



## Meeting Minutes - Final City Council

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Monday, August 6, 2012

5:30 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 August 6, 2012, at 5:30 PM.*

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

**Absent:** 1 - Council Member Jason McEldowney

### 2. Executive Session

**12-0052**

An executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations regarding the sale of the gas station property at 7450 Hwy 2; and

An executive session pursuant to C.R.S. 24-6-402(4)(f) for the purpose of considering personnel issues.

**A motion was made by Mayor Pro-Tem Moreno, seconded by Council Member Douglas, that this executive session be held pursuant to CRS 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations regarding the sale of the gas station property at 7450 Highway 2; and pursuant to CRS 24-6-402(4)(f) for the purpose of considering personnel issues.**

**VOTE:**

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

### 3. Pledge of Allegiance

*The Pledge of Allegiance was recited.*

*It was noted that Councilman McEldowney arrived during the executive session and was present for the remainder of the meeting.*

**Present:** 9 - Mayor Sean Ford , Mayor Pro-Tem Dominick Moreno, 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

#### 4. Audience Introduction

*The audience introduced themselves.*

#### 5. Proclamations and Recognitions

**Proc 12-019** Proclamation honoring the victims of the July 20 tragedy.

**Attachments:** [Proclamation](#)

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

**Proc 12-015** Proclamation recognizing Commerce City resident Ronnie Miller for his contributions to country music.

**Attachments:** [Proclamation](#)

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

**Proc 12-018** Proclamation declaring August as Commerce City Employee Appreciation Month

**Attachments:** [Proclamation](#)

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

## 6. Citizen Communication

*Royal Palmer, 6930 Forest St., addressed Council regarding drainage problems at Fairfax Park that causes flooding on his street.*

*Sonja Harris, 16002 E. 98th Wy, introduced an exchange student from Japan who brought a gift to City Council.*

*Debra Bullock, 6130 Ivanhoe St., brought Council an inventory of the items removed from the Mile High Greyhound Park site by the historical society. Ms. Bullock invited Council to attend a National Night Out event that they are hosting.*

*June Younger, 5409 E. 61st Way, thanked Council for allowing the historical society to remove items from the Mile High Greyhound Park site. The historical society would like a meeting with Council and Colorado Historical Preservation representatives to discuss grant applications.*

*Harvest Thomas, 7110 E. 60th Wy, addressed Council regarding Ordinance 1918. He would like Council to consider hiring contractors within Commerce City to demolish the dog track.*

*Gene Leffel, 6530 Brighton Blvd., addressed Council regarding the medical waste facility in Adams County that is no longer moving forward.*

*Guillermo Serna, 14122 E. 102nd Pl., addressed Council regarding annexing the area where the medical waste facility would have been built.*

*Orval Lewis, 5680 E. 67th Ave., stated that the Mile High Greyhound Park site is an eyesore and would like to know when something will be done at the site.*

*Jane Stallsworth, 8110 Brighton Rd., addressed Council regarding the medical waste facility that was to be built in her neighborhood and how they were not made aware of the initial plans to build it, or the latest news about it not moving forward.*

## 7. Approval of Minutes

**Min 12-005** Meeting Minutes of July 16, 2012

**Attachments:** [Minutes](#)

*Council members Moreno and McEldowney moved and seconded to allow Mayor Ford to abstain from voting on the minutes of July 16, 2012, because of his excused absence.*

*ROLL CALL VOTE: 8 aye, 1 abstain (Ford)*

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

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

**Abstained:** 1 - Mayor Ford

## 8. Consent Agenda

### Approval of the Consent Agenda

A motion was made by Council Member Bullock, seconded by Mayor Pro-Tem Moreno, that the consent agenda be approved as presented. **VOTE:**

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

**Res 2012-46** RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN ADAMS COUNTY AND THE CITY OF COMMERCE CITY FOR THE NOVEMBER 6, 2012, COORDINATED GENERAL ELECTION

**Attachments:** [Resolution](#)

**Z-900-12** AN ORDINANCE REZONING FROM PUD TO C-3 ZONE DISTRICT THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 6955 AND 6995 BRIGHTON BOULEVARD, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

**Attachments:** [Ordinance](#)  
[Minutes](#)  
[Vicinity Map](#)  
[Staff Report](#)  
[Narrative](#)  
[Development Plan](#)

## 9. 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.

**Attachments:** [Ordinance](#)  
[July 3, 2012 PC Minutes](#)  
[Staff Report](#)  
[V-Map](#)  
[City Narrative Letter](#)  
[Zoning Map \(Z-164-78\)](#)  
[Annexation Map \(AN-7-78\)](#)

A motion was made by Council Member Bullock, seconded by Council Member McEldowney, that this public hearing be continued to September 17, 2012, at 6:30 p.m.. VOICE VOTE: Unanimous, all present affirmed.

