



## Meeting Minutes - Draft

### City Council

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Monday, December 19, 2016

6:00 PM

Council Chambers

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#### 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 Monday, December 19, 2016, at 6:00 PM.*

*A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Amador, to excuse Council Member Diaz from this meeting.*

*VOTE: 8 aye, 1 excused (Diaz)*

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

**Excused:** 1 - Council Member Paolo Diaz

#### 2. Pledge of Allegiance

*The Pledge of Allegiance was recited.*

#### 3. Audience Introduction

*The audience introduced themselves.*

#### 4. Proclamations and Recognitions

##### **Proc 16-23** Proclamation Affirming Commerce City's Commitment to Inclusivity

*Council Member Amador read a proclamation affirming Commerce City's commitment to inclusivity.*

*Members of the Latino Engagement Taskforce were on hand to accept the proclamation.*

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

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

##### **Proc 16-24** Proclamation recognizing Dr. Bruce Hastings, Rocky Mountain Arsenal National Wildlife Refuge

*Mayor Pro Tem Bullock read a proclamation recognizing Dr. Bruce Hastings who is retiring from Rocky Mountain Arsenal National Wildlife Refuge.*

*Dr. & Mrs. Hastings were on hand to accept the proclamation.*

**A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Teter, that this proclamation be approved. VOTE:**

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

## 5. Citizen Communication

*Kip Choates appeared on behalf of the Friends for the Front Range Wildlife Refuges. He encouraged council to sign a letter in support of Urban Challenge Funding for Rocky Mountain Arsenal National Wildlife Refuge.*

## 6. Consent Agenda

**Res 2016-119** RESOLUTION APPROVING AWARD OF THIRD AMENDMENT TO CONTRACT FOR NEW RECREATION CENTER AND INFRASTRUCTURE CONSTRUCTION SERVICES (WORK PACKAGE 2)

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

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

## 7. Public Hearings

**Z-941-17** 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 BOUND BY E. 64TH AVENUE TO THE NORTH, E. 62ND AVENUE TO THE SOUTH, HOLLY STREET TO THE EAST, AND HIGHWAYS 2 AND 85 TO THE WEST, COMMERCE CITY, COLORADO.

*Mayor Ford opened the public hearing.*

*Planner Paul Workman appeared before council. Community Development Director Cramer appeared on behalf of the URA and provided a brief overview and history of the Mile High Greyhound Park site.*

*Rick Wells, REgen, LLC, outlined the current conditions that include: Boys & Girls Club is built and functional on the southeast corner of the site, an existing regional stormwater facility is along the edge of Holly Street, running north of the Boys & Girls Club to 64th Avenue, there are traffic lights around the site and no new lights are suggested for this project; however, connecting the proposed development with the existing street network is. Mr. Wells reviewed the essential elements of the project to*

include: mix of uses, incomes, and housing and a connected, walkable and safe development. The north part of the community should connect to retail south of the site, mixed use is planned for the east portion of the site, training facilities on the west portion of the site and a mix of large and small format retail is planned.

Planner Workman stated that there are two separate requests before council this evening: a vacation of right-of-way and a rezoning. The applicants are REgen, LLC, the city and the Urban Renewal Authority. The vacation request is to incorporate the area into the redevelopment of the site and allows it to be landscaped and beautified as part of the project. The planning commission found that the request does meet vacation approval criteria. The mixed-use zone district for this application intends for a variety of uses for this site. The planning commission held a public hearing on December 6, 2016, and voted unanimously to recommend approval of the case.

Council expressed concerns about the parking plan designed for an urban living lifestyle.

Public Input:

Craig Frechette, representing Del West  
Jason Martinez, representing Boys & Girls Club

Mayor Ford closed the public hearing.

A motion was made by Council Member McEldowney, seconded by Mayor Pro-Tem Bullock, to accept the findings & recommendations of the planning commission.

