



Meeting Minutes - Final City Council

Monday, November 4, 2013

5:30 PM

Council Chambers

1. Call to Order/Roll Call

Present: 8 - 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 McElDowney and Council Member René Bullock

Absent: 1 - Mayor Sean Ford

2. Executive Session

[13-0041](#)

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

A motion was made by Council Member McElDowney, seconded by Council Member Amador, that the executive session, pursuant to CRS 24-6-402(4)(e) for the purpose of instructing negotiators concerning the Comcast franchise agreement, be held. VOICE VOTE: Unanimous, all present affirmed.

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Audience Introduction

The audience introduced themselves.

5. Citizen Communication

Ricky Martinez, 7885 W. 12th Lakewood, spoke as an employee of Rocky Mountain Reinforcement. He requested the city not support the firm receiving contracts on North Metro Rail Line based on alleged safety and prevailing wage concerns. City Council agreed to send a letter to RTD inquiring about practices.

Marte Meyer, 1139 Delaware, vice president of the 9Health Fair, thanked the city for their continued support of the fair. They served nearly 1600 people and recruited nearly 450 volunteers.

Hannah Mullens, 1167 Logan Street, Congressman Perlmutter's office, shared information on upcoming events and activities for November.

6. Approval of Minutes

[Min 13-69](#)

MEETING MINUTES FOR SEPTEMBER 16, 2013

A motion was made by Council Member Teter, seconded by Council Member McEldowney, that these Minutes be approved. VOICE VOTE: Unanimous, all present affirmed.

7. Consent Agenda

City Attorney Bob Gehler read the title of each ordinance.

A motion was made by Council Member Amador, seconded by Council Member Elliott, that the consent agenda be approved. VOTE:

Aye: 8 - 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

Excused: 1 - Mayor Ford

[Ord 1974](#)

AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE STATE OF COLORADO - DEPARTMENT OF PUBLIC SAFETY, DIVISION OF CRIMINAL JUSTICE GRANT FUNDS IN THE AMOUNT OF \$42,446 FOR THE YOUTH CRIME PREVENTION - EPIC PROGRAM AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 1975](#)

AN ORDINANCE AMENDING THE 2013 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE DEPARTMENT OF JUSTICE – JAG/BYRNE GRANT FUNDS IN THE AMOUNT OF \$14,225 FOR TECHNOLOGY ENHANCEMENTS TO BE USED BY THE POLICE DEPARTMENT PERSONNEL AND AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 1976](#)

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE LAND DEVELOPMENT CODE RELATED TO SIGNS

[Ord 1979](#)

AN ORDINANCE AMENDING THE 2013 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE US DEPARTMENT OF JUSTICE GRANT – COMMUNITY ORIENTED POLICING SERVICES (COPS) GRANT FUNDS IN THE AMOUNT OF \$125,000 TO FUND THE HIRING OF ONE SCHOOL RESOURCE OFFICER AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

8. Public Hearings - 7:20

Mayor Pro-Tem Bullock opened the public hearing.

Councilman Douglas asked question about the sales tax bond issue, mill levy and housing authority transfer. Finance Director Tinklenberg responded that the sales tax

item refers to bonds associated with Quebec. The mill levy remains same, but the difference is a result of a TABOR refund, and the housing authority transfer of \$60,000 has been in place for decade. No public comments were raised.

Mayor Pro-Tem Bullock 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

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

9. Resolutions

[Res 2013-70](#)

RESOLUTION APPROVING NORTH METRO RAIL LINE LOCAL AGENCY CONTRIBUTION INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF COMMERCE CITY AND THE REGIONAL TRANSPORTATION DISTRICT

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

[Res 2013-71](#)

RESOLUTION APPROVING AGREEMENT FOR INCLUSION INTO THE COMMERCE CITY E-470 RESIDENTIAL AREA GENERAL IMPROVEMENT DISTRICT AND THE COMMERCE CITY E-470 COMMERCIAL AREA GENERAL IMPROVEMENT DISTRICT

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

[Res 2013-73](#)

RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT BETWEEN THE COMMERCE CITY E-470 RESIDENTIAL AREA GENERAL IMPROVEMENT DISTRICT AND THE CITY OF COMMERCE CITY REGARDING INFRASTRUCTURE PROJECTS AND STAFFING FOR DISTRICT ADMINISTRATION

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

[Res 2013-74](#)

RESOLUTION APPROVING MASTER COOPERATION INTERGOVERNMENTAL AGREEMENT AMONG THE CITY OF COMMERCE CITY, THE CITY OF COMMERCE CITY NORTHERN INFRASTRUCTURE GENERAL IMPROVEMENT DISTRICT, THE COMMERCE CITY E-470 COMMERCIAL AREA GENERAL IMPROVEMENT DISTRICT AND THE COMMERCE CITY E-470 RESIDENTIAL AREA GENERAL IMPROVEMENT DISTRICT REGARDING MUTUALLY BENEFICIAL INFRASTRUCTURE

IMPROVEMENTS

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

10. Ordinances on 1st Reading 7:45[Ord 1985](#)

AN ORDINANCE AMENDING SECTION 2-3005 OF THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING THE YOUTH COMMISSION

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

Aye: 8 - 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 1986](#)

