



## Meeting Minutes - Final City Council

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Monday, February 4, 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 February 4, 2013, at 6:30 PM.*

**Present:** 8 - Mayor Sean Ford , Council Member Jim Benson, Council Member Jadie Carson, Council Member Rick A. Teter, Council Member René Bullock, Council Member Crystal Elliott, Council Member Jason McEldowney and Council Member Steven J. Douglas

### 2. Pledge of Allegiance

*The Pledge of Allegiance was recited.*

### 3. Audience Introduction

*The audience introduced themselves.*

### 4. Proclamations and Recognitions

[13-0004](#)

Appointment and swearing-in of new City Council Member

*In accordance with the city's charter, City Council voted to fill the Ward I vacancy created by the resignation of Councilman Dominick Moreno who was elected to the Colorado House of Representatives. The vote results were:*

*Andrew Amador 6  
Gene Leffel 2  
John Griego 0*

*Judge Juarez administered the Oath of Office to Andrew Amador*

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

### 5. Citizen Communication

*Aaron Zbierski, 5600 E. 72nd Ave., asked Council to allow his neighbors, Roy and Janice Hayes, to keep their Vietnamese Pot Belly Pig and consider revising the city ordinance that prohibits keeping a pot bellied pig that exceeds 70 pounds.*

Roy Hayes, 6970 Birch St., asked Council for an exemption to the city ordinance that prohibits keeping pot bellied pigs that exceed a 70 pound.

Jacqueline Valdez, 6796 Albion St., addressed Council regarding the sidewalk in front of their home. They would like financial assistance with curb and gutter cuts.

DJ Davis, 17036 E. 106th Ave., thanked Council for their role in bringing in a new RTD bus route at 104th Avenue. Mr. Davis also asked Council to keep the best interest of Commerce City addressed in their discussions with Denver regarding Airport City.

Paul Solano, 6751 E. 60th Ave., introduced himself as the new RTD District K representative.

Guillermo Serna, 14122 E. 102nd Pl., asked Council why there hasn't been any economic development around the stadium and civic center.

## 6. Approval of Minutes

### [Min 13-05](#)

Meeting Minutes of January 7, 2013

Council members McEldowney and Bullock moved and seconded to allow Councilman Amador to abstain from voting on the minutes of the January 7, 2013, meeting because he was not a seated member of Council at that time.

VOICE VOTE: 8 aye, 1 abstain (Amador)

**A motion was made by Council Member Teter, seconded by Council Member McEldowney, that the minutes be approved. VOTE:**

**Aye:** 8 - Mayor Ford, Council Member Benson, Council Member Carson, Council Member Teter, Council Member Bullock, Council Member Elliott, Council Member McEldowney and Council Member Douglas

**Abstained:** 1 - Council Member Amador

## 7. Consent Agenda

Council members McEldowney and Bullock moved and seconded to allow Councilman Amador to abstain from voting on the consent agenda because he was not seated for the first reading of the ordinances.

VOICE VOTE: 8 aye, 1 abstain (Amador)

**A motion was made by Council Member Bullock, seconded by Council Member McEldowney, to approve the Consent Agenda as presented. ROLL CALL VOTE:**

**Aye:** 8 - Mayor Ford, Council Member Benson, Council Member Carson, Council Member Teter, Council Member Bullock, Council Member Elliott, Council Member McEldowney and Council Member Douglas

**Abstained:** 1 - Council Member Amador

### [Ord 1944](#)

AN ORDINANCE AMENDING THE 2013 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE SAND CREEK REGIONAL GREENWAY PARTNERSHIP

AGREEMENT IN THE AMOUNT OF \$100,000 FOR THE CREATION OF THE SOUTHERN LINK PLAN AND THE O'BRIAN CANAL TRAIL PLAN AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF

[Ord 1945](#)

AN ORDINANCE AMENDING THE 2013 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE RTD BUS ROUTE GRANT FUNDS IN THE AMOUNT OF \$444,000 FOR THE SUPPORT OF A NORTH AREA EXPRESS BUS ROUTE AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 1946](#)

