

6. Consent Agenda

Council Member Douglas requested Resolution 2019-115 be removed from the consent agenda.

A motion was made by Council Member Huseman, seconded by Mayor Pro Tem Teter, to approve the consent agenda as amended. ROLL CALL VOTE:

Aye: 9 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Huseman, Council Member Hurst and Council Member Guardiola

[Min 19-168](#)

Minutes of October 21, 2019

[Ord 2216](#)

AN ORDINANCE REPEALING AND REENACTING DIVISION 1 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL BUILDING CODE, INCLUDING APPENDIX CHAPTERS C, E, F, G, H, I and J, WITH AMENDMENTS

[Ord 2217](#)

AN ORDINANCE REPEALING AND REENACTING DIVISION 2 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL RESIDENTIAL CODE, INCLUDING APPENDIX CHAPTERS H, J, K AND M WITH AMENDMENTS

[Ord 2218](#)

AN ORDINANCE REPEALING AND REENACTING DIVISION 3 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL EXISTING BUILDING CODE, INCLUDING APPENDIX CHAPTER B, WITH AMENDMENTS

[Ord 2219](#)

AN ORDINANCE REPEALING AND REENACTING DIVISION 10 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL FIRE CODE, INCLUDING APPENDIX CHAPTERS B, C, D, E, F, H, I, J, K, M AND N, WITH AMENDMENTS

- [Ord 2220](#) AN ORDINANCE REPEALING AND REENACTING DIVISION 9 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE, WITH AMENDMENTS
- [Ord 2221](#) AN ORDINANCE REPEALING AND REENACTING DIVISION 8 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL FUEL GAS CODE, INCLUDING APPENDIX CHAPTERS A, B, AND C, WITH AMENDMENTS
- [Ord 2222](#) AN ORDINANCE REPEALING AND REENACTING DIVISION 7 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL MECHANICAL CODE, INCLUDING APPENDIX CHAPTER A, WITH AMENDMENTS
- [Ord 2223](#) AN ORDINANCE REPEALING AND REENACTING SECTIONS 5-4602, 5-4603, 5-4604, AND 5-4605 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL PLUMBING CODE, INCLUDING APPENDIX CHAPTERS B, C, D, AND E, WITH AMENDMENTS
- [Ord 2224](#) AN ORDINANCE REPEALING AND REENACTING DIVISION 4 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE, INCLUDING APPENDIX CHAPTER A, WITH AMENDMENTS
- [Ord 2238](#) AN ORDINANCE ENACTING DIVISION 11 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE, WITH AMENDMENTS
- [Ord 2242](#) AN ORDINANCE REPEALING AND REENACTING SECTION 5-4502 AND REPEALING SECTIONS 5-4503 AND 5-4504 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO RE-ADOPT THE 2006 EDITION OF THE INTERNATIONAL CODE COUNCIL ELECTRICAL ADMINISTRATIVE PROVISIONS, WITH AMENDMENTS
- [Ord 2243](#) AN ORDINANCE ENACTING ARTICLE V OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ESTABLISH A MASTER CODE ENFORCEMENT ARTICLE APPLICABLE TO ALL INTERNATIONAL CODES

- [Ord 2236](#) AN ORDINANCE AMENDING CHAPTER 8 OF THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING ALCOHOLIC BEVERAGES AND MEDICAL MARIJUANA TO CONFORM TO RECENT CHANGES IN THE STATE LIQUOR CODE, TO CLARIFY THE AUTHORITY OF THE LIQUOR AUTHORITY AND OTHER MATTERS
- [Ord 2245](#) AN ORDINANCE AMENDING SECTION 12-7000 OF THE COMMERCE CITY REVISED MUNICIPAL CODE RELATING TO THE REGULATION OF CIGARETTES, TOBACCO PRODUCTS, AND NICOTINE PRODUCTS
- [Ord AN-253-19](#) AN ORDINANCE ANNEXING CERTAIN UNINCOPORATED TERRITORY KNOWN AS THIRD CREEK WEST (1 OF 2) TO THE CITY OF COMMERCE CITY, COLORADO
- [Ord AN-254-19](#) AN ORDINANCE ANNEXING CERTAIN UNINCOPORATED TERRITORY KNOWN AS THIRD CREEK WEST (2 OF 2) TO THE CITY OF COMMERCE CITY, COLORADO
- [Z-946-17-19](#) AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO FOR REZONING TO PUD ZONE DISTRICT AND APPROVING A PUD ZONE DOCUMENT FOR THE PROPERTY ANNEXED AS THIRD CREEK WEST FROM ADCO (UNINCORPORATED ADAMS COUNTY) TO PUD (PLANNED UNIT DEVELOPMENT)
- [Z-960-19](#) AN ORDINANCE REZONING FROM C-3 (REGIONAL COMMERCIAL DISTRICT) TO R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 6370 POPLAR STREET, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.
- [Res 2019-114](#) RESOLUTION AUTHORIZING INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES FISH AND WIDLIFE SERVICE FOR MAINTENANCE OF ACCESS CONNECTIONS TO THE ROCKY MOUNTAIN ARSENAL NATIONAL WILDLIFE REFUGE

