



Commerce City

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

City Council

Monday, March 7, 2016

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 March 7, 2016, at 6:00 PM.

A motion was made by Council Member Amador, seconded by Council Member Teter, to excuse Mayor Pro-Tem Bullock and Council Member Douglas from this meeting.

VOTE: 7 aye, 2 excused (Bullock, Douglas)

Present: 7 - Mayor Sean Ford, Council Member Jadie Carson, Council Member Rick A. Teter, Council Member Crystal Elliott, Council Member Jason McEldowney, Council Member Andrew Amador and Council Member Paolo Diaz

Excused: 2 - Mayor Pro Tem René Bullock and Council Member Steven J. Douglas

2. Executive Session

A motion was made by Council Member Jason McEldowney, seconded by Council Member Crystal Elliott, to enter into executive sessions, pursuant to CRS 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations concerning incentives for several potential economic development projects within the city, and pursuant to CRS 24-6-204 (4)(b) for the purpose of receiving legal advice, and pursuant to CRS 24-6-402(4)(e) for the purpose of developing strategy for negotiations and instructing negotiators, both concerning pending litigation (Hammer et al. v. City of Commerce City and City of Commerce City v. H4 Investments, LLLP, et al.). ROLL CALL VOTE:

Aye: 7 - Mayor Ford, Council Member Carson, Council Member Teter, Council Member Elliott, Council Member McEldowney, Council Member Amador and Council Member Diaz

Excused: 2 - Mayor Pro Tem Bullock and Council Member Douglas

16-12 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 concerning incentives for several potential economic development projects within the city

16-14 An executive session (1) pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice, and (2) pursuant to C.R.S.

24-6-402(4)(e) for the purpose of developing strategy for negotiations and instructing negotiators, both concerning pending litigation (Hammer et al. v. City of Commerce City and City of Commerce City v. H4 Investments, LLLP, et al.)

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Audience Introduction

The audience introduced themselves.

5. Proclamations and Recognitions

16-13 GFOA Award Recognition

Mayor Ford and council presented Finance Director Sheryl Carstens with a Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report for the Fiscal Year Ended December 31, 2014. This is the 28th year that the finance department has received this award.

Proc 16-04 Proclamation recognizing the Retirement of Commander Chuck Baker and his 36 years of service.

City Attorney Gehler read a proclamation recognizing retiring Commander Charles Baker for his 36 years of service to the community. Commander Baker has accepted the chief of police position in Cody, Wyoming.

A motion was made by Council Member McEldowney, seconded by Council Member Teter, that this proclamation be approved. VOTE:

Aye: 7 - Mayor Ford, Council Member Carson, Council Member Teter, Council Member Elliott, Council Member McEldowney, Council Member Amador and Council Member Diaz

Excused: 2 - Mayor Pro Tem Bullock and Council Member Douglas

6. Citizen Communication

Angela Bornemann with ACCESS Housing introduced herself as the new executive director of the non-profit that serves the homeless population.

Harvest Thomas, 7110 E. 60th Wy, appeared before council on behalf of the Adams County School District 14 Board of Education to provide information on upcoming activities.

Shelley Powell, VP of Refining at Suncor, announced Plant 1 and Plant 3 will be shut down, cleaned out, inspected and repaired. The refinery is working with the police department to address the potential increase in traffic during this repair period and with the communication division to keep the community informed.

Lisandra Gonzales appeared before council on behalf of Precious Child. Ms. Gonzales gave an update on the services the organization provides.

A motion was made by Council Member Carson, seconded by Council Member Diaz, for an ACT I (\$2,500) sponsorship to Precious Child.

VOTE: 7 aye, 2 excused (Bullock, Douglas)

7. Approval of Minutes

Min 16-25 Meeting minutes of August 17, 2015

A motion was made by Council Member McEldowney, seconded by Council Member Elliott to allow Council Member Diaz to abstain from voting on the minutes of August 17, 2015, because he was not a seated member at the time of this meeting.

VOTE: 6 aye, 1 abstain (Diaz), 2 excused (Bullock, Douglas)

A motion was made by Council Member Teter, seconded by Council Member Elliott, that the minutes be approved as amended. The amendment was a spelling error.

