



# Commerce City

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

### City Council

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Monday, August 19, 2019

6:30 PM

Council Chambers

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#### Regular Meeting

#### Or Immediately Following the Urban Renewal Authority

#### 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 August 19, 2019, at 6:22 PM.*

*A motion was made by Council Member Frank, seconded by Council Member Hurst, to excuse Council Member Huseman from the meeting. VOTE: 8 - Aye, 1 - Excused (Huseman)*

**Present:** 8 - 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 Craig Hurst and Council Member Jose Guardiola

**Excused:** 1 - Council Member Benjamin Huseman

#### 2. Executive Session

[19-59](#)

An executive session regarding an E-470 proposal involving the City Council, City staff, and the Executive Director, Director of Finance, and General Counsel of the E-470 Public Highway Authority, pursuant to C.R.S. 24-6-402(4)(b and e), for the purpose of determining positions relative to matters that may be subject to negotiations and receiving related legal advice.

**A motion was made by Council Member Frank, seconded by Council Member Madera, to enter into an executive session regarding an E-470 proposal involving the City Council, City staff, and the Executive Director, Director of Finance, and General Counsel of the E-470 Public Highway Authority, pursuant to C.R.S. 24-6-402(4)(b and e), for the purpose of determining positions relative to matters that may be subject to negotiations and receiving related legal advice. VOTE:**

**Aye:** 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Hurst and Council Member Guardiola

**Excused:** 1 - Council Member Huseman

### 3. Pledge of Allegiance

*The Pledge of Allegiance was recited.*

### 4. Audience Introduction

*The audience introduced themselves.*

### 5. Proclamations and Recognitions

#### [Proc 19-13](#)

Proclamation Recognizing Mark Madison for Years of Service at Walgreens

*Mayor Ford invited Laura Moody, Economic Development Specialist, forward to introduce Mark Madison. The city attorney read the proclamation and council came forward for a photo.*

**A motion was made by Mayor Pro Tem Teter, seconded by Council Member Davis, that this proclamation be approved. VOTE:**

**Aye:** 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Hurst and Council Member Guardiola

**Excused:** 1 - Council Member Huseman

#### [19-58](#)

Recognition of Youth Commission Paint-A-Thon Participants

*Mayor Ford invited youth commission members forward to recognize them for participation in the Paint-A-Thon event on July 27.*

#### [19-60](#)

GFOA Award Recognition

*Mayor Ford invited Finance staff forward to present them with the Government Finance Officer's Association Distinguished Budget Presentation award and council came forward for a photo.*

## 6. Citizen Communication

*Lucy Molina, 6650 Clermont Street, spoke on the issue of oil and gas development in Commerce City.*

*Susan Noble, 10642 Olathe Street, spoke on the issue of oil and gas issues with the Rocky Mountain Arsenal National Wildlife Refuge.*

*The following spoke on the issue of the plague affecting prairie dogs in Commerce City:*

*Guillermo Serna, 14122 East 102nd Place*

*Reba Drotar, 7505 East 121st Place, Thornton*

*Ron Tarlini, 10251 Norfolk Street*

*Patricia Gonzalez, 10267 Norfolk Street*

*John Pointer, representing Adams 14 School District, stated the school district's appreciation of the Commerce City Police Departments work with the school district.*

## 7. Consent Agenda

**A motion was made by Council Member Guardiola, seconded by Council Member Frank, to approve the consent agenda as presented. ROLL CALL VOTE:**

**Aye:** 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Hurst and Council Member Guardiola

**Excused:** 1 - Council Member Huseman

[Min 19-127](#)

Minutes of August 5, 2019

[Ord 2232](#)

AN ORDINANCE AMENDING THE 2019 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$18,000.00 FOR DUI ENFORCEMENT EFFORTS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 2233](#)

AN ORDINANCE AMENDING THE 2019 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE FUNDS RETURNED FROM THE CITY OF NORTHGLENN IN THE AMOUNT OF \$27,678 TO BE USED AS A CONTRIBUTION TO RALSTON HOUSE, AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF

[Res 2019-93](#)

RESOLUTION ENDORSING THE COMMERCE CITY CROSSWALK TREATMENT EVALUATION POLICY

[Res 2019-95](#) RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR 2019 ASPHALT MILL AND OVERLAY PROJECT TO AGGREGATE INDUSTRIES - WCR, INC.