[Res 2019-115](#)

RESOLUTION AUTHORIZING COST SHARE AGREEMENT WITH REUNION METROPOLITAN DISTRICT RELATING TO IMPROVEMENTS TO 112TH AVENUE AND BUFFALO RUN GOLF COURSE AND THE EXECUTION AND ACQUISITION OF TEMPORARY CONSTRUCTION EASEMENTS ASSOCIATED WITH THAT AGREEMENT

Council Member Douglas stated they requested to pull Resolution 2019-115 to ask the Reunion Metropolitan District representative if the improvements would require additional funding through mill levy increases. Jim Hayes, representing the applicant, stated no additional mill levy increases will be raised to fund the improvements.

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

7. Public Hearings

[Res 2019-30](#)

RESOLUTION ADOPTING THE BUDGET FOR THE CITY OF COMMERCE CITY, COLORADO FOR THE YEAR 2020 AND PROVIDING FOR 2019 COMMERCE CITY TAX LEVY

Mayor Ford reopened the continued public hearing.

No public comment was made.

Mayor Ford closed the public hearing.

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

[Res 2019-86](#)

RESOLUTION APPROVING THE CONSOLIDATED SERVICE PLAN FOR THE THIRD CREEK METROPOLITAN DISTRICTS NOS. 1-3 AND THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE THIRD CREEK METROPOLITAN DISTRICTS NOS. 1-3 IN CASE MD-110-19

Mayor Ford reopened the continued public hearing.

Robin Kerns, City Planner, presented Case MD-110-19 to council. Mr. Kerns outlined basic elements of the service plan, the financial impact of the service plan, and that the requirements have been met for council to approve the service plan.

David Foster, applicant, provided a presentation to council. Mr. Foster outlined the history of the Third Creek West area and funding information for the proposed districts.

The following spoke on the case:

Guillermo Serna, 14122 East 102nd Place.

Mayor Ford closed the public hearing.

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Davis, that this resolution be adopted as amended to require that the service plan include language as required by the final paragraph of article 5(b) of the annexation agreement for this property. VOTE:

Aye: 7 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Hurst and Council Member Guardiola

Nay: 2 - Council Member Douglas and Council Member Huseman

Z-958-19

AN ORDINANCE REZONING FROM C-2 (COMMERCIAL) TO PUBLIC. THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 6827, 6871, 6879 AND 6895 BRIGHTON ROAD, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

Mayor Ford opened the consolidated public hearing on Ordinance Z-958-19, Ordinance V-90-19, and Resolution 2019-113.

Steve Timms, Planning Manager, provided a presentation to council. Mr. Timms gave an overview on the subject properties, the current non-compliance with the Future Land Use Plan, the applicant's request for three land use approvals to obtain a clean title and to consolidate all parcels for future educational development, the proposed layout of the new schools on the site, the proposed vacation and consolidation plats, the analysis of the planning commission, and the approval criteria of the cases.

The following spoke on the cases:

Thelma Cole, 5841 East 67th Place

Guillermo Serna, 14122 East 102nd Place

Lucy Molina, 6650 Clermont Street

Mayor Ford closed the public hearings.

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Douglas, to accept the findings and recommendations of the planning commission on Case Z-958-19. VOTE: Unanimous, all present affirmed.

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

Aye: 9 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Huseman, Council Member Hurst and Council Member Guardiola

V-90-19

AN ORDINANCE VACATING VARIOUS RIGHTS-OF-WAY ON THE PROPERTY DESCRIBED ON EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF CONSISTING OF COURT PLACE, CLEVELAND PLACE, 3RD AVENUE, AND 3RD AVENUE ALLEY, LOCATED WITHIN 4625 E. 68TH AVENUE. CITY OF COMMERCE CITY, COLORADO.

