



Meeting Minutes - Final City Council

Monday, October 21, 2013

5:30 PM

Council Chambers

1. Call to Order/Roll Call - 5:30

A motion was made by Council Member Douglas, seconded by Council Member Teter, to excuse Council member Elliot from the meeting. **VOICE VOTE: Unanimous, all present affirmed.**

2. Executive Session - 5:35

[13-0038](#)

Executive session pursuant to 24-6-402(4)(b) for purposes of receiving legal advice on potential litigation

A motion was made by Mayor Pro-Tem Bullock, seconded by Council Member Amador, that this Executive Session be held. **VOICE VOTE: Unanimous, all present affirmed.**

[13-0039](#)

An executive session pursuant to 24-6-402(4)(e) for the purpose of instructing negotiators concerning the Mile High Greyhound Park Redevelopment project

A motion was made by Mayor Pro-Tem Bullock, seconded by Council Member Amador, that this Executive Session be held. **VOICE VOTE: Unanimous, all present affirmed.**

[13-0040](#)

An executive session pursuant to 24-6-402(4)(e) for the purpose of instructing negotiators concerning DIA

A motion was made by Mayor Pro-Tem Bullock, seconded by Council Member Amador, that this Executive Session be held. **VOICE VOTE: Unanimous, all present affirmed.**

3. Pledge of Allegiance - 6:30

4. Audience Introduction

5. Citizen Communication - 6:35

-Shirley Penni, 6390 Olive Street, spoke about the need for a stop sign or signal at 64th Avenue and Olive Street due to accidents.

Youth Commissioner Juan Rodello-Castillo, 5371 Laredo Street, thanked city council for their support and leadership.

Cody Fordham, 11821 Fairplay Street, requested an interview with the mayor or council members for assistance with his civic engagement Boy Scout's badge.

Dominic Moreno, 5075 E. 74th Avenue, extended an invitation to council to attend the Republic landfill tour this week.

6. Consent Agenda - 7:05

[Res 2013-64](#)

RESOLUTION APPOINTING AND REAPPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY

A motion was made by Council Member McEldowney, seconded by Mayor Pro-Tem Bullock, that this Resolution be adopted. VOTE:

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

Excused: Council Member Elliott

7. Public Hearings - 7:10

Mayor Ford opened the public hearing.

Finance Director Roger Tinklenberg presented information on the 2014 proposed budget.

Mayor Ford closed the public hearing.

[Res 2013-65](#)

ADOPTING THE BUDGET FOR THE CITY OF COMMERCE CITY, COLORADO FOR THE YEAR 2014 AND PROVIDING FOR 2013 COMMERCE CITY TAX LEVY

City Attorney Bob Gehler read the title.

A motion was made by Council Member Teter, seconded by Council Member McEldowney, that this Resolution be continued to the November 4, 2013 city council meeting. VOICE VOTE: Unanimous, all present affirmed.

8. Resolutions - 7:15

[Res 2013-63](#)

RESOLUTION IN SUPPORT OF THE PROPOSED MILL LEVY INCREASE FOR ADAMS COUNTY SCHOOL DISTRICT 14 ON THE NOVEMBER 5, 2013 ELECTION BALLOT

City Attorney Bob Gehler read the title.

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.

9. Ordinances on 1st Reading - 7:20

[SAP-004-13](#)

AN ORDINANCE ADOPTING THE CITY OF COMMERCE CITY

STATION AREA MASTER PLAN

J.J. Folsom with MIG, the master plan consultant, presented information about the plan outcomes based on broad community engagement.

The Commerce City Station Area Master Plan (STAMP) is a strategic short- and long-range urban design and implementation plan that, over the next 20 years, aims to guide public and private investment in and around the new 72nd Avenue Commuter Rail Station located at E. 72nd Avenue and Colorado Boulevard. The project area encompasses approximately one-half mile around the commuter rail station and is roughly bounded by E. 74th Avenue on the north, the South Platte River on the west, and Brighton Boulevard on the east. East 67th Place and the southern edge of the Adams Heights neighborhood roughly delineate the southern boundary of the project area. The plan addresses land use, transportation, and infrastructure needs.