[Res 2019-96](#) RESOLUTION AUTHORIZING INTERGOVERNMENTAL AGREEMENT (IGA) WITH URBAN DRAINAGE AND FLOOD CONTROL DISTRICT (UDFCD) REGARDING FUNDING OF MAJOR DRAINAGEWAY PLANNING FOR RAGWEED DRAIN AND TRIBUTARIES

## **8. Public Hearings**

[Res 2019-71](#)

RESOLUTION DETERMINING THE ELIGIBILITY OF CERTAIN  
UNINCORPORATED TERRITORY KNOWN AS THIRD CREEK WEST (1  
OF 2) FOR ANNEXATION TO THE CITY OF COMMERCE CITY,  
COLORADO

*Mayor Ford opened the consolidated public hearings for cases AN-253-19, AN-254-19, and Z-946-17-19.*

*Robin Kerns, Planner, presented the cases to council. Mr. Kerns stated that only a public hearing would be conducted due to the annexation agreement not being ready for execution and no action would be taken on any annexation or zoning ordinances. Mr. Kerns provided an overview of the applicant's requests for the annexation and zoning of the property, the proposed use of the property, and the annexations compliance with state statutes.*

*David Foster, representing Cowley Companies, gave the applicant's presentation. Mr. Foster provided a history of the site, the future planned use of the site, and estimated phases for development of the site's infrastructure.*

*Council Member Davis asked about the types of commercial uses the applicant is seeking out. Mr. Foster said they are currently not seeking out commercial partners until the annexation and zoning cases are approved by council.*

*Council Member Douglas asked if residential units will be built first. Mr. Foster said the residential development can be built at the same time as the commercial development.*

*Chris Thomas, 10981 Himalaya Street, expressed concern of developing over existing farmland.*

*Tricia Allen, representing Adams County Economic Development, stated the organization's support of the cases.*

*Reba Drotar, 7505 East 121st Place, Thornton, expressed support for the cases.*

*Kip Sarades, representing the Friends of Front Range Wildlife Refuges, stated the organization's support for the cases.*

*Susan Noble, 10642 Olathe Street, expressed concern for the oil and gas development in proximity to the proposed sites.*

*Leovigilda Madera, 13295 Gun Club Road, expressed concern for the cost of building additional schools that will be part of the Brighton 27J School District.*

*Guillermo Serna, 14122 East 102nd Place, expressed opposition to the cases.*

*Rene Bullock, no address given, expressed support for the cases.*

*Council Member Douglas asked how many people attended the neighborhood meetings that Cowley Companies hosted. Mr. Foster stated about 20 people showed up to the community meetings and that there was a number of people who showed up to the planning commission hearing and gave an overview of some of the comments at that public hearing.*

**A motion was made by Council Member Madera, seconded by Council Member Davis, that this public hearing be continued to September 16, 2019. VOTE:**

**Aye:** 5 - Mayor Ford, Council Member Madera, Council Member Davis, Council Member Hurst and Council Member Guardiola

**Nay:** 3 - Mayor Pro Tem Teter, Council Member Frank and Council Member Douglas

**Excused:** 1 - Council Member Huseman

[Ord AN-253-19](#)

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY KNOWN AS THIRD CREEK WEST (1 OF 2) TO THE CITY OF COMMERCE CITY, COLORADO

**A motion was made by Council Member Madera, seconded by Council Member Davis, that this public hearing be continued to September 16, 2019. VOTE:**

**Aye:** 5 - Mayor Ford, Council Member Madera, Council Member Davis, Council Member Hurst and Council Member Guardiola

**Nay:** 3 - Mayor Pro Tem Teter, Council Member Frank and Council Member Douglas

**Excused:** 1 - Council Member Huseman

[Res 2019-72](#)

RESOLUTION DETERMINING THE ELIGIBILITY OF CERTAIN UNINCORPORATED TERRITORY KNOWN AS THIRD CREEK WEST (2 OF 2) FOR ANNEXATION TO THE CITY OF COMMERCE CITY, COLORADO

**A motion was made by Council Member Madera, seconded by Council Member Davis, that this public hearing be continued to September 16, 2019. VOTE:**

**Aye:** 5 - Mayor Ford, Council Member Madera, Council Member Davis, Council Member Hurst and Council Member Guardiola

**Nay:** 3 - Mayor Pro Tem Teter, Council Member Frank and Council Member Douglas

**Excused:** 1 - Council Member Huseman

[Ord AN-254-19](#)

AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, GENERALLY LOCATED AT THE NORTHEAST AND NORTHWEST SIDES OF E. 106TH AVENUE ALIGNMENT AND HIMALAYA STREET, COMMERCE CITY, COLORADO.