VOTE: 8 aye, 1 excused (Diaz)

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

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

#### **V-86-17**

**AN ORDINANCE VACATING A RIGHT-OF-WAY ON THE PROPERTY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF CONSISTING OF A PORTION OF DAHLIA STREET, CITY OF COMMERCE CITY, COLORADO.**

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

VOTE: 8 aye, 1 excused (Diaz)

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

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

#### **Res 2016-130**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, MAKING LEGISLATIVE FINDINGS**

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THAT AN AREA OF THE CITY OF COMMERCE CITY IS A BLIGHTED AREA AND APPROPRIATE FOR AN URBAN RENEWAL PROJECT

*Mayor Ford opened the public hearing.*

*Planner Paul Workman stated that the subject property current conditions survey established findings of blight. This finding is necessary to move forward with an urban renewal plan. The Boys & Girls Club site was removed from the blight area established in 2012 and a new survey was needed. There were eight blight factors identified in the survey.*

*Rick Wells, REgen, LLC, addressed council. Mr. Wells stated that this project is a classic urban renewal project. The area is underutilized and blighted.*

*Mayor Ford closed public hearing.*

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

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

**Res 2016-127**

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 8799 BRIGHTON ROAD, COMMERCE CITY, COLORADO IN AN-244-17

*Mayor Ford stated that he would be abstaining from voting on this case because of a previous working relationship with the applicant.*

*Mayor Ford opened the public hearing.*

*Planner Robin Kerns appeared before council and was sworn in. He testified to the following:*

- council has adopted a plan for the area to be annexed,
- at least 1/6th of the area to be annexed is contiguous to the existing boundaries of the city
- a community of interest exists between the areas proposed to be annexed and the city,
- the area proposed to be annexed is urbanized or will be urbanized in the near future,
- the area proposed to be annexed is integrated, or capable of being integrated, with the city,
- all property owners have signed the annexation petition,
- there are no ongoing annexation proceedings in another jurisdiction,
- the proposed annexation will not result in the detachment of area from any school district and attachment to another school district,
- the annexation petitions meet the requirements of law,
- the proposed annexation will not extend the boundaries of the city by more than three miles in any direction within one year,
- there are streets or alleys included in the proposed annexation.

*The subject property is in an area south of the Mile High Marketplace, is currently*

*vacant and a development plan is under review by staff. The request for a zoning change from ADCO I-1 to C3 regional commercial district would allow for a convenience store with a fuel station. Four property owners have expressed concern regarding the potential for increased traffic congestion and criminal activity. The planning commission held a public hearing and voted (3 to 2) to recommend approval of this zoning case.*

*Greg Burnett, engineer, appeared on behalf of the applicant. Mr. Burnett stated that the applicant will be doing some roadwork and sidewalk work to alleviate traffic concerns.*

*Mike Wall with Wall Development Group appeared before council and stated that his company will be the landlord.*

*Mayor Ford closed the public hearing.*

**A motion was made by Council Member McEldowney, seconded by Council Member Amador, that this resolution be adopted. VOTE:**

**Aye:** 7 - Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas and Council Member Amador

**Abstained:** 1 - Mayor Ford

**AN-244-16**

AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 8799 BRIGHTON ROAD, COMMERCE CITY, COLORADO.

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

**Aye:** 7 - Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas and Council Member Amador

**Abstained:** 1 - Mayor Ford

**Z-938-17**

AN ORDINANCE REZONING FROM ADAMS COUNTY I-1 TO COMMERCE CITY C-3 THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 8799 BRIGHTON ROAD, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

*A motion was made by Mayor Pro Tem Bullock, seconded by Council Member McEldowney, to accept the findings and recommendations of the planning commission on this case.*

