



Commerce City

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

City Council

Monday, September 18, 2017

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 September 18, 2017, at 6:01 p.m.

Present: 9 - 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, Council Member Andrew Amador and Council Member Paolo Diaz

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Audience Introduction

The audience introduced themselves.

4. Citizen Communication

Adams City High School Student Council Representatives invited council to homecoming events and activities.

Suncor Representative Donald Austin introduced himself to council and invited them to a meeting with his leadership team.

Retired City Attorney Bob Gehler stopped by to say hello to council and staff.

5. Approval of Minutes

Min 17-39 Meeting Minutes of June 5, 2017

A motion was made by Council Member Teter, seconded by Council Member Amador, to allow Mayor Pro Tem Bullock and Council Members Elliott and McEldowney to abstain from voting on the minutes of June 5, 2017, because of their excused absence.

VOTE: 6 aye, 3 abstain (Bullock, Elliott, McEldowney)

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

Aye: 6 - Mayor Ford, Council Member Carson, Council Member Teter, Council Member Douglas, Council Member Amador and Council Member Diaz

Abstained: 3 - Mayor Pro Tem Bullock, Council Member Elliott and Council Member McEldowney

6. Consent Agenda

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

Aye: 9 - Mayor Ford, Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas, Council Member Amador and Council Member Diaz

- Ord 2140** AN ORDINANCE AMENDING THE 2017 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE TONY GRAMPSAS YOUTH SERVICES GRANT FUNDS IN THE AMOUNT OF \$53,774 FOR THE SUPPORT OF YOUTH EPIC PROGRAM AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.
- Ord 2141** AN ORDINANCE AMENDING THE 2017 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE GREATER OUTDOORS COLORADO IMPLEMENTATION GRANT FUNDS IN THE AMOUNT OF \$1,845,918 FOR THE SUPPORT OF THE PROGRAMS, PLACES AND PATHWAYS PROJECTS, "GO WILD" AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.
- Res 2017-56** RESOLUTION AMENDING THE DIRECTORY OF CITY FEES AND CHARGES
- Res 2017-92** RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE CITY AND COUNTY OF DENVER REGARDING THE CONSTRUCTION OF RAMPS TO PENA BOULEVARD AND IMPROVEMENTS TO TOWER ROAD
- Res 2017-95** RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY
- Res 2017-96** RESOLUTION APPROVING CHANGE ORDER TO CONTRACT WITH FLATIRONS CONSTRUCTORS, INC. FOR TOWER ROAD WIDENING PROJECT, REGIONAL DRAINAGE IMPROVEMENTS
- Res 2017-97** RESOLUTION APPROVING AGREEMENT WITH REUNION METROPOLITAN DISTRICT REGARDING REGIONAL DRAINAGE IMPROVEMENTS
- Res 2017-98** RESOLUTION FINDING SUBSTANTIAL COMPLIANCE OF AN ANNEXATION PETITION AND SETTING A PUBLIC HEARING TO

DETERMINE IF THE PROPOSED ANNEXATION COMPLIES WITH STATUTORY REQUIREMENTS FOR SUCH ANNEXATION AN-246-17

Res 2017-100 RESOLUTION PROPOSING FUNDING IN SUPPORT OF THE COLORADO DEPARTMENT OF TRANSPORTATION INFRA-GRANT APPLICATION FOR DESIGN AND CONSTRUCTION OF AN INTERCHANGE AT 120TH AVENUE AND US 85

7. Public Hearings

Res 2017-88 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 WITH PIN NO. 172120011007 GENERALLY LOCATED WEST OF INTERSTATE 76 AND NORTH OF EAST 88TH AVENUE, COMMERCE CITY, COLORADO IN AN-247-17

Mayor Ford opened the public hearing for the following cases:

Resolution 2017-88

Resolution 2017-89

Annexation Ordinance AN-247-17

Annexation Ordinance AN-248-17

Zoning Ordinance Z-942-17

City Attorney Sheesley swore in Planning Manager Steve Timms who testified to the following: city council adopted a plan for the area to be annexed, pursuant to C.R.S. §31-12-105(1)(e); at least one-sixth of the area to be annexed is contiguous with the existing boundaries of the city; a community of interest exists between the area proposed to be annexed and the city and the area is urbanized or will be urbanized in the near future; the area proposed to be annexed is integrated or is capable of being integrated with the city; all land owners signed a petition of annexation; no annexation proceedings to another municipality have commenced; the proposed annexation will not result in the detachment of area from any school district and attachment to another school district; the petitions for annexation meet the requirements of law; the proposed annexation will not extend the city's boundary more than three miles in any direction from any point of the city boundary in any one year; no public streets will be annexed.

