



## Meeting Minutes - Final City Council

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Monday, March 18, 2013

6:30 PM

Council Chambers

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### 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 March 18, 2013, at 6:30 PM.*

**Present:** 9 - Mayor Sean Ford , Council Member Jim Benson, Council Member Jadie Carson, Council Member Rick A. Teter, Mayor Pro-Tem René Bullock, Council Member Crystal Elliott, Council Member Jason McEldowney, Council Member Steven J. Douglas and Council Member Andrew Amador

### 2. Pledge of Allegiance

*The Pledge of Allegiance was recited.*

### 3. Audience Introduction

*The audience introduced themselves.*

### 4. Proclamations and Recognitions

#### [13-0006](#)

Recognition of Commerce City's Adams County Mayors & Commissioners Youth Award Nominees

*Recreation Coordinator Jenna Johnson introduced the following Commerce City youth as nominees for the Adams County Mayors & Commissioners Youth Award: Eduardo Alvarez-Reyes, Tasia Burrell, Paola Chavez-Arroyo, Simoukda Lounnivongsa, David Luna, Jesse Mascarenas, Cayley Olsen, Lilia Oviedo-Acosta, Jennifer Perez, Alexandra Ramos, Audrieanna Torres, Ezequiel Torres, Alexis Vallejos, Miguel Villalobos. Council recognized the youth for their achievements.*

#### [Proc 13-02](#)

Proclamation adopting 2013 as Year of the Student

*City Attorney Bob Gehler read a proclamation calling for the members of the 69th General Assembly to make 2013 the Year of the Student.*

**A motion was made by Council Member McEldowney, seconded by Mayor Pro-Tem Bullock, that this proclamation be approved. VOICE VOTE: Unanimous, all present affirmed.**

#### [Pres 13-53](#)

State of School District Presentations

*Adams 14 School District Superintendent Pat Sanchez addressed Council. The school district is in the third year of a five-year plan to improve their accreditation. They are modeling a strategy used, successfully, in an Ohio school district.*

*School District 27J Superintendent Dr. Chris Fiedler addressed Council. The district includes 23 schools with 15,669 students and budget cuts have created a reduction in staffing, elimination of programs and increased fees. He thanked Council for passing the Year of the Student Proclamation.*

## 5. Citizen Communication

*Members of Boy Scout Troop 704 were in attendance to fulfill a requirement for a particular badge.*

*Pam Sprattler, 7041 E. 75th Pl., thanked Police Chief Smith for following up on her complaint about an incident with ADCOM.*

## 6. Consent Agenda

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

**Aye:** 9 - Mayor Ford, Council Member Benson, Council Member Carson, Council Member Teter, Mayor Pro-Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas and Council Member Amador

### [Res 2013-16](#)

APPROVING INTERGOVERNMENTAL AGREEMENT AMONG THE CITY OF COMMERCE CITY, THE CITY OF THORNTON, THE COUNTY OF ADAMS, COLORADO, AND THE COLORADO DEPARTMENT OF TRANSPORTATION REGARDING THE WIDENING AND ENHANCEMENT OF THE 104TH AVENUE BRIDGE OVER THE SOUTH PLATTE RIVER

## 7. Public Hearings

### [Z-898-12](#)

AN ORDINANCE REZONING FROM R-1 TO I-2 ZONE DISTRICT THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

**A motion was made by Council Member McEldowney, seconded by Council Member Amador, that this zoning ordinance be continued to June 3, 2013. VOICE VOTE: Unanimous, all present affirmed.**

### [Z-717-00-13](#)

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE BELLE CREEK PUD ZONE DOCUMENT

*Mayor Ford opened the public hearing.*

*Planner Jenny Axmacher presented the case. The applicant, Belle Creek Commercial Properties, LLC is seeking an amendment to the PUD to allow for three types of monument signs along 104th and Highway 85. Property owners believe the signs are necessary for the leasing and long term commercial success of the retail uses that do not directly front the perimeter highways. The proposed amendment will add one additional monument sign along the Highway 85*

frontage between 104th and Long's Peak Drive. The existing sign at Long's Peak Drive will be replaced with the new sign base for consistency in theme. Subdivision signs will be constructed on the north and south boundaries of the community, incorporating the same architectural elements, materials and color. The planning commission held a public hearing on February 5, 2013, and voted unanimously to forward the application on to City Council with a favorable recommendation.