For many years, residents in these areas have dealt with substandard conditions such as a lack of safe connectivity, damaged or incomplete sidewalks, few crosswalks, fast-moving traffic, lack of bike lanes, and few neighborhood parks. The Commerce City Station Area Master Plan (STAMP) is the culmination of efforts by a wide range of community stakeholders to identify improvements to existing neighborhoods and envision a preferred future for the area. The end result has the potential to enhance connectivity and transit use; boost economic development opportunities; attract diversified housing, employment; and contribute to a strong sense of community for both existing and future residents and business owners.

Mr. Folsom continued that RTD has released a request for proposals to build the north metro corridor to at least 72nd Avenue which means that this project has become much more real.

Mayor Ford commented that he hoped the plan consultant is taking into consideration flooding. Mr. Folsom stated that there is a large setback on the South Platte River side.

Council member McEldowney stated that this is a long-term plan unlike other plans, that they envisioned what they wanted this area to look like with no regard to funding and as opportunities presented itself to build in that vision.

City Attorney Bob Gehler made two minor edits after the last "Whereas" clause should have added the date of October 2013 after stationary and master plan and like wise in section one ad stationary and master plan dated October 2013. Mr. Gehler read the title.

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

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

Excused: 1 - Council Member Elliott

10. Presentations - 7:50

[Pres 13-322](#)

Mile High Greyhound Park redevelopment project update

Deputy City Manager Jim Hayes presented the following:

On August 3, 2011, the Commerce City Urban Renewal Authority purchased the Mile High Greyhound Park with a loan from the City of Commerce City. Since the purchase of the subject site, several City Departments have met to manage the site, conduct public outreach, and plan the redevelopment strategies on behalf of the Urban Renewal Authority. All of the activities are under the direction of the Urban Renewal Authority Executive Director, Brian McBroom. Staff is continuing to meet bi-weekly on Wednesdays at 1:30pm with a multi-departmental team.

Progress update since July 1, 2013:

- Review of developer RFQ template from Ricker-Cunningham*
- Document drafted - Released to public on October 14, 2013*
- Development of Vision Book and PUD Concept Schematic*

On November 8, 2013, the City will be hosting a kick-off event presenting the project to the development community. The attendees will have an opportunity to ask questions verbally, and in writing. If necessary, an addendum to the RFQ will be issued by November 15, 2013.

EDA Grant

The Economic Development Administration (EDA) grant was finalized this summer and a draft of the feasibility study was presented to City Council in January, 2013. The project budget was \$100,000 and \$70,000 was paid by the grant with the balance paid by URA matching funds and in-kind staff time. Final documents were received in May, 2013 and staff finalized the requirements and received a letter closing the grant on September 16, 2013.

Boys and Girls Club

Fundraising for the new facility on the southeast corner of the property are underway. As of May 2013 approximately 50% of the funds have been raised with a goal of 80% raised to commence construction. Staff requested an update on the fundraising efforts and will provide new information as soon as it is available. A formal application for development permit has not been submitted, and staff will continue to work with BGC on the schedule and integrating the concepts into the larger plan for the site.

Building Abatement / Demolition

The City contracted with Stephen P. DiNardo Consulting to be the City's project manager to assist the City with the demolition of the dog track site. The contract is broken down into multiple phases. The first phase of assessing the building and finalizing abatement and demolition costs was completed in May, 2012. All structures were demolished as of May, 2013 and final clean up and contract resolution was to be completed by 3rd quarter, 2013. Unfortunately, there were additional issues identified that delayed the final clean-up, but all remediation should be completed within the next several weeks.

Over the last several months, staff and the contractor have been working through issues with the site work and reimbursement by the insurance company. A premium of \$50,000 was paid at the start of the process to protect the URA against extreme costs related to the remediation of the site. This summer during the digging of additional test holes, several construction debris landfills were identified on the site. Some of the debris holes are related to the remodeling of the facility, while others are related to the fire district training activities when the former restaurant was burned down near 62nd and Dahlia Street.

