



Commerce City

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

Monday, February 3, 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 February 3, 2014, at 6:05 PM.

Present: 8 - Mayor Sean Ford , Council Member Jim Benson, Council Member Rick A. Teter, Council Member Steven J. Douglas, Council Member Andrew Amador, Council Member Jadie Carson, Council Member Jason McEldowney and Mayor Pro Tem René Bullock

Absent: 1 - Council Member Crystal Elliott

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Audience Introduction

The audience introduced themselves.

4. Citizen Communication

There was no citizen communication.

5. Approval of Minutes

[Min 14-115](#)

REGULAR MEETING MINUTES OF JANUARY 6, 2014

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

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

[Min 14-119](#)

REGULAR MEETING MINUTES OF NOVEMBER 18, 2013

A motion was made by Councilmember McEldowney, seconded by Councilmember Teter to allow Councilmember Carson to abstain from voting on the minutes of November 18, 2013, because of her excused absence.

VOICE VOTE: 7 aye, 1 abstain (Carson)

A motion was made by Council Member McEldowney, seconded by Council Member Amador, that the minutes be approved after an administrative

correction to show the attendance recorded at roll call. **VOTE:**

Aye: 7 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Douglas, Council Member Amador, Council Member McEldowney and Mayor Pro Tem Bullock

Abstained: 1 - Council Member Carson

6. Consent Agenda

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

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

[Z-907-14 \(1\)](#) AN ORDINANCE REZONING FROM I-1 TO C-2 ZONE DISTRICT THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 5155 E. 64TH AVENUE, COMMERCE CITY, COLORADO, REMOVING FROM SAID PROPERTY ALL CONDITIONS IMPOSED VIA ORDINANCE Z-448-87, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING

[Z-907-14 \(2\)](#) AN ORDINANCE REZONING FROM I-1 TO C-3 ZONE DISTRICT THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 6430, 6450, AND 6460 HIGHWAY 2, COMMERCE CITY, COLORADO, REMOVING FROM SAID PROPERTY ALL CONDITIONS IMPOSED VIA ORDINANCE Z-448-87, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

[Z-529-90-05-1](#)
[4](#) AN ORDINANCE AMENDING ORDINANCE Z-529-90 BY DELETING ALL ZONING CONDITIONS FOR THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, AND LOCATED AT 6496 HIGHWAY 2, COMMERCE CITY, COLORADO.

[Ord 1994](#) AN ORDINANCE AMENDING SECTION 2-2001 OF THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING THE TIME FOR COMMENCEMENT OF REGULAR MEETINGS AND STUDY SESSIONS OF THE CITY COUNCIL

[Res 2014-15](#) RESOLUTION APPROVING CITY 2013 HUTF REPORT

[Res 2014-18](#) RESOLUTION APPOINTING AND REAPPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY

7. Public Hearings

[Z-908-14](#)

AN ORDINANCE REZONING FROM C-3 TO R-1 ZONE DISTRICT THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 5928 POPLAR STREET, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

Mayor Ford opened the public hearing.

Planner Caitlin Hasenbalg presented the case. The applicant is seeking to change the zoning of the property located at 5928 Poplar Street from C-3 to R-1. This neighborhood was subdivided in 1950 and the home built was built in 1951. In 1962 the area was annexed and 62 surrounding properties were rezoned. The current zoning does not allow for expansion or enlargement and if the existing home were destroyed, it would not be allowed to be rebuilt as a residence. The applicant intends to sell the home. The planning commission held a public hearing and voted to send the case to Council with a favorable recommendation.

Applicant Maria Avalos appeared before Council to request approval of the application.

No one else appeared before Council to speak on the matter and the Mayor closed the public hearing portion.

A motion was made by Councilmember Benson, seconded by Councilmember Carson to accept the findings and recommendations of the planning commission on case #Z-908-14.

VOICE VOTE: 8 aye, 1 absence (Elliott)

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Douglas, that this ordinance be introduced by Council as seated and approved on first reading with the condition that if there is an existing septic tank on the property, Tri-County Health Department will be notified. VOTE:

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

8. Resolutions

[Res 2014-01](#)

RESOLUTION REGARDING COUNCIL POLICY #CP-14 RELATIVE TO RESTRICTION ON CITY EMPLOYMENT OF FORMER ELECTED OFFICIALS

Interested Parties:

Larry Quintana

A motion was made by Mayor Pro Tem Bullock, seconded by Councilmember Benson to approve the resolution with a time limit of one month inserted into the policy.