**A motion was made by Council Member Madera, seconded by Council Member Davis, that this public hearing be continued to September 16, 2019. VOTE:**

**Aye:** 5 - Mayor Ford, Council Member Madera, Council Member Davis, Council Member Hurst and Council Member Guardiola

**Nay:** 3 - Mayor Pro Tem Teter, Council Member Frank and Council Member Douglas

**Excused:** 1 - Council Member Huseman

[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)

**A motion was made by Council Member Madera, seconded by Council Member Davis, that this public hearing be continued to September 16, 2019. VOTE:**

**Aye:** 5 - Mayor Ford, Council Member Madera, Council Member Davis, Council Member Hurst and Council Member Guardiola

**Nay:** 3 - Mayor Pro Tem Teter, Council Member Frank and Council Member Douglas

**Excused:** 1 - Council Member Huseman

[Res 2019-81](#)

RESOLUTION APPROVING THE CONSOLIDATED SERVICE PLAN FOR REUNION VILLAGE METROPOLITAN DISTRICTS NOS. 1-5 AND THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE REUNION VILLAGE METROPOLITAN DISTRICTS NOS. 1-5 IN CASE MD-111-19.

*Mayor Ford opened the consolidated public hearings for Resolutions 2019-81 through 2019-85.*

*Brad Callendar, Planner, presented the cases to council. Mr. Callendar provided an overview of the service plans to council, common elements for all the service plans, specifics unique to each service plan, and council's options for acting on the service plans.*

*Kelly Lead, representing Oakwood Homes, provided an overview of the plan for the metropolitan districts, a history of the Reunion area, the currently approved metropolitan districts, what the proposed metropolitan district service plans will require of Oakwood Homes, and the specifics of each metropolitan district financial impacts, district boundaries, proposed improvements, and area characteristics.*

*Council Member Douglas asked about using mill levys in the natural resources metropolitan district for funding the construction of the charter school in the sports, culture, and education metropolitan district. Mr. Lead stated the proposed natural resources metropolitan district does not have the authorization to issue debts to fund projects.*

*Susan Good, 17938 East 105th Avenue, asked if her tax dollars would fund any part of the proposed natural resource metropolitan district. Mr. Lead clarified that no taxpayer's dollars will fund the construction or operation of the proposed natural resources metropolitan district.*

*Susan Noble, no address given, expressed concern of the proposed Reunion Ridge Metropolitan District and asked council to not approve the district until after oil and gas operations in the area were concluded.*

*Mayor Ford closed the public hearing.*

**A motion was made by Council Member Madera, seconded by Council Member Davis, that this resolution be adopted. VOTE:**

**Aye:** 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Hurst and Council Member Guardiola

**Excused:** 1 - Council Member Huseman

[Res 2019-85](#)

RESOLUTION APPROVING THE CONSOLIDATED SERVICE PLAN FOR REUNION CENTER METROPOLITAN DISTRICTS NOS. 1-5 AND THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE REUNION CENTER METROPOLITAN DISTRICTS NOS. 1-5 IN CASE MD-112-19.

**A motion was made by Council Member Madera, seconded by Council Member Davis, that this resolution be adopted. VOTE:**



**Aye:** 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Hurst and Council Member Guardiola

**Excused:** 1 - Council Member Huseman

[Res 2019-84](#)

RESOLUTION APPROVING THE REUNION SPORTS, ENTERTAINMENT, AND CULTURAL METROPOLITAN DISTRICT SERVICE PLAN AND THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE REUNION SPORTS, ENTERTAINMENT, AND CULTURAL METROPOLITAN DISTRICT IN CASE MD-113-19.

