



# Commerce City

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

### City Council

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Monday, September 17, 2018

6:00 PM

Council Chambers

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#### Regular Meeting

#### 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 17, 2018, at 6:00 PM.*

**Present:** 9 - Mayor Sean Ford, Mayor Pro Tem Rick A. Teter, Council Member Crystal Elliott, Council Member Steven J. Douglas, Council Member Benjamin Huseman, Council Member Jose Guardiola, Council Member Nicole Frank, Council Member Oscar Madera and Council Member Steve Davis

#### 2. Pledge of Allegiance

*The Pledge of Allegiance was recited.*

#### 3. Audience Introduction

*The audience introduced themselves.*

#### 4. Citizen Communication

*Susan Noble, 10642 Olathe St, asked council to direct staff to not enter into any negotiations related to oil and gas development in the city.*

*Eric Goodmansan, 11030 Riverbrooks Lane, Henderson, CO, asked council to require oil and gas companies to compensate the city for road wear and tear from their trucks using the city streets.*

*Lisa Goodmansan, 11030 Riverbrooks Lane, Henderson, CO, asked council to put a pause on any oil and gas development in the city near residential neighborhoods.*

*Guillermo Serna, 14122 E 102nd Place, spoke about the history of oil and gas development in the city.*

#### 5. Consent Agenda

**A motion was made by Council Member Huseman, seconded by Council Member Madera, to approve the consent agenda as presented. ROLL CALL VOTE:**

**Aye:** 9 - Mayor Ford, Mayor Pro Tem Teter, Council Member Elliott, Council Member Douglas, Council Member Huseman, Council Member Guardiola, Council Member Frank, Council Member Madera and Council Member Davis

[Min 18-74](#) Minutes of March 19, 2018

[Min 18-77](#) Minutes of June 4, 2018

[Min 18-78](#) Minutes of May 7, 2018

[Min 18-79](#) Minutes of April 2, 2018

[Min 18-80](#) Minutes of June 18, 2018

[Ord 2167](#) AN ORDINANCE AMENDING THE 2018 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$4,500 FOR DUI ENFORCEMENT EFFORTS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 2177](#) AN ORDINANCE AMENDING THE 2018 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO, BY APPROPRIATING PORTIONS OF THE UNENCUMBERED FUND BALANCES OF THE GENERAL FUND, FLEET FUND, INFORMATION TECHNOLOGY FUND, AND POLICE DONATION FUND, TRANSFERRING TO DESIGNATED FUNDS PORTIONS OF THE UNENCUMBERED FUND BALANCES IN THE GENERAL FUND, WATER ACQUISITION FUND, AND CIPP FUND, AND REAFFIRMING CERTAIN PRIOR APPROPRIATIONS, FOR A TOTAL AMOUNT OF \$4,419,222, AND AUTHORIZING THE EXPENDITURE THEREOF.

[Ord 2178](#) AN ORDINANCE AMENDING SECTION 3-1200 OF THE COMMERCE CITY REVISED MUNICIPAL CODE RELATIVE TO THE AUTHORIZATION OF JURY FEES

[Res 2018-70](#) RESOLUTION APPROVING ECONOMIC DEVELOPMENT INCENTIVES IN FAVOR OF LPC REUNION LLC FOR THE ESTABLISHMENT AND OPERATION OF A FULL-SERVICE RESTAURANT IN THE CITY OF COMMERCE CITY

[Res 2018-72](#) RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT RETAINING KELLER ROHRBACK L.L.P. AS SPECIAL COUNSEL AND AUTHORIZING LITIGATION FOR CLAIMS AGAINST PHARMACEUTICAL COMPANIES AND DISTRIBUTORS

## 6. Public Hearings

[Res 2018-68](#) RESOLUTION APPROVING THE CANAL AVENUE METROPOLITAN DISTRICT SERVICE PLAN AND THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE CANAL AVENUE METROPOLITAN DISTRICT IN CASE MD-107-18

*Mayor Ford opened the public hearing.*

*Planner Robin Kerns presented on case MD-107-18. Mr. Kerns provided an overview of the proposed metro district, the area of the district, financial obligations, metro district criteria as outlined by the Colorado Revised Statutes, and the findings of the development review team.*