VOTE:

Aye: 6 - Mayor Ford, Council Member Carson, Council Member Teter, Council Member Elliott, Council Member McEldowney and Council Member Amador

Excused: 2 - Mayor Pro Tem Bullock and Council Member Douglas

Abstained: 1 - Council Member Diaz

Min 16-27 Meeting minutes of December 7, 2015

A motion was made by Council Member McEldowney, seconded by Council Member Elliott to allow Council Member Diaz to abstain from voting on the minutes of December 7, 2015, because he was not a seated member of council until the organization meeting that followed this meeting.

VOTE: 6 aye, 1 abstain (Diaz), 2 excused (Bullock, Douglas)

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

Aye: 6 - Mayor Ford, Council Member Carson, Council Member Teter, Council Member Elliott, Council Member McEldowney and Council Member Amador

Excused: 2 - Mayor Pro Tem Bullock and Council Member Douglas

Abstained: 1 - Council Member Diaz

Min 16-31 Meeting minutes of February 8, 2016, Special Meeting

A motion was made by Council Member Amador, seconded by Council Member Diaz, to allow Council Member Teter to abstain from voting on the minutes of the special meeting of February 8, 2016, because of his excused absence.

VOTE: 6 aye, 1 abstain (Teter), 2 excused (Bullock, Douglas)

A motion was made by Council Member Amador, seconded by Council Member Carson, that the minutes be approved. VOTE:

Aye: 6 - Mayor Ford, Council Member Carson, Council Member Elliott, Council Member McEldowney, Council Member Amador and Council Member Diaz

Excused: 2 - Mayor Pro Tem Bullock and Council Member Douglas

Abstained: 1 - Council Member Teter

Min 16-32 Meeting minutes of December 7, 2015, Organizational Meeting

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

Aye: 7 - Mayor Ford, Council Member Carson, Council Member Teter, Council Member Elliott, Council Member McEldowney, Council Member Amador and Council Member Diaz

Excused: 2 - Mayor Pro Tem Bullock and Council Member Douglas

Min 16-33 Meeting minutes of September 28, 2015, Special Meeting

A motion was made by Council Member Teter, seconded by Council Member Carson, to allow Council Member Diaz to abstain from voting on the minutes of the special meeting of September 28, 2015, because he was not a seated member of council at the time of this meeting.

VOTE: 6 aye, 1 abstain (Diaz), 2 excused (Bullock, Douglas)

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

Aye: 6 - Mayor Ford, Council Member Carson, Council Member Teter, Council Member Elliott, Council Member McEldowney and Council Member Amador

Excused: 2 - Mayor Pro Tem Bullock and Council Member Douglas

Abstained: 1 - Council Member Diaz

8. Consent Agenda

A motion was made by Council Member McEldowney, seconded by Council Member Teter, to approve the consent agenda as presented. ROLL CALL VOTE:

Aye: 7 - Mayor Ford, Council Member Carson, Council Member Teter, Council Member Elliott, Council Member McEldowney, Council Member Amador and Council Member Diaz

Excused: 2 - Mayor Pro Tem Bullock and Council Member Douglas

Res 2016-32 RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR HOUSEHOLD CHEMICAL ROUNDUP PROGRAM WITH TRI-COUNTY HEALTH DEPARTMENT

Res 2016-35 RESOLUTION TERMINATING CONSTRUCTION EASEMENT AT

6872 HIGHWAY 2

Res 2016-38 RESOLUTION APPROVING CONTRACT TO BUY AND SELL FRICO ERU WATER AND OPTION CREDITS TO SDM INVESTMENTS, LLC

Z-931-16 AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO FOR REZONING TO PUD ZONE DISTRICT AND APPROVING A PUD ZONE DOCUMENT FOR THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF LOCATED AT 7790 EAST 88TH AVENUE, COMMERCE CITY, COLORADO.

9. Public Hearings

Z-929-16 AN ORDINANCE REZONING THE PROPERTIES DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT THE NORTHWEST AND SOUTHWEST CORNERS OF EAST 84TH AVENUE AND ULSTER STREET (PIN: 172128200014, 172128200015, 172128300013 AND 172128300014), COMMERCE CITY, COLORADO, FROM AG, I-1, AND I-2 WITH CERTAIN CONDITIONS TO I-2 WITH NO CONDITIONS AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

Mayor Ford opened the public hearing.