**A motion was made by Mayor Pro Tem Teter, seconded by Council Member Hurst, that this resolution be adopted. VOTE:**

**Aye:** 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Douglas, Council Member Hurst and Council Member Guardiola

**Excused:** 1 - Council Member Huseman

[Res 2019-83](#)

RESOLUTION APPROVING THE CONSOLIDATED SERVICE PLAN FOR REUNION RIDGE METROPOLITAN DISTRICTS NOS. 1-4 AND THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE REUNION RIDGE METROPOLITAN DISTRICTS NOS. 1-4 IN CASE MD-114-19.

**A motion was made by Mayor Pro Tem Teter, seconded by Council Member Davis, that this resolution be adopted. VOTE:**

**Aye:** 6 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis and Council Member Hurst

**Nay:** 2 - Council Member Douglas and Council Member Guardiola

**Excused:** 1 - Council Member Huseman

[Res 2019-82](#)

RESOLUTION APPROVING THE REUNION NATURAL RESOURCE METROPOLITAN DISTRICT SERVICE PLAN AND THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE REUNION NATURAL RESOURCE METROPOLITAN DISTRICT IN CASE MD-115-19.

**A motion was made by Mayor Pro Tem Teter, seconded by Council Member Davis, that this resolution be adopted. VOTE:**

**Aye:** 6 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis and Council Member Hurst

**Nay:** 2 - Council Member Douglas and Council Member Guardiola

**Excused:** 1 - Council Member Huseman

## 9. Resolutions

### [Res 2019-80](#)

#### RESOLUTION AUTHORIZING COOPERATIVE SERVICE AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE FOR RESTORATION AND WILDLIFE DAMAGE MANAGEMENT ACTIVITIES

*Council Member Douglas asked what the timeline would be for implementation once the agreement was approved. Mike Brown stated that services would begin approximately two to four weeks after approval.*

**A motion was made by Mayor Pro Tem Teter, seconded by Council Member Hurst, that this resolution be adopted. VOTE:**

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

**Nay:** 1 - Council Member Davis

**Excused:** 1 - Council Member Huseman

## 10. Presentations

### [Pres 19-424](#)

#### Tri-County Health Department Update on the Plague

*Janine Runfola, Environmental Health Specialist for Tri-County Health Department, provided an update on the plague affecting prairie dogs in Commerce City.*

### [Pres 19-365](#)

#### Rocky Mountain Arsenal National Wildlife Refuge Update

*David Lucas, representing the United States Fish & Wildlife Service (USFAWS), provided an update on the work the USFAWS has done to mitigate and prevent the spread of the plague on wildlife at the Refuge.*

*Charlie Scharmann, representing the Rocky Mountain Arsenal National Wildlife Refuge, provided an update about projects underway at the Refuge including additional sampling of ground water and soils, treatment and monitoring, and the construction of a new consolidated water treatment plant.*

## 11. Administrative Council Business

*A motion was made by Council Member Madera, seconded by Council Member Frank, to authorize the Mayor to sign the amendment to the Purchase and Sale Agreement to extend the deadline for the buyer to complete design guidelines to October 28, 2019 for the Mile High Greyhound Park. VOTE: 8 - Aye, 1 - Excused (Huseman)*

*A motion was made by Council Member Hurst, seconded by Council Member Frank, to approve the expenditure of \$1000 for the city to be a bronze sponsor for the Anythink Library's Sparkopolis event on Saturday, September 7. VOTE: 8 - Aye, 1 - Excused (Huseman)*

*Council Member Douglas asked for a followup on the installation of electric Vehicle charging stations in the city. Mr. McBroom stated he would provide an update to council.*

### [Pres 19-118](#)

#### Oil and Gas Monthly Update

*Domenic Martinelli, Planner, provided the oil and gas monthly update.*

## 12. 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.*

*A motion was made by Council Member Madera, seconded by Council Member Hurst, to enter into an executive session of the City Council and City staff, pursuant to CRS 24-6-402(4)(b, e), to discuss and determine negotiating positions regarding the annexation agreement relating to the Third Creek West annexation and to receive legal advice regarding such agreement. VOTE: 7 - Aye, 1 - Nay (Frank), 1 - Excused (Huseman)*

## 13. Adjourn

*The meeting adjourned at 12:27 a.m. on August 20, 2019.*

*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:*

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*Dylan A. Gibson, Deputy City Clerk*