Council discussed various time limits.

Mayor Pro Tem Bullock withdrew his original motion.

A motion was made by Councilmember McEldowney, seconded by Councilmember Teter to alter the language of paragraph B to speak to the fact that members of city boards, commissions, authorities or the cultural council shall be eligible to apply for employment with the city while seated, but if an offer of employment is extended and accepted, they must resign that commission prior to taking employment with the city.

VOICE VOTE: Unanimous; all present affirmed

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

Aye: 6 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Carson, Council Member McEldowney and Mayor Pro Tem Bullock

Nay: 2 - Council Member Douglas and Council Member Amador

9. Ordinances on 1st Reading

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 McEldowney and Mayor Pro Tem René Bullock

[Ord 1992](#)

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE COMMERCE CITY LAND DEVELOPMENT CODE PERTAINING TO FLOODPLAIN REGULATION

Planning Manager Steve Timms addressed Council regarding the proposed amendments to the land development code pertaining to floodplain regulations. He stated that the city has had floodplain regulations since 1978. The proposed updates are not a result of the 2013 floods and no flood-plain boundaries are changing. Five floodplains will be affected: First Creek, Second Creek, Third Creek, South Platte River and Sand Creek. There are five state-required updates that will prevent the city from being penalized.

A motion was made by Council Member McEldowney, seconded by Mayor Pro Tem Bullock, 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 1995](#)

AN ORDINANCE AMENDING ORDINANCE 1845 OF THE CITY OF COMMERCE CITY REGARDING DELEGATION OF AUTHORITY BY THE CITY COUNCIL TO THE COMMERCE CITY POLICE PENSION BOARD

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Teter, 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. Presentations

[Pres 14-475](#) Capital Projects Quarterly Update

Deputy City Manager Jim Hayes presented to Council. The following program tasks have been completed within the first 90 days: bond schedules have been finalized, Council has approved resolutions to authorize spending, a comprehensive communications strategy has been developed and a program website has been created. Also completed: selection of CH2MHill as an organizational consultant, completed a water resources analysis and drafted an update to a procurement policy.

Fronterra: current task: reviewing DHM contract

New Recreation center: current task drafting RFQ/RFP for consultant services

Conter: negotiating operating lease with both the Cultural Council and the Historical Society

Outdoor Leisure Pool: RFQ drafted

Tower Road: drafting RFP for consultant services, evaluating r-o-w needs

Highway 2: drafting RFP for consultant, developing IGA with CDOT for ownership and maintenance

104th Ave Phase 3B: evaluating construction bids & securing r-o-w

96th Ave: construction underway and bridge plans approved

Tower Road/Pena: E-470 approval of funding, continued discussions with Denver and DIA

RTD North Metro: scoping capital improvements and meeting with RTD

[Pres 14-500](#) 4th Quarter Update

City Manager Brian McBroom presented, to Council, a summary of each department's fourth quarter accomplishments.

11. Administrative Council Business

[14-08](#) Motion to authorize City Manager and City Attorney's compensation

Mayor Pro Tem Bullock and Councilman McEldowney moved and seconded to authorize a 2.5% compensation increase for both the city manager and city attorney.

VOICE VOTE: Unanimous; all present affirmed

12. Reports

City Manager McBroom invited Council to review his weekly emailed report.

Mayor and Council reported on attending various meetings and events.

13. Executive Session

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

Teter, that an executive session be held pursuant to CRS 24-6-402(4)(b) for the purpose of receiving legal advice concerning Adams County jail issues. VOICE VOTE: Unanimous, all present affirmed.

[14-10](#)

Executive session pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice concerning Adams County Jail issues and possible action following

Council reconvened the regular meeting at 9:50 pm and, after a brief discussion, a motion was made by Councilman McEldowney, seconded by Councilman Benson to join with the City of Aurora as plaintiff in the litigation against Adams County regarding Adams County Jail limitation on municipal prisoners.

VOICE VOTE: 8 aye, 1 nay (Carson)

14. Adjourn

The meeting adjourned at 10:00 pm

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