Planner Paul Workman presented the case. The applicant, Mid-Rail Real Estate, is seeking to rezone 55 acres from a combination of zoning designations (Agriculture, I-1 Light-Intensity Industrial, and I-2 Medium-Intensity Industrial with conditions) to an I-2 Medium-Intensity Industrial zoning designation with no conditions. The applicant has submitted the rezoning request in order to develop the subject property for a new steel warehouse facility on 15 to 20 acres with the rest of the property to be developed, in the future, for similar rail-served medium-intensity industrial users.

Citizen Input:

*Dean and Violet Frazell, 8786 Ulster
LeRoy Romero, 8630 Ulster*

Rob Thornshein appeared on behalf of the applicant. He stated that Ulster Street will be widened as the site is developed.

Jim Fitzmorris, JR Engineering, appeared before council to state that both a traffic and drainage study have been submitted to city staff.

Mayor Ford closed the public hearing.

A motion was made by Council Member McEldowney, seconded by Council Member Teter, to accept the findings and recommendations of the planning commission on Ordinance Z-929-16.

VOTE: 7 aye, 2 excused (Bullock, Douglas)

A motion was made by Council Member Teter, seconded by Council Member

Diaz, that this zoning ordinance be introduced by council as seated and approved on first reading. VOTE:

Aye: 7 - Mayor Ford, Council Member Carson, Council Member Teter, Council Member Elliott, Council Member McEldowney, Council Member Amador and Council Member Diaz

Excused: 2 - Mayor Pro Tem Bullock and Council Member Douglas

Z-706-99-01-01-02-06-14-16 - AN ORDINANCE APPROVING THE BURLINGTON NORTHERN/CATELLUS PUD ZONE DOCUMENT AMENDMENT NO. 5.

Mayor Ford opened the public hearing.

Planning Manager Steve Timms presented the case. The applicant, BCX Development is seeking an amendment to their PUD zone document. The property was annexed in 1997, and the zoning document was approved by council in 2001, and has been amended several times. The applicant would like to combine standards for undeveloped areas, reduce minimum lot size and lot frontage in certain areas, and adjust densities to reflect current single-family development realities.

Jim Marshall appeared on behalf of the applicant. He said that the purpose of this rezoning request is really meant to create different lot sizes to keep house prices in the mid \$300,000.

No one else appeared to address council and Mayor Ford closed the public hearing portion of the meeting.

A motion was made by Council Member McEldowney, seconded by Council Member Teter, to accept the findings and recommendations of the planning commission on Zoning Ordinance Z-706-99-01-02-06-14-16.

VOTE: 7 aye, 2 excused (Bullock, Douglas)

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

Aye: 7 - Mayor Ford, Council Member Carson, Council Member Teter, Council Member Elliott, Council Member McEldowney, Council Member Amador and Council Member Diaz

Excused: 2 - Mayor Pro Tem Bullock and Council Member Douglas

LUP-54-16 - AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN, FIGURE 3.2 OF THE COMPREHENSIVE PLAN OF THE CITY OF COMMERCE CITY

Mayor Ford opened the public hearing for both LUP-54-16 and the related Zoning Ordinance Z-700-01-03-16.

Planner Robin Kearns presented the case. The applicant, 120th & Buckley Associates, would like to decrease 17.8 acres of commercial land to 10.3 acres and convert the remaining 7.5 acres to medium residential. They would like to make these adjustments to reflect current market conditions.

Charlie Foster and Mark Bush appeared on behalf of the applicant.

No one else appeared before council and Mayor Ford closed the public hearing portion of the meeting.

A motion was made by Council Member Teter, seconded by Council Member Amador, to accept the findings and recommendations of the planning commission on Ordinance LUP-54-16.

VOTE: 7 aye, 2 excused (Bullock, Douglas)

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

Aye: 7 - Mayor Ford, Council Member Carson, Council Member Teter, Council Member Elliott, Council Member McEldowney, Council Member Amador and Council Member Diaz

Excused: 2 - Mayor Pro Tem Bullock and Council Member Douglas

Z-700-01-03-16 AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE VILLAGES AT BUFFALO RUN EAST PUD ZONE DOCUMENT.

A motion was made by Council Member Amador, seconded by Council Member Teter, to accept the findings and recommendations of the planning commission on Ordinance Z-700-01-03-16.