Planning Manager Timms presented the case. Mr. Timms testified that this property consists of two parcels located at East 88th Avenue and Monaco Street and I-76 Frontage Road. The property is currently zoned Adams County Commercial and the petitioner is seeking to annex the property into the city and zone it C-3. Plans for the property include a four-story hotel and multi-tenant retail.

Hoo Lim, appeared on behalf of the applicant. He stated the company anticipates hiring 15 people.

No one else appeared to address council on this matter and the public hearing portion was closed.

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.

Res 2017-89 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 WITH PIN NO. 172120011005 GENERALLY LOCATED EAST OF MONACO STREET AND NORTH OF EAST 88TH AVENUE, COMMERCE CITY, COLORADO IN AN-248-17

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.

AN-247-17 AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, GENERALLY LOCATED WEST OF INTERSTATE 76 AND NORTH OF EAST 88TH AVENUE (PIN: 172120011007), COMMERCE CITY, COLORADO.

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

Aye: 9 - Mayor Ford, Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas, Council Member Amador and Council Member Diaz

AN-248-17 AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, GENERALLY LOCATED EAST OF MONACO STREET AND NORTH OF EAST 88TH AVENUE (PIN: 172120011005), COMMERCE CITY, COLORADO.

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Amador, that this annexation ordinance be introduced by council as seated and approved on first reading. VOTE:

Aye: 9 - Mayor Ford, Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas, Council Member Amador and Council Member Diaz

Z-942-17 AN ORDINANCE REZONING FROM ADAMS COUNTY C-4 TO COMMERCE CITY C-3 THE PROPERTIES DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, GENERALLY LOCATED AT NORTH OF EAST 88TH AVENUE AND WEST OF INTERSTATE 76 (PIN: 172120011007 AND 172120011005), COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID

REZONING.

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: Unanimous; all present affirmed

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

Aye: 9 - Mayor Ford, Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas, Council Member Amador and Council Member Diaz

Res 2017-86

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 WITH PIN 172306000009 EAST, COMMERCE CITY, COLORADO IN AN-239-17

Mayor Ford opened the public hearing on the following inter-related cases:

Resolution 2017-86

Resolution 2017-87

Annexation Ordinance AN-239-17

Annexation Ordinance AN-240-17

Resolution 2017-74

Zoning Ordinance Z-935-17

City Attorney Sheesley swore in Planner Robin Kerns who testified to the following: city council adopted a plan for the area to be annexed, pursuant to C.R.S. §31-12-105(1)(e); at least one-sixth of the area to be annexed is contiguous with the existing boundaries of the city; a community of interest exists between the area proposed to be annexed and the city and the area is urbanized or will be urbanized in the near future; the area proposed to be annexed is integrated or is capable of being integrated with the city; all land owners signed a petition of annexation; no annexation proceedings to another municipality have commenced; the proposed annexation will not result in the detachment of area from any school district and attachment to another school district; the petitions for annexation meet the requirements of law; the proposed annexation will not extend the city's boundary more than three miles in any direction from any point of the city boundary in any one year; no public streets will be annexed.

Planner Kerns presented the case to council. Mr. Kerns testified that the applicant, Landing Place Church, is seeking annexation and zoning of property located at approximately 115th Avenue on Chambers Road. Planning Commission held a public hearing on the zoning case on August 1, 2017, and voted to forward the matter to council with a favorable recommendation.

Council Members Douglas and Elliott disclosed that they are both members of the church, but believe they can vote on these matters in an unbiased manner.

The applicant appeared before council but had no further information to offer.

No one else appeared to speak on this matter and the public hearing portion was closed.

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

Res 2017-87

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 WITH PIN 172306000009 WEST, COMMERCE CITY, COLORADO IN AN-240-17

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.

AN-239-17

AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, COMMONLY KNOWN AS PARCEL 172306000009 EAST, COMMERCE CITY, COLORADO

A motion was made by Council Member Douglas, seconded by Mayor Pro Tem Bullock, that this annexation ordinance be introduced by council as seated and approved on first reading. VOTE:

Aye: 9 - Mayor Ford, Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas, Council Member Amador and Council Member Diaz

AN-240-17

AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, COMMONLY KNOWN AS PARCEL 172306000009 WEST, COMMERCE CITY, COLORADO.

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

Aye: 9 - Mayor Ford, Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas, Council Member Amador and Council Member Diaz

Res 2017-74

RESOLUTION APPROVING SUBDIVISION PLAT IN CASE NO. S-655-17

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: Unanimous; all present affirmed

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

Z-935-17

AN ORDINANCE REZONING FROM ADAMS COUNTY A-1 TO COMMERCE CITY C-1 AND AG THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 11555 CHAMBERS 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.