## 10. Resolutions

**Res 2012-54** Resolution Approving Quitclaim Deed to South Adams County Fire Protection District

**Attachments:** [Resolution](#)  
[Quitclaim Deed](#)  
[Legal Description](#)

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

## 11. Ordinances on 1st Reading

**Ord 1896**

AN ORDINANCE AMENDING CHAPTER 10 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADD ARTICLE IV ESTABLISHING A STORMWATER MANAGEMENT UTILITY AND AUTHORIZING THE COLLECTION OF A FEE THEREFOR

**Attachments:** [Ordinance](#)

*Opponents:*

*David Stallsworth, 8110 Brighton Rd., Dupont  
Thomas Dowd, Brighton Rd.  
Trudy Smith, Pontiac St.  
Joy Bishop, Glencoe St.  
Jeanette Lewis, 5680 E. 67th Ave.  
Glen Murray, 11010 Havana St.  
Gene Leffel, 6530 Brighton Blvd.  
Guillermo Serna, 14122 E. 102nd Wy.  
Rob Sieban, Mile Hlgh Flea MarketSonenreich  
Izzy Sonenreich, 2 Adams, Denver  
Jane Stallsworth, 81 Brighton Rd. Dupont  
Orval Lewis, 5680 E. 67th Ave.*

*In response to comments made during citizen input, City Manager McBroom provided Council with a recap of community outreach on the stormwater topic and Acting Deputy City Manager Jim Hayes explained that property tax bills include a tax paid to Urban Drainage and Flood Control District. Annually, that generates approximately \$600,000 countywide. The rule is that those funds must be spent in Adams County and the city must compete for those dollars and match them, on a 50% basis when the grants are awarded. The regional drainage impact fee is collected at the time of building permit and is used to fund capital improvement projects. That money doesn't go very far, and the list of capital improvement needs presented to Council includes about an \$80 million need.*

*Council discussion included:*

- this will have a severe negative impacts to business development*
- this fee should be placed on a ballot for the citizens to vote on*
- the school districts should be exempt*
- the Quality Community Initiative group should be allowed to complete their research and make their recommendations to Council*
- we are the only city that doesn't have this fee*

**A motion was made by Council Member Carson, seconded by Council Member Teter, that this ordinance be introduced by Council as seated and approved on first reading. ROLL CALL VOTE:**

- Aye:** 4 - Mayor Pro-Tem Moreno, Council Member Carson, Council Member Teter and Council Member McEldowney
- Nay:** 5 - Mayor Ford, Council Member Benson, Council Member Bullock, Council Member Elliott and Council Member Douglas

**Ordinance  
1910**

AN ORDINANCE AMENDING THE 2012 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO, BY APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE OF THE GENERAL FUND IN THE AMOUNT OF \$79,935 AND TRANSFERRING A PORTION OF THE UNENCUMBERED FUND BALANCE IN THE GENERAL FUND TO THE FOLLOWING: CIPP FUND IN THE AMOUNT OF \$284,416; FINANCE AUTHORITY FUND IN THE AMOUNT OF \$500; FLEET MANAGEMENT FUND IN THE AMOUNT OF \$1,000; AND THE FACILITY SERVICES FUND IN THE AMOUNT OF \$600 AND APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE IN THE URBAN RENEWAL AUTHORITY FUND IN THE AMOUNT OF \$84,306 AND THE POLICE DONATION FUND IN THE AMOUNT OF \$32,200 FOR A TOTAL AMOUNT OF \$482,957 AND REAFFIRMING PRIOR APPROPRIATIONS AND AUTHORIZING THE EXPENDITURE THEREOF.

Attachments: [Ordinance](#)  
[2012 Re-Appropriation List](#)

**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. ROLL CALL VOTE:**

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

**Ordinance  
1916**

AN ORDINANCE amending section 21-5214 of the land development code

Attachments: [Ordinance](#)  
[Minutes](#)  
[Staff Report](#)

*Councilwoman Carson asked if this would be the time to discuss the distance requirement.*

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

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

**12. Ordinances on 2nd Reading**

**Ordinance  
1918**

AN ORDINANCE AMENDING THE 2012 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE IN THE GENERAL FUND FOR A LOAN TO THE URBAN RENEWAL AUTHORITY OF THE CITY OF COMMERCE CITY, AND AUTHORIZING THE EXPENDITURE THEREOF BY THE URBAN RENEWAL AUTHORITY.