AN ORDINANCE AMENDING THE 2013 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF ADAMS COUNTY OPEN SPACE GRANT FUNDS IN THE AMOUNT OF \$440,000 FOR THE SUPPORT OF THE FUTURE SECOND CREEK COMMUNITY PARK ACQUISITION PROJECT AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF

[Res 2013-01](#)

A RESOLUTION APPROVING AN ADMENDMENT TO THE AGREEMENT AMONG ADAMS COUNTY , CITY OF BROOMFIELD, AND THE MUNICIPALITIES OF BRIGHTON, COMMERCE CITY, FEDERAL HEIGHTS, NORTHGLENN, THORNTON, AND WESTMINSTER TO ESTABLISH THE NORTH METRO TASK FORCE AS A LEGAL ENITY.

## 8. Ordinances on 1st Reading

[Ord 1949](#)

AN ORDINANCE AMENDING THE 2013 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE STATE OF COLORADO ILLEGAL WASTE TIRE CLEANUP GRANT FUNDS IN THE AMOUNT OF \$1,490 FOR THE CLEANUP OF WASTE TIRES LOCATED AT 10000 HAVANA STREET IN COMMERCE CITY AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

*Neighborhood Services Supervisor Paula Baker addressed Council. She explained that a resident was, twice, the victim of illegal tire dumping on her property. In total, 700 tires were illegally dumped. Ms. Baker and the victim worked together to obtain a grant to help remove the tires.*

**A motion was made by Council Member Bullock, seconded by Council Member McElDowney, 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, Council Member Bullock, Council Member Elliott, Council Member McElDowney, Council Member Douglas and Council Member Amador

[Ord 1950](#)

AN ORDINANCE AMENDING THE 2013 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE

VALE GRANT IN THE AMOUNT OF \$3,453 FOR THE SUPPORT OF THE COMMUNITY JUSTICE PROGRAM AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

**A motion was made by Council Member McEldowney, seconded by Council Member Bullock, 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, Council Member Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas and Council Member Amador

## 9. Presentations

### [Pres 12-401](#)

#### 2012 State of the Court Address

*Municipal Court Judge David Juarez addressed Council regarding the state of the municipal court. Judge Juarez reported that the number of traffic citations dropped dramatically in 2012, and in response, the court has eliminated a number of court dates in 2013. Recently, the court implemented a separate Thursday afternoon docket for juveniles. Previously, the juveniles were mixed in with the regular docket, and they only had a 30-40% participation rate. By adding a late afternoon juvenile docket, the court has seen an increase in participation to 90%. The teen court program has been very successful especially with the middle school-aged youth. Judge Juarez informed Council of his opposition to pending legislation that would increase court fines from \$1,000 to \$5,000. He stated that people don't have that kind of financial resource in this community. The biggest issue that Judge Juarez has been addressing is the Adams County jail issues. The municipal judges, within the county, have developed a protocol for early release of municipal offenders, in the event the population of municipal offenders grows too large, and they need to release them to maintain safe prisoner levels. The municipal judges have also come up with a criteria for setting bonds. The bonds set in Commerce City Municipal Court are all lower than the agreed upon bond schedule working its way through various judge committees. Our soft cap at the county jail is four and that's inadequate. According to Judge Juarez our average daily population is nine.*

*In response to Council questions, Judge Juarez responded that there has been a revolving door of people providing security services that has created problems. It is important to have consistency in staffing for security with the municipal court.*

## 10. Administrative Council Business

*City Attorney Gehler advised Council of the need for a special meeting to be called on February 11, 2013, in order to convene an executive session to determine positions subject to negotiations regarding DIA.*

*Council members McEldowney and Bullock moved and seconded to call for a special meeting to be held on February 11, 2013.*

*VOICE VOTE: Unanimous; all present affirmed*

*Councilman McEldowney asked for Council to support the 2013 Year of the Student by putting forward, and approving, a resolution of support.*

