



Meeting Minutes - Final City Council

Monday, October 6, 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 October 6, 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. Citizen Communication

Sara Thompson Cassidy and Sherman Spear appeared before council on behalf of Union Pacific Railroad. They stated that train activity has increased approximately 30% from 2013. They met with Mayor Ford to discuss the concerns regarding Union Pacific trains blocking city intersections for extended periods of time and have suggested possible mitigation efforts. The public is encouraged to call 888-877-7267 and/or 800-848-8715 with their concerns so that the railroad can log the data.

Myanna Schimpf, 6081 Locust and Mary Morton, 5980 E. 61st Ave., addressed council regarding traffic safety concerns at 60th & Kearney. They are seeking some form of traffic calming remedy.

5. Approval of Minutes

[Min 14-191](#)

Meeting Minutes of July 21, 2014

A motion was made by Councilman McElowney, seconded by Mayor Pro Tem Bullock, to allow Councilman Benson to abstain from voting on the minutes of July 21, 2014, because of his excused absence.

VOICE VOTE: 8 aye, 1 abstain (Benson)

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

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

Abstained: 1 - Council Member Benson

6. 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: 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 2014-107](#) RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY

[Ord 2022](#) AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE BULLETPROOF VEST PARTNERSHIP GRANT FUNDS IN THE AMOUNT OF \$7,754.49 FOR THE BULLETPROOF VEST PROGRAM IN THE POLICE DEPARTMENT AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 2027](#) AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE DEPARTMENT OF JUSTICE - JAG/BYRNE GRANT FUNDS IN THE AMOUNT OF \$16,923 FOR THE PURCHASE OF TASERS TO BE USED BY POLICE DEPARTMENT PERSONNEL AND AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 2032](#) AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO, BY APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE IN THE CIPP FUND IN THE AMOUNT OF \$680,000 AND APPROPRIATING THAT AMOUNT FOR THE LOAN TO THE BUFFALO HIGHLANDS METROPOLITAN DISTRICT AND TRANSFERRING A PORTION OF THE UNENCUMBERED FUND BALANCE IN THE SOLID WASTE FUND TO THE CIPP FUND IN THE AMOUNT OF \$1,345,000, TO THE CIPP FUND AND APPROPRIATING THAT AMOUNT FOR THE 96TH AVENUE (NUCLA TO TOWER) PROJECT AND AUTHORIZING THE EXPENDITURE THEREOF

7. Public Hearings

A motion was made by Councilman McEldowney, seconded by Mayor Pro Tem Bullock, to amend the agenda to move Resolution 2014-97 to public hearings and to be hear the matter concurrently with Zoning Ordinance #Z-910-14.

VOICE VOTE: Unanimous; all present affirmed

[Z-706-99-01-02-06-14](#)

AN ORDINANCE APPROVING THE BURLINGTON
NORTHERN/CAPELLUS PUD ZONE DOCUMENT AMENDMENT
NO. 4.

Mayor Ford opened the public hearing.

Planner Jenny Axmacher addressed council. She testified that the applicant, 104th Investment Partners, LLC, is seeking a fourth amendment to their planned unit development zone document. Their request includes five different amendments: (1) adding a row for minimum density to the land use schedule, (2) increasing the maximum density from 24 units per acre to 40 units per acre in the high density residential parcels, (3) increasing the maximum height from 50' to 75' high in the high density residential parcels, (4) increase the maximum density in two parcels up to eight building units per acre and (5) changing one parcel from high density designation to medium density designation within the Turnberry Subdivision. The planning commission held a public hearing and voted unanimously to forward this case to council with a favorable recommendation.

John Preswich with PCS Group, appeared on behalf of the applicant. He responded to council questions by testifying that the plan is to proceed with construction of single family residential units first.

No one else came forward to testify and the public hearing portion was closed.

A motion was made by Councilman McEldowney, seconded by Mayor Pro Tem Bullock, to accept the findings and recommendations of the planning commission.

VOICE VOTE: Unanimous; all present affirmed

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member McEldowney, that the 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

[Z-910-14](#)

AN ORDINANCE REZONING THE PROPERTY LOCATED AT 6001
DEXTER 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-Long addressed council. She testified that the applicant, Sterling Design Associates, on behalf of Wendy's, is seeking to rezone 6001 Dexter Street in order to demolish and rebuild the existing restaurant. The planning commission held a public hearing on September 2, 2014, and voted unanimously to forward the application to council with a favorable recommendation.

Jennifer Olson with Sterling Design Associates, appeared before council on behalf of the applicant.

No one from the audience came forward to address council on this application and Mayor Ford closed the public hearing.

A motion was made by Councilman McEldowney, seconded by Mayor Pro Tem Bullock, to accept the findings and recommendations of the planning commission.

VOICE VOTE: Unanimous, all present affirmed

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Teter, that the 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

CU-106-14

CONDITIONAL USE PERMIT FOR A TRANSPORTATION TERMINAL - CASE #CU-106-14

Mayor Ford opened the public hearing.

Planner Caitlin Hasenbalg-Long appeared before council. She testified that the applicant, Old Dominion, is seeking a conditional use permit in order to construct a 3,000 square foot building addition and make upgrades to existing landscaping. The planning commission held a public hearing and voted unanimously to forward the application to council with a favorable recommendation.

