



Commerce City

7887 E. 60th Ave.
Commerce City, CO 80022
c3gov.com

Meeting Minutes - Draft City Council

Monday, September 21, 2015

6:00 PM

Council Chambers

AMENDED

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 September 21, 2015, at 6:00 PM.

It was noted that Councilman Amador and Mayor Pro Tem Bullock were finishing up board and commission interviews and would be in the chambers shortly.

A motion was made by Councilman McEldowney, seconded by Councilman Teter, to excuse Councilwoman Carson from tonight's meeting.

VOTE: 5 aye, 1 absent (Benson), 1 excused (Carson), 2 out of chambers (Amador, Bullock)

Present: 7 - Mayor Sean Ford , Council Member Rick A. Teter, Council Member Crystal Elliott, Council Member Steven J. Douglas, Council Member Andrew Amador, Council Member Jason McEldowney and Mayor Pro Tem René Bullock

Excused: 1 - Council Member Jadie Carson

Absent: 1 - Council Member Jim Benson

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Audience Introduction

The audience introduced themselves.

4. Proclamations and Recognitions

Present: 8 - 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 Jason McEldowney and Mayor Pro Tem René Bullock

Excused: 1 - Council Member Jadie Carson

Proc 15-26

A proclamation recognizing Leonard Dietz for 42 years of service to Commerce City

City Attorney Gehler read a proclamation recognizing Leonard Dietz for 42 years of

service to the city.

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

Aye: 8 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member McEldowney and Mayor Pro Tem Bullock

Excused: 1 - Council Member Carson

Proc 15-27 Proclamation declaring September as Attendance Awareness Month

City Attorney Gehler read a proclamation declaring September 2015 as Attendance Awareness Month.

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

Aye: 8 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member McEldowney and Mayor Pro Tem Bullock

Excused: 1 - Council Member Carson

15-62 Recognition of Colorado Singh Sabha

Youth Commission Staff Liaison Julia Emko stated that Colorado Singh Sabha held a fundraising event at their temple.

Mayor Pro Tem Bullock and members of the youth commission thanked the Sikh community and council for their support of the youth commission.

Council thanked the Colorado Singh Sabha for all they do for the commission and the community.

15-63 Recognition of Three-Time Rockies Skills Challenge Winner

Youth Sports Recreation Coordinator Josh Polgar introduced Marisol Miranda of Commerce City as a third-time winner of a statewide Rockies Skills Challenge Winner.

5. Citizen Communication

Flavio Armenta, 6051 Newport St., appeared before council to express his concern over receiving a violation for parking on an unapproved surface and having to pay a non-refundable \$25 fee to protest the violation before a hearing officer.

Guillermo Serna, 14122 E. 102nd Pl., congratulated council on the construction improvements along 104th. Mr. Serna asked council to consider the damage that semi-trucks are causing to our roads.

Tom Green appeared before council on behalf of United Power to present the city with a capital credit payment of \$15,067.14.

Brett Bidgood, 15354 E. 115th Ave. appeared before council to discuss the continuing shared driveway issue in his neighborhood and feels staff should be held

accountable.

Councilman McEldowney asked for an executive session to be scheduled at a later date on this issue.

Doug Durham, 11581 Chambers Dr., showed pictures of the shared driveways and the restrictive covenants.

Karen Bidgood, 15354 E. 115th Ave., deferred her time to her husband. Mr. Bidgood stated that other parts of the restrictive covenants are not being adhered to and he is upset over the city's plan review process.

Reba Drotar appeared on behalf of Adams School District 14. She introduced an Adams City High School student who invited council to participate in all the high school's homecoming events.

6. Approval of Minutes

Min 15-61 Meeting minutes of June 15, 2015

A motion was made by Councilman Amador, seconded by Mayor Pro Tem Bullock, to allow Councilman McEldowney to abstain from voting on the minutes because of his excused absence.

VOTE: 7 aye, 1 abstained (McEldowney), 1 excused (Carson)

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Teter, that the minutes be approved. VOTE:

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

Excused: 1 - Council Member Carson

Abstained: 1 - Council Member McEldowney

Min 15-70 Special Meeting minutes of June 22, 2015

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member McEldowney, that the minutes be approved. VOTE:

Aye: 8 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member McEldowney and Mayor Pro Tem Bullock

Excused: 1 - Council Member Carson

Min 15-63 Meeting minutes of July 6, 2015

A motion was made by Mayor Pro Tem Bullock, seconded by Councilman Teter, to allow Mayor Ford to abstain from voting on the minutes of July 6, 2015, because of his excused absence.

VOTE: 7 aye, 1 abstained (Ford), 1 excused (Carson).