*VOTE: 7 aye, 1 abstain (Ford), 1 excused (Diaz)*

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

**Aye:** 7 - Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas and Council Member Amador

**Abstained:** 1 - Mayor Ford

**CU-115-16**      **CONDITIONAL USE PERMIT FOR A TRANSPORTATION TERMINAL CASE #CU-115-16**

*Mayor Ford opened the public hearing.*

*Planner Caitlin Hasenbalg-Long, presented the case. She stated that the applicant, Diversified Transfer and Storage, is requesting a conditional use permit to build a 123,000 square foot transportation terminal at 10381 Havana St. The current zoning is I-1. The planning commission held a public hearing and voted favorably to forward the case to city council.*

*Ryan McBreen appeared on behalf of the applicant. Mr. McBreen gave a brief presentation reviewing the company's history.*

*Mayor Ford closed the public hearing.*

*A motion was made by Council Member McEldowney, seconded by Council Member Amador, to accept the findings and recommendations of the planning commission.*

*VOTE: 8 aye, 1 excused (Diaz)*

**A motion was made by Mayor Pro Tem Bullock, seconded by Council Member McEldowney, that this conditional use permit be adopted. VOTE:**

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

## **8. Administrative Council Business**

*Council Member Douglas asked for council support to fund 55 children, at \$20 per child, not covered by Toys for Tots. He asked that the roadside memorials being removed for the Highway 2 widening project be kept for as long as possible in an attempt to find the families who placed them. Council Member Douglas asked if the city had a policy regarding roadside memorials. He asked about installing holiday lights along 104th Avenue near Chambers. He is receiving complaints of sound issues from community members who are watching the streamed council meetings. Council Member Douglas asked for the following road issues to be addressed: south on Vasquez, north of 56th, a hard dip after tracks, ruts along the Tower Road detour route and a manhole cover pierced a gas tank along 104th between Tower & Blackhawk.*

*Council expressed concern with the request for financial support of the 55 children not coming officially through the school district.*

*A motion was made by Council Member Amador, seconded by Mayor Pro Tem Bullock, to approve \$1,100 in discretionary funds to support the 55 children not covered by Toys for Tots.*

*VOTE: 6 aye, 1 excused (Diaz), 2 nay (Teter, McEldowney)*

*Council Member Amador stated that there is some confusion with the center lane turn arrows at 72nd & Oneida. He asked for an update on the unsightly mobile home located in front of CLA. Council Member Amador believes someone is living in a shed at 60th in the vicinity of the CLA. He asked about the timing of the yellow light at westbound 72nd & southbound Highway 2.*

*Council Member Elliott expressed concerns over a homeless camp being set up on the south side of the King Soopers on Parkway Drive and panhandling at 60th & Highway 85.*

*Council Member McElowney received complaints that the bus stop at Landmark & 104th is inaccessible after a snow storm. He brought up other concerns over snow plowing along Quebec that was creating walls of snow in front of the side streets connecting to Quebec.*

*Council Member Teter also expressed concern over snow removal on the south side of Quebec, inside lane near the school.*

**16-67****Letter in support of Urban Challenge funding for Rocky Mountain Arsenal National Wildlife Refuge**

*A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Douglas, to approve signing the letter of support.*

*VOTE: 8 aye, 1 excused (Diaz)*

**9. Reports**

*Scott Hergenrader gave an update on the Tower Road Widening Project. He stated that project costs are trending within the established project budget, overall project schedule is trending slightly ahead of schedule. Work in progress includes 2nd Creek Box Culvert, utility relocations and grading. Key items include: investigation into the council-raised safety concerns in the Segment 1 project area, SACWSD waterline has been connected and is currently being tested, future waterline shutdowns will be needed and closely coordinated with SACWSD, Segment 2 detour will remain until April 2017, unless weather conditions are better than expected and staff is implementing a more proactive and frequent pavement of the detour route.*

*The mayor and council reported on their attendance at various meetings and events.*

**10. Adjourn**

*The meeting adjourned at 10:56 p.m.*

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

*Respectfully Submitted By:*

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*Laura J. Bauer, City Clerk*