Peg Friesen, appeared before Council on behalf of the applicant. She stated that the applicant's intent is to establish a greater identity in the Belle Creek area. Belle Creek Commercial Properties is proposing three types of signs, that are currently allowed in both the PUD and code, but the applicant is trying to bring a cohesive plan together.

Michele Klaban, 9495 E. 108th Pl., appeared before Council. She stated that she is a business owner in Belle Creek and solely responsible for the signs that are currently installed and slated for tear down. She asked that the businesses listed on the current signs, be added to the new signs.

Ms. Friesen responded that the current signs were approved temporarily by the metro district who has the final say on the content of the new signs.

No one else came forward to speak, and the public hearing was closed.

Council members McEldowney and Bullock moved and seconded to accept the findings and recommendations of the planning commission.

VOICE VOTE: Unanimous; all present affirmed

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

**Aye:** 9 - Mayor Ford, Council Member Benson, Council Member Carson, Council Member Teter, Mayor Pro-Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas and Council Member Amador

## 8. Resolutions

### [Res 2013-14](#)

RESOLUTION APPROVING BUSINESS AND DEVELOPMENT INCENTIVES FOR RUSH TRUCK CENTERS OF COLORADO, INC.

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

### [Res 2013-19](#)

RESOLUTION APPROVING DOCUMENTS RELATED TO THE INCLUSION INTO THE SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT OF THE CITY-OWNED VICTORY CROSSING PROPERTY

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

## 9. Ordinances on 1st Reading

### [Ord 1948](#)

AN ORDINANCE AMENDING SECTIONS 21-5249 AND 21-11200 OF THE LAND DEVELOPMENT CODE OF THE CITY OF COMMERCE CITY FOR THE PURPOSE OF REGULATING THE LOCATION OF MEDICAL MARIJUANA BUSINESSES AND PRIMARY CAREGIVERS

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

## 10. Presentations

*City Manager McBroom stated the these presentations are the first in a series as follow-up work from the February retreat. Mr. McBroom reviewed the schedule and stated that the plan is to make presentations at the regular meetings on the first and third Monday of each month, and use the study sessions to discuss the presentations, ask questions and start formulating positions on the different subjects. The subject matter being presented to Council are broken-down versions of QCI's recommendations.*

### [Pres 13-102](#)

#### QCI Preliminary Outreach Plan

*Communications Director Michelle Halstead stated that three components of an outreach plan were discussed at Council's retreat. Those components included an outreach plan for communicating the revenue needs to fund the various projects recommended by the Quality Community Initiative. The second component is to educate the community and understand the appetite among all different audiences within the community for the policy initiatives that Council is considering. Finally, there is a public education campaign about specific solutions and alternatives. In terms of the schedule for this project, public awareness about the city's needs, funding constraints and the goals and objectives that Council wants to achieve, should be ongoing. Between April and June, Council will need to narrow down their project list and revenue options. At that point, focus groups can be formed and surveys done to obtain quantitative feedback. Between June and September, the goal would be to obtain qualitative feedback. Ms. Halstead discussed the pros and cons of conducting a public education and outreach campaign.*

*Ms. Halstead stated that the communications division will continue to utilize their existing communication tools; but, as discussed at Council's retreat, the city will need to contract with a public affairs consultant to assist the division with concept testing, surveying and a public education campaign. In looking at next steps, Council needs to provide direction, on March 25th, to staff on the overall messaging Council wants pushed out.*