*Council asked if the metro district will conform to the future land use plan, if there is already interest in the metro district, and if the metro district includes residential housing. Mr. Kerns clarified that the metro district does conform to the current land use plan, there is already interest in the metro district for development, and there is no residential housing in the metro district plan.*

*The developer came forward to inform the council that the plan is to have a 15 to 20 year buildout for the development of self-storage units.*

*Council asked if residents living to the east will have their view looking west impacted. The developer said there will be some impact, but not substantial.*

*Council asked for clarification on the amounts and terms of the bonds being issued over the length of the project. The developer clarified the intent behind the plan and the amounts and terms used.*

*Mayor Ford closed the public hearing at 6:50 p.m.*

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

## 7. Ordinances on 1st Reading

[Ord 2180](#)

AN ORDINANCE AMENDNING THE 2018 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY RECOGNIZING REGIONAL AIR QUALITY COUNCIL GRANT FUNDS IN THE AMOUNT NOT TO EXCEED \$18,000 FOR THE EVSE (ELECTRIC VEHICLE SUPPLY EQUIPMENT) PROJECT AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF

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

**Aye:** 9 - Mayor Ford, Mayor Pro Tem Teter, Council Member Elliott, Council Member Douglas, Council Member Huseman, Council Member Guardiola, Council Member Frank, Council Member Madera and Council Member Davis

[Ord 2181](#)

AN ORDINANCE CREATING SECTION 12-2011 OF THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING ENTRANCE UPON CLOSED PUBLIC GROUNDS AND REPEALING ORDINANCE 2160.

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

**Aye:** 9 - Mayor Ford, Mayor Pro Tem Teter, Council Member Elliott, Council Member Douglas, Council Member Huseman, Council Member Guardiola, Council Member Frank, Council Member Madera and Council Member Davis

## **8. Administrative Council Business**

*A motion was made by Council Member Huseman, seconded by Council Member Guardiola, to direct staff to look into amending the rules of the Bison Ridge Recreation Center to allow non-profits to use the community room without a fee. VOICE VOTE: Unanimous, all present affirmed.*

[18-77](#)

### City Council Boards and Committees Assignments

*City Manager McBroom provided an overview of the seats that former Council Member Diaz served on before his resignation, are now vacant and may be filled by another council member.*

*A motion was made by Council Member Huseman, seconded by Council Member Frank, to approve the appointments to the following boards and commissions:*

*School District 27J Education Foundation: Council Member Davis*

*NOISE: Council Member Huseman*

*School District 27J Facilities Foundation: Council Member Frank*

*Friends of the Front Range Wildlife Refuge: Council Member Huseman (regular), Council Member Elliot (regular), Council Member Davis (alternate)*

*Water Commission: Council Member Douglas*

*ADCO ED - Council Member Davis (alternate)*

*CML Policy Committee - n/a*

*E-470: Council Member Davis (alternate)*

*NATA: Council Member Frank (alternate)*

*VOTE: Unanimous, all present affirmed.*

## 9. Reports

*City Manager McBroom highlighted items presented in his weekly report provided to council earlier.*

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

## 10. Executive Session

*Mr. McBroom provided his monthly oil and gas update to council before entering into the executive session.*

*A motion was made by Council Member Huseman, seconded by Council Member Frank, to direct staff to continue discussions with oil and gas operators to identify potential standards, conditions and best management practices to protect the health, safety, and welfare of the public and to present such standards, conditions and practices for public review and comment as soon as practicable. VOICE VOTE: Unanimous, all present affirmed.*

**A motion was made by Mayor Pro Tem Teter, seconded by Council Member Madera, to enter into executive session pursuant to CRS 24-6-402(4)(b and e) for the purpose of determining positions and strategy and instructing negotiators regarding the City's response to state oil and gas permit applications and potential conditions for a future operator agreement with Extraction, LLC, and receiving legal advice related thereto. VOICE VOTE: Unanimous, all present affirmed.**

[18-69](#)

An executive session pursuant to CRS 24-6-402(4)(b and e) for the purpose of determining positions and strategy and instructing negotiators regarding the City's response to state oil and gas permit applications and potential conditions for a future operator agreement with Extraction, LLC, and receiving legal advice related thereto.

## 11. Adjourn

*The meeting adjourned at 9:07 p.m.*

*Respectfully submitted by:*

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*Dylan A. Gibson, Deputy City Clerk*