Adam Maher appeared on behalf of the applicant. In response to questions from council, he testified that he appreciated their questioning of the need for landscaping along 58th Avenue.

Audience Input:

Guillermo Serna, 14122 E. 102nd Place

Mayor Ford closed the public hearing.

A motion was made by Mayor Pro Tem Bullock, seconded by Councilman Douglas to accept the findings and recommendations of the planning commission.

VOICE VOTE: Unanimous; all present affirmed

A motion was made by Council Member Teter, seconded by Mayor Pro Tem Bullock, that the conditional use permit be approved. VOICE VOTE: Unanimous, all present affirmed.

8. Resolutions

Res 2014-81

RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND WASTE MANAGEMENT OF COLORADO, INC. FOR RESIDENTIAL GARBAGE AND RECYCLING SERVICES

Public Works Director Maria D'Andrea gave a brief presentation to council. Ms. D'Andrea stated that the garbage and recycling services contract would be in effect for a five-year term, beginning January 1, 2015. The city's goal is to increase

recycling and minimize the amount of waste into the waste stream. Two proposals were received. The selection committee reviewed both proposals and checked references submitted by the bidders. Both proposals were checked against the 2015 budget and the committee is recommending that the city move forward with the fully automated collection option.

Council had questions regarding the use of additional 96-gallon totes and the associated cost to the residents.

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

Res 2014-95

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR THE CONSTRUCTION OF AN OUTDOOR LEISURE POOL AT PIONEER PARK

Parks, Recreation and Golf Director Carolyn Keith gave a brief presentation to council. She outlined the bid process and schedule that has been followed up to this point. Staff is recommending that the award be given to GTC as the general contractor.

*Audience Input:
Guillermo Serna, 14122 E. 102nd Place*

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.

Res 2014-97

RESOLUTION APPROVING SUBDIVISION PLAT IN CASE #S-620-14

The public hearing portion was held simultaneously with zoning case #Z-910-14.

A motion was made by Mayor Pro Tem Bullock, seconded by Councilman McElDowney, to accept the findings and conditions of the planning commission regarding this subdivision case.

VOICE VOTE: Unanimous; all present affirmed

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.

9. Ordinances on 1st Reading

Ord 2031

AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE TONY GRAMPSAS YOUTH SERVICES GRANT FUNDS IN THE AMOUNT OF \$79,119 FOR THE SUPPORT OF YOUTH MARIJUANA USE PREVENTION AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member McElDowney, 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 2033](#)

AN ORDINANCE REPEALING ORDINANCE 1945 TO REMOVE FROM THE 2013 BUDGET OF THE CITY OF COMMERCE CITY THE RECOGNITION OF THE RTD BUS ROUTE GRANT FUNDS IN THE AMOUNT OF \$444,000 FOR THE SUPPORT OF A NORTH AREA EXPRESS BUS ROUTE

A motion was made by Council Member Benson, 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

10. Presentations

[Pres 14-955](#)

Presentation on I-70 East Supplemental Draft Environmental Impact Statement

CDOT Representative Rebecca White appeared before council to provide a brief presentation on the I-70 East Supplemental Draft Environmental Impact Statement. Issuance of the supplemental draft on August 29th was a major milestone. A partially-covered portion of the highway is an alternative that will remove the two-mile, 50-year old viaduct and rebuild I-70 below grade on the existing alignment. Key issues: access to I-70 at Steele/Vasquez, highway cover, frontage roads and north/south connectivity. Funding sources are annual bridge enterprise revenue, DRCOG and Senate Bill 09-228.

Council asked that improvements be made to I-270 before construction begins along I-70 to address anticipated additional traffic flow.

11. Administrative Council Business

A motion was made by Mayor Pro Tem Bullock, seconded by Councilman Teter to call a special meeting on October 13, 2014, at 6:30 pm.

VOTE: Unanimous; all present affirmed

A motion was made by Mayor Pro Tem Bullock, seconded by Councilman Benson to lift the moratorium on recreational marijuana as it relates to grow facilities.

Based on council input, Mayor Pro Tem Bullock withdrew his motion in favor of holding a study session soon on this topic.

Councilman Douglas asked if the construction contract for Fronterra Park had been awarded, he also would like a traffic study at the Dahlia Street Trailhead and cut off from Vasquez before 60th.

Councilwoman Elliott would like someone to replace her seat on the water

commission.

A motion was made by Council member McEldowney, seconded by Council member Amador to accept Council member Elliott's resignation from the water commission.

VOICE VOTE: Unanimous; all present affirmed

A motion was made by Mayor Pro Tem Bullock, seconded by Council member Amador to appoint Council member McEldowney to the water commission

VOICE VOTE: Unanimous; all present affirmed

Councilman McEldowney asked that when staff is involved in an interaction with a citizen, about something that is likely to be asked again by another citizen, we think about how that information gets turned into a standard canned response or frequently asked question. He also asked about receiving calendar notifications on staff meetings with the public and groups.

12. Reports

Deputy City Manager Hayes highlighted the weekly city manager report emailed to council earlier.

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

13. Adjourn

The meeting adjourned at 9:48 pm.

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