



Commerce City

7887 E. 60th Ave.
Commerce City, CO 80022
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Meeting Minutes - Final City Council

Monday, June 2, 2014

6:00 PM

Council Chambers

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 June 2, 2014, at 6:00 PM.

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

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Audience Introduction

The audience introduced themselves.

4. Proclamations and Recognitions

[14-26](#)

Recognition of Memorial Day Parade awards

Communications Director Michelle Halstead presented awards to various Memorial Day Parade participants.

*Council Choice: Rocky Mountain Base USSVI
Best of Parade: Retired Enlisted Association Float
Most Creative: Promenade Horsemanship Academy
Antique Cars: Model T Club, Mile High Chapter
Classic Cars: Military Vehicle Collectors
Motorized Unit: So. Adams County Fire Dept.
Float: Our Saviour Lutheran Church
Horse: Westernaires
Walking/Marching: Montbello High School Drumline
Unique: Detour Derby*

[14-36](#)

Quality Community Foundation Scholarship Recipient Recognition

Members of the foundation recognized the following scholarship recipients: Navdeep Singh and Abigail Jiminez

[14-37](#)

Recognition of John Gallagher

Mayor Ford and council recognized retired Suncor Vice President of Refining John

Gallagher for his many years of service to Commerce City.

5. Citizen Communication

Carroll Harr announced that Our Saviour Lutheran Church is celebrating 60 years this year and he introduced their new pastor, Reverend Victor Young.

John McCuskey appeared before council on behalf of E-470 and presented them with a grant award of \$2,500.

6. Consent Agenda

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

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

[Res 2014-64](#)

RESOLUTION APPROVING CHANGE ORDER NO. 3 TO AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND ZAK DIRT, INC. FOR EAST 104TH AVENUE IMPROVEMENTS PROJECT, PHASE 3B

[Res 2014-65](#)

RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND SUNCOR ENERGY (U.S.A.) PIPELINE COMPANY FOR RELOCATION OF A CRUDE OIL PIPELINE AND REIMBURSEMENT THEREFOR

7. Public Hearings

[Pres 14-798](#)

2014 JAG Formula Grant Public Hearing - \$16,923

Mayor Ford opened the public hearing on the 2014 JAG Formula Grant application.

Police Chief Smith stated that the grant funds will be applied toward the purchase of tasers.

No one appeared to speak in favor or opposition of the grant application and the public hearing portion was closed

Deputy City Attorney Stevens informed council that no former action was needed at this time and that a resolution would be forthcoming.

[Res 2014-67](#)

RESOLUTION MAKING FINDINGS OF FACT BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY AND ITS CONCLUSION RELATIVE TO ELIGIBILITY OF ANNEXATION TO THE CITY OF COMMERCE CITY OF THE PROPERTY COMMONLY KNOWN AS PARCEL 172300000075, COMMERCE CITY, COLORADO IN AN-227-14

A motion was made by Council Member McEldowney, seconded by Mayor Pro

Tem Bullock, that this resolution be adopted. **VOICE VOTE: Unanimous, all present affirmed.**

[AN-227-14](#)

AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, COMMONLY KNOWN AS PARCEL 172300000075, COMMERCE CITY, COLORADO

Planning Manager Steve Timms presented the combined annexation petitions and zoning applications to council. The applicant is Public Service Company of Colorado and the properties were acquired in the 1960s to construct electrical transmission lines. The properties are already developed with electrical transmission lines and this process would allow the current transmission lines to be rebuilt.

Preston Gibson, appeared before council on behalf of the applicant.

No one appeared to speak in favor or opposition of the annexation petitions or zoning ordinances.

Deputy City Attorney Stevens swore in Planning Manager Steve Timms. Mr. Timms testified that the annexation petitions met the criteria for annexation as defined in state statute.

The public hearing portion was then closed.

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

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

[Res 2014-68](#)

RESOLUTION MAKING FINDINGS OF FACT BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY AND ITS CONCLUSION RELATIVE TO ELIGIBILITY OF ANNEXATION TO THE CITY OF COMMERCE CITY OF THE PROPERTY COMMONLY KNOWN AS PARCEL 172300000272 WEST, COMMERCE CITY, COLORADO IN AN-228-14

A motion was made by Council Member McEldowney, seconded by Council Member Amador, that this resolution be adopted. VOICE VOTE: Unanimous, all present affirmed.

[AN-228-14](#)

AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, COMMONLY KNOWN AS PARCEL 172300000272 WEST, COMMERCE CITY, COLORADO

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

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

[Res 2014-69](#)

RESOLUTION MAKING FINDINGS OF FACT BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY AND ITS CONCLUSION RELATIVE TO ELIGIBILITY OF ANNEXATION TO THE CITY OF COMMERCE CITY OF THE PROPERTY COMMONLY KNOWN AS PARCEL 172300000272 EAST, COMMERCE CITY, COLORADO IN AN-229-14

A motion was made by Council Member Benson, seconded by Council Member Elliott, that this resolution be adopted. VOICE VOTE: Unanimous, all present affirmed.