VOTE: Unanimous; all present affirmed

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

Aye: 9 - Mayor Ford, Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas, Council Member Amador and Council Member Diaz

Z-881-08-17

AN ORDINANCE REZONING FROM PUD TO I-2 THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 8200 EAST 84TH AVENUE, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

Planner Kerns presented the case. He stated that the applicant, Elite Transport Services, Inc., is seeking to rezone property located at 8200 East 84th Avenue to make regulating industrial development and use of the property easier and allow for a future rail spur.

The applicant came forward to answer any questions. Council had questions regarding traffic impacts.

No one from the public came forward to address council on this matter, and the public hearing portion was closed.

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: Unanimous; all present affirmed

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

Res 2017-65 RESOLUTION APPROVING BOTH THE AMENDED AND RESTATED POTOMAC FARMS METROPOLITAN DISTRICT SERVICE PLAN AND THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE POTOMAC FARMS METROPOLITAN DISTRICT

Mayor Ford opened the public hearings on the following related matters:

*Resolution 2017-65
Resolution 2017-71*

Planning Manager Timms presented the cases. Both Potomac Farms Metropolitan District and Buffalo Run Mesa Metropolitan District are seeking to remove the mill levy caps in order to refinance their annual interest cost and pass that savings on to their homeowners.

The applicant was available to answer questions, but none were asked.

No one came forward to address council on these matters, and the public hearing portion was closed.

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 2017-71 RESOLUTION APPROVING BOTH THE AMENDED AND RESTATED BUFFALO RUN MESA METROPOLITAN DISTRICT SERVICE PLAN AND THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE BUFFALO RUN MESA METROPOLITAN DISTRICT

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.

8. Ordinances on 1st Reading

AN-241-17 AN ORDINANCE ANNEXING TO THE CITY OF COMMERCE CITY CERTAIN CONTIGUOUS UNINCORPORATED AND MUNICIPALLY-OWNED TERRITORY DESCRIBED IN EXHIBIT "A" GENERALLY LOCATED ALONG THE HIGHWAY 2 RIGHT-OF-WAY FROM EAST 80TH AVENUE, TO JUST SOUTH OF THE INTERSECTION OF HIGHWAY 2 AND INTERSTATE 76.

Planner Domenic Martinelli presented the following cases: AN-241-17, AN-242-17 and AN-243-17. The annexations represent a significant portion of Highway 2 from I-76 to East 88th Avenue. The subject properties are owned by the city and will be used for

additional right-of-way in the expansion of Highway 2 from two lanes to four lanes.

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

Aye: 9 - Mayor Ford, Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas, Council Member Amador and Council Member Diaz

AN-242-17

AN ORDINANCE ANNEXING TO THE CITY OF COMMERCE CITY CERTAIN CONTIGUOUS UNINCORPORATED AND MUNICIPALLY-OWNED TERRITORY DESCRIBED IN EXHIBIT "A" GENERALLY LOCATED ALONG THE HIGHWAY 2 RIGHT-OF-WAY BETWEEN EAST 96TH AVENUE, AND EAST 104TH AVENUE

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Amador, that this annexation ordinance be introduced by council as seated and approved on first reading. VOTE:

Aye: 9 - Mayor Ford, Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas, Council Member Amador and Council Member Diaz

AN-243-17

AN ORDINANCE ANNEXING TO THE CITY OF COMMERCE CITY CERTAIN CONTIGUOUS UNINCORPORATED AND MUNICIPALLY-OWNED TERRITORY DESCRIBED IN EXHIBIT "A" GENERALLY LOCATED ALONG THE HIGHWAY 2 RIGHT-OF-WAY BETWEEN EAST 96TH AVENUE, AND EAST 104TH AVENUE.

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

Aye: 9 - Mayor Ford, Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Douglas, Council Member Amador and Council Member Diaz

9. Administrative Council Business

Mayor Pro Tem Bullock asked that golf foursome and recreation passes be extended to spouses and significant others of council members who complete their terms.

A motion was made by Council Member Douglas, seconded by Mayor Pro Tem Bullock, to provide lifetime golf passes for four and recreation passes for council members and significant others, once a council member has served five years.

VOTE: *Unanimous; all present affirmed*

10. Reports

City Manager McBroom highlighted items off his weekly report sent to council earlier in

the day.

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

11. Adjourn to NIGID Meeting

The meeting adjourned at 8:02 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:

Laura Bauer, City Clerk