Suspect surfacing materials, insulation, and illegally dumped solid waste were identified at depths between three and nine feet. The footprint of the old restaurant was used as a debris pit and the burned remains were simply pushed into the hole after the fire district training event back in the 1990s. Based on the age of construction of the former restaurant, the construction debris may contain asbestos, requiring removal. In order to fully remediate the site, excavation down to native soils will be required, which increases the cost above the amount of the original contract.

The overall objective for the complete demolition, excavation, and remediation is to obtain a No Further Action (NFA) letter from the State of Colorado. In addition, a clean site will reduce risk for the URA and the future developer partner. The final clean up of the site will add value to the overall project and must be completed by either the URA or a future private entity. All of these issues will require a change order in the original contract, and the increased costs are outlined below. It is important to note, these costs are projected as of October 16 and the final costs will be determined in the next several weeks.

The following is a schedule of next steps for the project team:

*October 14, 2013: Release of Request for Qualifications (RFQ)
October 24, 2013: Presentation of project opportunity to ICSC Alliance (Denver)
November 8, 2013: Pre-Submission Meeting (7:30am)
November 15, 2013: RFQ Addendum (Innovation Hub)
December 5, 2013: RFQ Deadline*

11. Administrative Council Business - 8:05

Mayor Pro-Tem Bullock discussed CML policy committee outcomes on potential legislation.

Council members McEldowney moved and Council member Amador seconded to approve Mayor Pro-Tem Bullock's request to attend the HEAL conference and allowing a \$50 expenditure. VOICE VOTE: Unanimous, all present affirmed.

Council member Amador and Mayor Ford expressed concern about the lack of functioning lights on Highway 2. Council member Amador stated that it has been nearly a year and Xcel has not responded to the City's request to repair the lights in a timely manner. Mayor Ford asked staff to escalate the issue.

Council member McEldowney addressed the following items:

*-Appreciated the AskC3 app and suggested that a video demonstration could be posted on the website to guide residents on how to use this app
-Parking and safety concerns on the south side of Belle Creek Boulevard near McDonalds
-Requested inspection of Southlawn, Richfield and other adjacent street on the chip seal projects. Council has concerns with the quality of the projects since chip seal continues to come up*

Council member Douglas inquired about the following topics:

*-Sidewalk replacement standards and the responsibility of repairs
-A car lot near 104th Avenue and Highway 2 and truck traffic accessing a business in unincorporated Adams County
-Suncor benzene monitoring during the flood and status of that test site
-Update on the School Resource Officer program, including incident reports and outcomes for the first quarter
-A chart of debt bonds, showing payoffs, and ratios for all districts*

-Asked if an ordinance could be drafted to allow residents to install solar panels on homes and become off the grid for energy production. City Attorney Gehler replied that the proposed ordinance would require more research

Council member McEldowney moved and Mayor Pro-Tem Bullock seconded to hold a special meeting on October 28th to hold executive sessions to conduct performance reviews for the city manager, the city attorney, and the city judge. VOICE VOTE: Unanimous, all present affirmed.

12. Reports - 8:20

City Manager Brian McBroom provided the following updates:

-Commerce City is assessing its economic development strategy consistent with the 2010 economic development strategic plan. The city selected The Stanton Solution to provide an objective, third-party assessment and implementation strategy. The Stanton Solution will engage elected officials, private sector and non-profit community leaders to ensure Commerce City meets its desired reputation as a business-friendly community. The city's Economic Development division is also leveraging The Stanton Solution for staff support during this time of staff transition to help meet the needs of our business community.

-Neighborhood Services is continuing its efforts at addressing election and campaign signs and has removed approximately 75 signs. Removed signs are not discarded, but instead are being stored at the Civic Center. The city had not communicated sign codes with other entities such as the School Board and Fire District, but will communicate more effectively in elections to come.

Council members reported on meetings and events from the previous week.

13. Adjourn to NIGID Meeting - 8:35