**Attachments:** [Ordinance](#)

**A motion was made by Council Member Bullock, seconded by Mayor Pro-Tem Moreno, that this ordinance be approved on second and final reading. ROLL CALL VOTE:**

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

**Nay:** 1 - Council Member Benson

**Ordinance  
1919**

AN ORDINANCE APPROVING AND ADOPTING FRANCHISE AGREEMENT BETWEEN THE CITY OF COMMERCE CITY, COLORADO AND PUBLIC SERVICE COMPANY OF COLORADO

**Attachments:** [Ordinance](#)  
[Franchise Agreement](#)

**A motion was made by Council Member Bullock, seconded by Council Member McEldowney, that this ordinance be approved on second and final reading. ROLL CALL VOTE:**

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

**13. Presentations**

**Pres 12-217** 2013 Budget Presentation Finance Department

**Attachments:** [2013 Finance Budget Presentation](#)

*Finance Director Roger Tinklenberg provided an overview of the 2013 general fund gap of approximately \$1.2 million and the options available for filling the gap. Those options include: operating budget cuts, transfer from retained earning and/or fund balance reserve. Mr. Tinklenberg highlighted Council requests and CIPP requests in addition to capital maintenance needs.*

*Within the finance department, there are four divisions: financial planning and budgeting, financial services, tax and municipal court. There are \$6,800 in requests; \$5,000 for new court audio recording system, and \$1,800 for training.*

*Council questioned the decreased revenues from municipal court.*

**This Presentation was discussed and closed**

**Pres 12-225** 2013 Legal Budget Presentation

**Attachments:** [Legal Budget Presentation 2013 2014](#)

*City Attorney Bob Gehler stated that his office is staffed by four personnel and Council receives a quarterly report on the activities conducted by his department. Mr. Gehler provided empirical data on meetings attended, contracts drafted, legal opinions drafted and court hearings attended. The 2013 proposed budget is totally flat from last year with the exception of \$12,000 in salary increases.*

**This Presentation was discussed and closed**

**Pres 12-231** Budget Presentation - City Manager's office

**Attachments:** [Presentation](#)

**This Presentation was continued**

**Pres 12-233** Economic Development 2013 Budget Presentation

**Attachments:** [Budget Presentation](#)

*Economic Development Acting Manager Michelle Hill explained that the division will include four full-time employees and she outlined their 2011-2012 accomplishments. The accomplishments tie into the division goals as outlined in their strategic plan. Ms. Hill explained where business prospects come from. The division's 2013 proposed budget includes \$15,000 in salary decreases and \$13,000 in enhancements for membership dues and training.*

**This Presentation was discussed and closed**

**Pres 12-234** Community Development 2013-2014 Budget Presentation

**Attachments:** [Presentation](#)

*Community Development Interim Director Chris Cramer stated that the department is made up of four divisions: neighborhood services, building safety, housing and planning. The 2013 proposed budget includes \$3,250 in enhancements in meetings and conferences and career development.*

**This Presentation was discussed and closed**

**Pres 12-235** 2013 Budget Presentation; Public Works Department

**Attachments:** [Budget Presentation](#)

**This Presentation was continued**

## 14. Administrative Council Business

*Mayor Ford discussed issues with the railroad crossing arms at 104th Avenue and Highway 2 remaining down with no train in site.*

*Councilman Bullock discussed issues with the train horn blowing at 96th and Highway 2 and police officers speeding down Monaco between 64th and 72nd..*

*Council members Benson and McEldowney moved and seconded to direct staff to pursue legal remedies available to get compliance from the railroad for several items.*

*VOICE VOTE: Unanimous; all present affirmed*

*Mayor Ford discussed issues with the event center at 64th and would like to have a meeting with the building owner and the city manager.*

*Councilman Douglas asked about the status of the foreclosure ordinance.*

*City Attorney Gehler stated that Council needs to approve Councilman Bullock exceeding his discretionary funds to attend NLC functions.*

*Council members Benson and Douglas moved and seconded to approve Councilman Bullock exceeding his discretionary funds to attend NLC events.*

*ROLL CALL VOTE: 5 aye, 4 nay (Carson, Teter, Moreno, Ford)*

### 12-0051

Motion to begin the meeting of August 20, 2012 at 5:30 p.m.

*City Manager Brian McBroom informed Council that there was no longer a need to start the August 20, 2012, meeting at 5:30 p.m.*

## 15. Reports

*City Manager Brian McBroom outlined his weekly report to Council.*

*Mayor Ford reported on various meetings and events attended by Council and himself.*

## 16. Adjourn

*The meeting adjourned at 12:30 am.*