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

Teter, that the minutes be approved. 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

Excused: 1 - Council Member Carson

Abstained: 1 - Mayor Ford

7. Consent Agenda

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

Aye: 8 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member McEldowney and Mayor Pro Tem Bullock

Excused: 1 - Council Member Carson

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| Ord 2067 | AN ORDINANCE REPEALING PARAGRAPHS B AND C OF SECTION 8-2317 OF THE COMMERCE CITY REVISED MUNICIPAL CODE WHICH CONTAINS CERTAIN SEPARATION REQUIREMENTS FOR THE CO-LOCATION OF MARIJUANA BUSINESSES |
| Res 2015-88 | RESOLUTION APPROVING FUNDING OF THE REGIONAL LANDLORD RECRUITMENT PROGRAM |
| Res 2015-95 | RESOLUTION APPROVING AN AGREEMENT WITH FELSBURG HOLT & ULLEVIG, INC. FOR SECOND CREEK DRAINAGE, POTOMAC AVE. & 112TH AVE. PRELIMINARY & FINAL DESIGN SERVICES |
| Res 2015-96 | RESOLUTION APPROVING SELECTION OF UNITED HEALTHCARE TO PROVIDE EMPLOYEE HEALTH INSURANCE BENEFITS |

8. Public Hearings

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| Z-927-15 | AN ORDINANCE REZONING FROM C-3 TO R-1 ZONE DISTRICT THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 7010 FAIRFAX DRIVE, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING. |
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Mayor Ford opened the public hearing.

Planner Jared Draper presented the case. The applicant, Ryan Mitchell, is seeking a rezoning of his property, 7010 Fairfax Dr., from C-3 to R-1 in order to refinance his home. The property was originally platted in 1950 and the home was constructed in 1979. The property was annexed into the city in 1984 and was zoned

C-3 in 1985. Many properties in the surrounding area have been rezoned R-1 to match the residential uses of their property. The planning commission held a public hearing and voted unanimously to forward the case to council with a favorable recommendation.

The applicant could not be present and there was no further testimony.

Mayor Ford closed the public hearing.

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

VOTE: 8 aye, 1 excused (Carson)

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

Aye: 8 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member McEldowney and Mayor Pro Tem Bullock

Excused: 1 - Council Member Carson

CU-91-10-15 CONDITIONAL USE PERMIT FOR A COMMUNITY CORRECTIONS FACILITY

Mayor Ford opened the public hearing.

Planner Jared Draper presented the case. Mr. Draper stated that the applicant, Time to Change Community Corrections Facility, is requesting a renewal of their conditional use permit. The only change the applicant is seeking, in this renewal application, is to extend their renewal period from five years to seven years. During these last five years, staff has not received any negative comments regarding the use of this property.

Audience Input:

*Program Director Dino Martinez, 4901 Krameria
Executive Director Evan Christ, 4901 Krameria
Issac Sonenreich, 6062 E. 49th Ave.
Guillermo Serna, 14122 E. 102nd Pl
Phillip Love, 2233 S. Buckley Rd., Aurora
Chris Gemeinhardt, 4901 Krameria
Jon Cunningham, 4901 Krameria St.
Manuel Atencio, 4901 Krameria St.
Margaret Summers, 5900 E. 50th Ave.
Linda Angelo, 4430 S. Adams County Pkwy*

After all audience input, 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: 8 aye, 1 excused (Carson)

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

Aye: 8 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member McEldowney and Mayor Pro Tem Bullock

Excused: 1 - Council Member Carson

9. Resolutions

Res 2015-86 RESOLUTION APPROVING THE 2015 AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT CONCERNING THE IMPLEMENTATION OF AN "E911" "EMERGENCY TELEPHONE SERVICE"

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

Aye: 8 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member McEldowney and Mayor Pro Tem Bullock

Excused: 1 - Council Member Carson

10. Ordinances on 1st Reading

Ord 2069 AN ORDINANCE AMENDING THE 2015 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE DEPARTMENT OF JUSTICE - JAG/BYRNE GRANT FUNDS IN THE AMOUNT OF \$16,354 FOR THE PURCHASE OF TASERS TO BE USED BY POLICE DEPARTMENT PERSONNEL AND AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

Excused: 1 - Council Member Carson

Ord 2070 AN ORDINANCE AMENDING THE 2015 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE BULLETPROOF VEST PARTNERSHIP GRANT FUNDS IN THE AMOUNT OF \$9,568.54 FOR THE BULLETPROOF VEST PROGRAM IN THE POLICE DEPARTMENT 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: 8 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member McEldowney and Mayor Pro Tem Bullock

Excused: 1 - Council Member Carson

Ord 2071

AN ORDINANCE AMENDING THE 2015 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY INCREASING THE BUDGETED REVENUES IN THE CAPITAL EXPENDITURES FUND BY \$15,700,000 FOR THE RECOGNITION OF THE PAYMENT FROM COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) FOR OWNERSHIP AND MAINTENANCE RESPONSIBILITIES OF 8.676 MILES OF STATE HIGHWAY AND 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 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member McEldowney and Mayor Pro Tem Bullock

Excused: 1 - Council Member Carson

11. Administrative Council Business

Mayor Pro Tem Bullock and Councilman Douglas showed two videos on race relations as part of their report on attending a Leadership Conference sponsored by the National League of Cities. They spoke of the need for these discussions to occur in Commerce City.

Councilwoman Elliott asked the city to recognize two long-time city volunteers.

City Manager McBroom asked if council was interested in supporting resolutions regarding the school district's taxing question and Denver's ballot question regarding DIA on the November ballot.

Councilman Douglas asked for an update on the signal light at 104th & Potomac.

Councilman McEldowney was able to provide that update to Councilman Douglas.

12. Reports

City Manager McBroom highlighted items from his weekly report provided to council earlier.

Mayor Ford and council reported on their attendance at various meetings and events.

13. Adjourn to URA Meeting

The meeting adjourned at 9:12 pm.

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