*Mayor Ford stated that Council will put forward a proclamation of support.*

*Councilwoman Carson asked if the 2013 Year of the Student Presentation, made during their joint meeting with the school districts, could be replicated at a Council meeting so that the community could see it.*

*Mayor Ford said he will talk to the Adams 14 Superintendent about putting it on Channel 8.*

*Councilman Douglas asked if South Adams County was still testing the city's drinking water for dioxin levels, and if so, what are the levels?*

[13-0003](#)

Discussion regarding the March 11, 2013 study session

*City Manager Brian McBroom asked Council to consider cancelling the March 11, 2013, study session to allow Council members to attend the NLC Conference in Washington, D.C.*

*Council members Bullock and Teter moved and seconded to cancel the March 11, 2013, study session to allow Council members to attend the NLC Conference.*

*VOICE VOTE: Unanimous; all present affirmed.*

[12-0077](#)

Playful City USA Nomination Support Letter

*Communications Director Michelle Halstead stated that each year the city applies for the Playful City USA Award, and this year the application packet includes a letter of support from the governing body.*

*Council members McEldowney and Amador moved and seconded to allow Mayor Ford to sign the letter on behalf of the Council.*

*VOICE VOTE: Unanimous; all present affirmed*

[13-0002](#)

Naming a replacement for former Councilman Moreno to various Boards, Commissions and Committees

*The following is a record of the actions taken to name Mr. Moreno's replacements on various boards, commissions and committees:*

*Derby Review Board*

*Council members Bullock and Benson moved and seconded to appoint Councilman Teter to the Derby Review Board*

*VOICE VOTE: Unanimous; all present affirmed*

*Liquor Authority*

*Council members Carson and McEldowney moved and seconded to appoint Councilman Bullock as an alternate member of the Liquor Authority*

*VOICE VOTE: Unanimous; all present affirmed*

*Housing*

*Council members Teter and McEldowney moved and seconded to accept the resignation of Councilman Douglas as an alternate on the Housing Authority*

*VOICE VOTE: Unanimous; all present affirmed*

*Council members Teter and McEldowney moved and seconded to appoint Councilman Amador as an alternate member to the Housing Authority  
VOICE VOTE: Unanimous; all present affirmed*

*Adams 14 Foundation:*

*Council members Bullock and McEldowney moved and seconded to appoint Councilman Amador as a regular member of the Adams 14 Foundation  
VOICE VOTE: Unanimous; all present affirmed*

*Council members McEldowney and Teter moved and seconded to appoint Councilman Bullock as an alternate member to the Adams 14 Foundation  
VOICE VOTE: Unanimous; all present affirmed*

*Northern Community Coalition*

*Council members McEldowney and Carson moved and seconded to appoint Councilman Teter as a regular member to the Northern Community Coalition  
VOICE VOTE: Unanimous; all present affirmed*

*Council members Bullock and McEldowney moved and seconded to appoint Council women Carson and Elliott as alternate members to the Northern Community Coalition  
VOICE VOTE: Unanimous; all present affirmed*

*10 Year Plan to End Homelessness*

*Council members McEldowney and Bullock moved and seconded to appoint Councilman Dougals to the 10 Year Plan to End Homelessness  
VOICE VOTE: Unanimous; all present affirmed*

*Memorial Day Parade*

*Council members Bullock and Teter moved and seconded to appoint Councilman Douglas to the Memorial Day Parade Committee  
VOICE VOTE: Unanimous; all present affirmed*

*Rotary Club International*

*Council members McEldowney and Teter moved and seconded to appoint Councilman Bullock to Rotary Club International  
VOICE VOTE: Unanimous; all present affirmed*

## **11. Reports**

*City Manager Brian McBroom called Council's attention to the city manager update sent prior to the meeting.*

*Mayor & Council reported on attending various meetings and events throughout the week.*

## **12. 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 8:39 pm*