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Davis, to accept the findings and recommendations of the planning commission on Case V-90-19. Vote: Unanimous, all present affirmed.

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

Aye: 9 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Huseman, Council Member Hurst and Council Member Guardiola

[Res 2019-113](#)

RESOLUTION APPROVING SUBDIVISION PLAT IN CASE # S-748-19

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

8. Resolutions[Res 2019-116](#)

RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT FOR THE PROPERTY AT 7111 E. 56TH AVENUE AND PROVIDING FOR RELATED MATTERS

Troy Smith, Deputy City Manager, provided council with an overview of the purchase and sale agreement. Mr. Smith outlined the purchase price of the property, the current tenants in the building, and the steps forward if council approved the resolution.

Council Member Huseman requested staff require the inspection firm to conduct American with Disabilities Act and energy consumption studies on the building.

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

9. Ordinances on 1st Reading

[Ord 2235](#)

AN ORDINANCE RELATING TO THE REGULATION AND ENFORCEMENT OF OIL AND GAS DEVELOPMENT BY AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE, INCLUDING SECTION 3-2304 AND ARTICLES III, V, VI, AND XI OF THE COMMERCE CITY LAND DEVELOPMENT CODE, AND APPROVING AND IMPLEMENTING A BEST MANAGEMENT PRACTICES DOCUMENT, AND ESTABLISHING RELATED PENALTIES AND PROCEDURES

Domenic Martinelli, City Planner, provided an overview of the ordinance and the proposed Land Development Code changes. Mr. Martinelli gave a background on oil and gas development in the city, the changes that Colorado Senate Bill 181-19 made to municipal authority related to oil and gas permit approval, and the objective of the code updates to incorporate public, industry, and regulatory comments. Mr. Martinelli provided an overview of the current Land Development Code related to oil and gas development and then an overview of the proposed Land Development Code changes.

The following spoke on the ordinance:

John Brackney, 6300 South Syracuse, Greenwood Village

Jim Cashero, 10299 Sedalia Street

Nick Klebenstein, 14178 Sunblaze Loop, Broomfield

Peter Mueller, 4538 Eastlands Parkway, Centennial

Spencer Crouch, representing Extraction Oil & Gas

Lindsey Scapard, 5630 Delaware Street, Denver

Jim Hayes, 4908 Tower Road,

Dan Crenshaw, 13865 Trenton Street

Russ Watterson, 11259 Kalispel Street

Heidi Williams, Representing the Home Builders Association of Metro Denver

Dan Haley, representing the Colorado Oil and Gas Association

Julia Rhine, representing Brownstein Hyatt Farber Schreck

Chris McGillan, representing the Colorado Petroleum Council

Guillermo Serna, 14122 East 102nd Place

Rene Bullock, 6130 Ivanhoe Street

Ramon Alvarado, 10258 Uravan Street

A motion was made by Council Member Huseman, seconded by Council Member Frank, that this ordinance be tabled. VOTE:

Aye: 9 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Huseman, Council Member Hurst and Council Member Guardiola

10. Ordinances on 2nd Reading

[Ord 2239](#)

AN ORDINANCE SUPPORTING THE PRACTICE OF MASSAGE THERAPY BY REPEALING AND REENACTING DIVISION 7 OF ARTICLE III OF CHAPTER 9 OF THE COMMERCE CITY REVISED MUNICIPAL CODE RELATING TO THE LICENSING AND REGULATION OF THE OPERATION OF MASSAGE FACILITIES

A motion was made by Council Member Huseman, seconded by Council Member Hurst, that this ordinance be amended by replacing the language in Section 9-3705(a)(5) as proposed by staff in the packet. VOTE:

Aye: 9 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Huseman, Council Member Hurst and Council Member Guardiola

11. Administrative Council Business

The council tentatively moved the incoming council orientation from December 6th and 7th to December 13th and 14th.

Council Member Douglas asked for updated on electric vehicle charging stations being installed throughout the city and the overlay of 64th Avenue. City Manager McBroom stated he would provide an update to council.

12. Council Reports

City Manager McBroom highlighted items presented in his weekly report provided to council earlier. The mayor and council reported on their attendance at various meetings and events.

13. Adjourn

The meeting adjourned at 10:21 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.

Respectfully submitted by:

Dylan A. Gibson, Deputy Secretary