*Council discussed the need to hear the remaining presentations before mapping out a specific outreach plan, and they asked about any existing data, on this topic, collected by QCI or others in the past.*

[Pres 13-92](#)

## QCI 88th Avenue and Rosemary Street Project Analysis

*City Engineer Glenn Ellis discussed the East 88th Avenue & Rosemary Street widening projects. During their retreat, Council indicated that they would like these projects combined. The cost of widening Rosemary Street from East 80th Avenue to East 88th Avenue comes at a projected cost of \$5 million. Included in this cost estimate is asphalt pavement; curb, gutter and sidewalk installation; a drainage system; installation of street lights; upgrading and improving the traffic signal at East 88th Avenue and Rosemary and converting the utilities from overhead to underground. Widening East 88th Avenue from Rosemary Street to Interstate 76 is estimated to cost \$44.8 million. Included in this cost estimate is construction of a railroad overpass, reconstruct the structures over the O'Brian Canal, median landscaping, asphalt pavement, curb, gutter and sidewalk, drainage system.*

*Pros of these projects, as discussed at Council's retreat, include: increase traffic flow for businesses and the community, catalyst for economic development. Cons included: UP/BNR cross connection is unknown and improving connectors decreases CDOT priority to fix their roads.*

*Council asked if staff can determine how many residences and businesses would be affected by the widening of both projects and multi-modal options.*

[Pres 13-93](#)

## QCI Tower Road Project Analysis

*City Engineer Glenn Ellis discussed the elements of widening Tower Road, that is currently over capacity. The widening project would include the section of Tower Road between 80th and 103rd Avenues and cost approximately \$58.5 million. This cost analysis includes: concrete pavement; curb, gutter and sidewalk; drainage system; bridge over Second Creek; street lighting; upgraded/new traffic signals (81st, 88th, & 96th); overhead to underground utility conversion and median landscaping. Mr. Ellis stated that as part of the cost analysis, this project could be completed in phases; however that could increase the overall cost.*

*Council asked about a cost analysis for six lanes versus four.*

[Pres 13-101](#)

## QCI Preliminary Revenue Analysis

*Finance Director Roger Tinklenberg stated that any revenue options that require going to the November ballot, will need to align with the election calendar. QCI recommended a package of revenue sources to fund needed projects. QCI recommended doubling the road impact fee to raise \$400,000 based on 200 residential permits per year; however, an option is to require developers to fund only the first lane, landscaping and improvements in addition to the current road impact fee. QCI recommended phasing in a stormwater utility fee to fund full compliance with federal law. They also recommended establishing a new special district for parks & recreation, placing an admissions tax on the ballot, placing an employment head tax on the ballot and/or placing a proposed sales tax increase on the ballot. Mr. Tinklenberg provided Council with the pros and cons of each proposal as determined by staff.*

*Council felt that a special district for parks and recreation should not be considered as an option and that a sales tax increase could be split between parks and recreation and transportation. Council also stated that pursuing an entertainment tax without including the flea market is not palatable.*

**11. Administrative Council Business**

*Council members Bullock and Amador moved and seconded to call a special meeting on March 25, 2013, at 5:30 pm for the purpose of holding an executive session regarding contract negotiations with RTD.*

*VOICE VOTE: Unanimous; all present affirmed*

*Council members McEldowney and Amador moved and seconded to authorize Mayor Ford to sign two letters opposing proposed federal legislation.*

*VOICE VOTE: Unanimous; all present affirmed*

**12. Reports**

*City Manager McBroom highlighted portions of his weekly update provided to Council earlier via email.*

*Mayor Ford and Council discussed their NLC conference.*

**13. Adjourn**

*In accord with the City Charter, the city attorney read the title to all ordinances and resolutions that were adopted by the City Council at this meeting.*

*The meeting adjourned at 10:10 pm*