AN ORDINANCE CONSOLIDATING THE GOLF COURSE ENTERPRISE FUND INTO THE GENERAL FUND AND TRANSFERRING ALL REMAINING BALANCES FROM THE GOLF COURSE ENTERPRISE FUND TO THE GENERAL FUND AND THEREBY ELIMINATING THE GOLF COURSE ENTERPRISE FUND

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. ROLL CALL VOTE:

Aye: 8 - 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 1987](#)

AN ORDINANCE AMENDING THE 2013 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO, BY APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE OF THE INFORMATION TECHNOLOGY FUND AND TRANSFERRING TO THE CIPP FUND IN THE AMOUNT OF \$159,860 AND AUTHORIZING THE EXPENDITURE THEREOF

A motion was made that this Ordinance be introduced by council as seated and approved on first reading. ROLL CALL VOTE:

Aye: 8 - 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 1988](#)

AN ORDINANCE APPROVING THE GRANT OF A CABLE FRANCHISE TO COMCAST COLORADO IX, LLC, APPROVING A CABLE FRANCHISE AGREEMENT BETWEEN COMCAST COLORADO IX, LLC, AND THE CITY OF COMMERCE CITY, COLORADO, AND APPROVING AND ADOPTING CUSTOMER SERVICE STANDARDS FOR CABLE OPERATORS

Deputy City Manager Jim Hayes presented information on the proposed agreement.

Comcast's Director of Government and Regulatory Affairs Jon Lehmann made brief remarks about the negotiation process and answered questions regarding programming and community activities.

Guillermo Serna, 14122 101St, requested channel 8 citywide including those who have a satellite dish. Outside counsel Ken Fellman stated that federal law requires cable companies to provide PEG funds because they use public-rights-of-way. Since satellite companies don't use public infrastructure, they are not governed by the same requirement. Previous efforts to work with these providers have been difficult and cost prohibitive. The new franchise agreement provides a broadband connection to provide access to channel 8 content to all residents.

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

Aye: 8 - 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

11. Presentations - 8:05

[Pres 13-364](#)

Parks and Recreation Older Adult/Senior Advisory Committee Updates

Sandy Carruther, George Maxey, and other advisory committee members presented updates on their current activities. Council members thanked the seniors of the advisory committee for their continued commitment and activities.

[Pres 13-379](#)

Q3 Work Plan Update

City Manager Brian McBroom presented the Q3 Work Plan updates.

12. Administrative Council Business - 8:40

Council member McEldowney moved and Council member Teter seconded to begin the November 18, 2013 meeting at 5:30 p.m. for the purpose of two executive sessions concerning DIA and personnel issues. VOICE VOTE: Unanimous, all present affirmed.

Council member Douglas asked if the city could reschedule Home Town Holidays because it conflicted with the CCBPA Christmas party. Council agreed to move the date to Friday, December 6th. A council member requested that a Student Resource Officer continue working with students through the summer months. Mayor Pro- Tem Bullock requested that this topic be part of the annual council retreat. Council member Douglas asked about water quality at the golf course.

Council member Carson announced she would be out the week of November 18th.

13. Reports - 8:55

City Manager Brian McBroom provided his weekly update that included:

Update on proposed billboard on Tower Road, Adams County

In April 2013, the city's planning division received a referral from Adams County for a request to rezone the property at 9985 Tower Road from A-3 to C-5 to allow an off-premise sign (billboard). City staff provided the county a letter stating strong opposition to the zone change request due to the proposed use of the property, the potential impacts to the community and the future development of the corridor. City staff provided the county a letter of strong opposition to the variance request. In September 2013, the planning division received an additional referral from Adams County requesting a conditional use permit for an off-premise sign (billboard) and zone change from A-3 to C-5 at the subject property. Staff recently sent a letter of strong opposition and discussed the case with Adams County staff. The conditional use permit and zone change request is tentatively scheduled to be heard by the County's Planning Commission on November 14, 2013. The Board of County Commissioners public hearing date has not been set.

96th Avenue/State Highway 2 quiet zone update

August 26 marked the end of the public comment period for Commerce City's waiver petition to the Federal Railroad Administration (FRA). In total, 75 positive public comments were submitted along with an additional 13 letters of support from local municipalities, as well as other municipalities nationwide that would be impacted by this waiver. Senator Udall and Congressman Perlmutter also submitted letters of support. On August 20, the FRA sent a team to meet with the Burlington Northern Santa Fe and the city's contractor to test the wayside horn system within the waiver petition's parameters. The FRA was encouraged by how well the system worked, but did not provide any feedback as to the outcome of their decision. They informed staff that they would be analyzing the information from the petition, field visit and then draft a technical report of their findings. The FRA is not bound by a time limit on when they must rule on the petition and the government shutdown may have had an impact on timing. Senator Udall's office received an acknowledgement of letter receipt from the FRA on Oct. 29, stating the agency was reviewing the waiver request and they would be advised of the findings. The senator's office is following up to ask when to expect those results and will share more information as they receive it.

City Attorney Bob Gehler provided a brief report on his quarterly activities. He discussed the council policy on staff directed work and asked for direction on additional council requests.

Council reported that many of them would be attending the National League of Cities conference next week and Council member McEldowney would be acting Mayor.

14. Adjourn to the NIGID Meeting - 9:15