VOTE: 7 aye, 2 excused (Bullock, Douglas)

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

Aye: 7 - Mayor Ford, Council Member Carson, Council Member Teter, Council Member Elliott, Council Member McEldowney, Council Member Amador and Council Member Diaz

Excused: 2 - Mayor Pro Tem Bullock and Council Member Douglas

11. Ordinances on 1st Reading

Ord 2078 AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE LAND DEVELOPMENT CODE

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: 7 - Mayor Ford, Council Member Carson, Council Member Teter, Council Member Elliott, Council Member McEldowney, Council Member Amador and Council Member Diaz

Excused: 2 - Mayor Pro Tem Bullock and Council Member Douglas

Ord 2081 AN ORDINANCE AMENDING SECTION 22-3 OF THE COMMERCE CITY REVISED MUNICIPAL CODE

A motion was made by Council Member Teter, seconded by Council Member

McEldowney, that this ordinance be introduced by council as seated and approved on first reading. VOTE:

Aye: 7 - Mayor Ford, Council Member Carson, Council Member Teter, Council Member Elliott, Council Member McEldowney, Council Member Amador and Council Member Diaz

Excused: 2 - Mayor Pro Tem Bullock and Council Member Douglas

Ord 2082

AN ORDINANCE AMENDING THE 2016 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY TRANSFERRING \$180,000 FROM THE IMPACT FEES FUND (PARKS) TO THE CIPP FUND TO OFFSET COSTS FOR THE FOREST DRIVE PROPERTY LOCATED AT 6023 FOREST DRIVE IN COMMERCE CITY AND AUTHORIZATION OF THE EXPENDITURE THEREOF

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: 7 - Mayor Ford, Council Member Carson, Council Member Teter, Council Member Elliott, Council Member McEldowney, Council Member Amador and Council Member Diaz

Excused: 2 - Mayor Pro Tem Bullock and Council Member Douglas

Ord 2085

AN ORDINANCE AMENDING THE 2016 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE TONY GRAMPSAS YOUTH SERVICE (TGYS) GRANT FUNDS IN THE AMOUNT OF \$4,465.00 FOR THE SUPPORT OF RECREATIONAL AND EDUCATIONAL PREVENTION PROGRAMS FOR THE YOUTH OF COMMERCE CITY AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

Aye: 7 - Mayor Ford, Council Member Carson, Council Member Teter, Council Member Elliott, Council Member McEldowney, Council Member Amador and Council Member Diaz

Excused: 2 - Mayor Pro Tem Bullock and Council Member Douglas

12. Administrative Council Business

City Manager McBroom stated that council has historically been attendees and participants in an annual fundraiser for King Soopers Health Care. This year the event is scheduled for April 11, 2016, the same night as a study session. A few options were presented for council consideration: cancel the study session, have some members attend the study session and some attend the fundraising event, or hold the study session earlier.

Council had consensus on leaving the study session start time as usual and Mayor Ford appointed Council Member McEldowney to facilitate the meeting.

A motion was made by Council Member Amador, seconded by Council Member McEldowney, to send a letter to Victory Prep Charter School, the state charter authority, and Adams County School District 14, asking to keep messages displayed on their marquees positive.

VOTE: 7 aye, 2 excused (Bullock, Douglas)

Council Member McEldowney asked that staff place a barrier at 96th & Buckley to prevent vehicles from going down the trail from 96th to Old Buckley Road. He would like staff to contact GPS vendors to update their software to reflect that 88th from Buckley is no longer an active roadway. Council Member McEldowney also discussed chip seal issues in the Reunion area.

16-18

Motion to appoint Interim City Attorney

City Attorney Gehler stated April 4, 2016, will be his last day as city attorney. He believes that his office cannot be left without an interim city attorney and is recommending that Deputy City Attorney Karen Stevens be appointed as interim city attorney pending the search for a replacement city attorney.

A motion was made by Council Member McEldowney, seconded by Council Member Teter, to appoint Deputy City Attorney Karen Stevens as interim city attorney effective April 5, 2016.

VOTE: 7 aye, 2 excused (Bullock, Douglas)

City Attorney Gehler stated that a contract will be drafted and brought before council on March 21, 2016.

City Manager McBroom stated that he didn't recall having a contract when he was named interim city manager, so the agreement is being drafted based on City Attorney Gehler's current contract.

13. Reports

City Manager McBroom highlighted items off his weekly report emailed to council earlier.

Mayor and council reported on their attendance at various meetings and events.

A motion was made by Council Member Teter, seconded by Council Member Diaz, to resume the executive session from earlier in the evening.

VOTE: 7 aye, 2 excused (Bullock, Douglas)

14. Adjourn to NIGID Meeting

The meeting adjourned at 11:06 pm.

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