[AN-229-14](#)

AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, COMMONLY KNOWN AS PARCEL 172300000272 EAST, COMMERCE CITY, COLORADO

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

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

[Z-906-14](#)

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 PROPERTIES DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF COMMONLY KNOWN AS PARCELS 172300000075 (GENERALLY LOCATED SOUTH OF EAST 104TH AVENUE, BETWEEN POTOMAC STREET AND CHAMBERS ROAD) AND 172300000272 (GENERALLY LOCATED SOUTH OF 104TH AVENUE AND EAST OF HIMALAYA STREET), COMMERCE CITY, COLORADO.

A motion was made by Mayor Pro Tem Bullock and seconded by Council member Elliott to accept the findings and recommendations of the planning commission.

VOICE VOTE: Unanimous; all present affirmed

A motion was made by Council Member Carson, seconded by Council Member Teter, 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 Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member Carson, Council Member McEldowney and Mayor Pro Tem Bullock

[Res 2014-70](#)

RESOLUTION MAKING FINDINGS OF FACT BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY AND ITS CONCLUSION RELATIVE TO ELIGIBILITY OF ANNEXATION TO THE CITY OF COMMERCE CITY OF THE PROPERTY LOCATED AT 10730 POTOMAC STREET, COMMERCE CITY, COLORADO IN AN-231-14

Deputy City Attorney Stevens swore in Planner Jared Draper who testified that the property included in the petition meets the criteria for annexation as defined in state statute.

Mr. Draper made a presentation on the annexation petition, zoning and subdivision requests. The property is located at 10730 Potomac Street. An annexation, zoning and subdivision case was denied in 2007 because the proposal was incompatible. There is currently a single-family residence on the property.

Hitu Parmar, appeared before council on behalf of the applicant. In response to questions, the applicant plans to install curb and gutter.

No one appeared to speak in favor or opposition of the annexation petition, zoning and subdivision application and the public hearing was closed.

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.

[AN-231-14](#)

AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 10730 POTOMAC STREET, COMMERCE CITY, COLORADO.

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

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

[Z-909-14](#)

AN ORDINANCE REZONING LOT 1 FROM ADAMS COUNTY A-3 TO COMMERCE CITY R-1 ZONE DISTRICT AND LOT 2 FROM ADAMS COUNTY A-3 TO COMMERCE CITY AG FOR THE PROPERTIES DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 10730 POTOMAC STREET, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

A motion was made by Council member Teter, seconded by Council member Carson to accept the findings and recommendations of the planning commission.

VOICE VOTE: Unanimous; all present affirmed

A motion was made by Council Member Douglas, seconded by Council Member Elliott, 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 Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member Carson, Council Member McEldowney and Mayor Pro Tem Bullock

[Res 2014-47](#)

RESOLUTION APPROVING SUBDIVISION PLAT IN CASE #S-613-14

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

8. Resolutions

[Res 2014-63](#)

RESOLUTION CONSENTING TO PARTICIPATION BY THE COLORADO INFORMATION SHARING CONSORTIUM IN THE COLOARDO INTERGOVERNMENTAL RISK SHARING AGENCY

A motion was made by Council Member McEldowney, seconded by Council Member Teter, that this resolution be adopted. VOICE VOTE: Unanimous, all present affirmed.

9. Ordinances on 1st Reading

[Ord 2008](#)

AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE E-470 TRANSPORTATION SAFETY FOUNDATION GRANT IN THE AMOUNT OF \$2,500 FOR A DAY AT THE COMMERCE CITY POLICE DPEARTMENT PROGRAM AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

A motion was made by Council Member McEldowney, 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 Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member Carson, Council Member McEldowney and Mayor Pro Tem Bullock

[Ord 2009](#)

AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT IN THE AMOUNT OF \$5,000 TO BE USED FOR BUFFALO RUN GOLF COURSE SAND BUNKER FLOOD REPAIRS AND THE AUTHORIZATION OF THE

EXPENDITURE THEREOF.

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

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

[Ord 2010](#)

AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT IN THE AMOUNT OF \$345,500 TO BE USED FOR SAND CREEK TRAIL FLOOD REPAIRS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

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 Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member Carson, Council Member McEldowney and Mayor Pro Tem Bullock

10. Administrative Council Business

Mayor Pro Tem Bullock has received a request from the Colorado's Veterans' Forum to contribute to the organization and host a stop for the motorcycle ride between Lakewood and Aurora on June 21, 2014.

A motion was made by Council member Benson, seconded by Council member Douglas to donate \$500 to the Colorado's Veterans' and host a stop.

VOICE VOTE: Unanimous; all present affirmed

A motion was made by Mayor Pro Tem Bullock, seconded by Council member McEldowney to reconvene the executive session from earlier in the meeting.

VOICE VOTE: Unanimous; all present affirmed.

The meeting reconvened at 8:37 pm

11. Reports

No reports.

12. Adjourn

The meeting adjourned at 8:37 pm.

In accord with the city charter, the deputy city attorney read the title to all ordinances and resolutions adopted by Council at this meeting.