



# Commerce City

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

### City Council

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Monday, December 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 December 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. Executive Session

[18-90](#)

An executive session pursuant to C.R.S. 24-6-402(4)(a, e) among City Council and City staff to discuss the potential purchase of real property at Adams Tower and to determine negotiation positions and instruct negotiators.

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Davis, to enter into an executive session pursuant to C.R.S. 24-6-402(4)(a, e) among City Council and City staff to discuss the potential purchase of real property at Adams Tower and to determine negotiation positions and instruct negotiators. **VOICE VOTE: 8 - Aye, 1 - Nay (Huseman)**

#### 3. Pledge of Allegiance

*The Pledge of Allegiance was recited.*

#### 4. Audience Introduction

*The audience introduced themselves.*

## 5. Citizen Communication

*Lisa Gudmunson, 11030 River Oaks Lane, Henderson, spoke on the community meeting with Extraction Oil & Gas that occurred earlier in the month.*

*Eric Gudmunson, 11030 River Oaks Lane, Henderson, spoke on the financial stability of oil and gas companies in the community and their impact on road conditions on Chambers between 103rd and 104th avenue.*

*Dr. Ronna Sanchez, 10680 Lake Avenue, Brighton, asked the city council to establish a task force to research the impact of oil and gas extraction in the city.*

*Sean Quervo, 11750 Hannibal Street, spoke on fracking activity in the city and asked city council to establish a task force to research the impact of oil and gas extraction.*

*Mark Marshall, representative from Urban Land Conservancy, spoke on their decision to relocate to the vacant Adams County Tower to serve as a public services hub for the community.*

*Carmen Atilano, representative from Urban Land Conservancy, spoke on their role as non-profit land developers in the community.*

*Rob Bruce, 15800 E. 102nd Avenue, asked the council to establish a task force to research the impact of oil and gas extraction in the city.*

*Guillermo Serna, 14122 E. 102nd Place, spoke on the issue of oil and gas extraction in the city.*

*Vicky Kettler, 15722 E. 107th Avenue, spoke on the issue of oil and gas extraction in the city and asked the city council to issue a moratorium on oil and gas extraction.*

*Jim Kettler, 15722 E. 107th Avenue, spoke on the issue of oil and gas extraction in the city and asked the city council to issue a moratorium on oil and gas extraction.*

*Susan Noble, 10642 Olathe Street, spoke on the issue of oil and gas extraction in the city and asked the city council to establish a task force to research the impact of oil and gas extraction in the city.*

## 6. Consent Agenda

**A motion was made by Mayor Pro Tem Teter, seconded by Council Member Madera, to approve the consent agenda as amended. 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 18-127](#)

Minutes of November 19, 2018

- [Res 2018-99](#) RESOLUTION APPROVING GRANT OF A DRAINAGE EASEMENT TO TTRG COMMERCE CITY CO, LLC.
- [Res 2018-100](#) RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF BRIGHTON REGARDING ANNEXATION BOUNDARY AND PLANNING COOPERATION
- [Res 2018-101](#) RESOLUTION APPROVING THE 2019 CITY OF COMMERCE CITY LEGISLATIVE PRINCIPLES
- [Res 2018-102](#) RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY
- [Res 2018-103](#) RESOLUTION RE-ESTABLISHING THE CAPITAL IMPROVEMENT PROJECT CITIZEN ADVISORY COMMITTEE
- [Res 2018-104](#) RESOLUTION APPROVING AGREEMENT FOR COMPROMISE AND SATISFACTION OF BOND OBLIGATION OF THE PV WATER AND SANITATION METROPOLITAN DISTRICT ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE AND AUTHORIZING INCIDENTAL ACTIONS IN CONNECTION THEREWITH
- [Res 2018-106](#) RESOLUTION APPROVING ECONOMIC DEVELOPMENT INCENTIVES FOR GABE'S BURRITO GRILL & FRESH BLENDERS, LLC D/B/A G's TACOS AND THOMPSON THRIFT DEVELOPMENT, INC. FOR THE ESTABLISHMENT AND OPERATION OF A FULL-SERVICE RESTAURANT IN THE CITY OF COMMERCE CITY
- [Ord 2158](#) AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE LAND DEVELOPMENT CODE, INCLUDING REQUIREMENTS FOR FLOODPLAIN DEVELOPMENT PERMITS, MINOR MODIFICATIONS TO PUD ZONE DOCUMENTS, REVOCATION OF LAND USE APPROVALS, CHILD CARE FACILITIES, BULK STANDARDS FOR ACCESSORY USES AND STRUCTURES, DRIVEWAY WIDTHS, ELECTRIC VEHICLE PARKING SPACES, ADMINISTRATIVE VARIANCES, SCREENING REQUIREMENTS FOR MECHANICAL EQUIPMENT, DEVELOPMENT STANDARDS FOR SINGLE-FAMILY DWELLING GARAGES, UTILITY UNDERGROUNDING EXCEPTIONS, FENCING AND WALL STANDARDS, AND RELATED DEFINITIONS.
- [Ord 2185](#) AN ORDINANCE AMENDING SECTION 21-3220 OF THE LAND DEVELOPMENT CODE RELATING TO HEIGHT EXCEPTIONS

[Ord 2186](#) AN ORDINANCE AMENDING SECTIONs 21-5602, 21-5606 AND 21-11200 OF THE LAND DEVELOPMENT CODE AND ENACTING A NEW SECTION 21-5607 TO THE LAND DEVELOPMENT CODE RELATING TO SMALL CELL TELECOMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY

[Ord 2187](#) AN ORDINANCE AMENDING SECTION 21-7238 OF THE LAND DEVELOPMENT CODE PROVIDING FOR MINOR MODIFICATIONS RELATING TO OFF-STREET PARKING REQUIREMENTS

*Council Member Douglas requested to pull Ordinance 2187 for clarification on off-street parking requirements for residential and commercial developments.*

*Community Development Director Cramer clarified that the changes impact non-residential and senior housing.*

*A motion was made by Council Member Huseman, seconded by Council Member Davis, to continue the ordinance to a later study session. VOICE VOTE: Unanimous, all present affirmed.*

**A motion was made by Council Member Huseman, seconded by Council Member Douglas, that this ordinance be tabled and discussed at a future study session meeting. VOICE VOTE: Unanimous, all present affirmed.**

[Ord 2188](#) AN ORDINANCE ENACTING A NEW SECTION 21-7736 OF THE LAND DEVELOPMENT CODE RELATING TO COURTYARD WALL STANDARDS

[Ord 2189](#) AN ORDINANCE AMENDING SECTION 21-5200 OF THE LAND DEVELOPMENT CODE RELATING TO ALLOWABLE LAND USES IN CITY ZONING DISTRICTS

[Ord 2190](#) AN ORDINANCE AMENDING SECTIONS 21-5200 AND 21-11200 OF THE LAND DEVELOPMENT CODE AND ENACTING A NEW SECTION 21-5223 IN THE LAND DEVELOPMENT CODE RELATING TO BULK GRAIN TRANSFER FACILITIES

[Ord 2191](#) AN ORDINANCE ENACTING A NEW SECTION 21-5239 TO THE LAND DEVELOPMENT CODE PROVIDING FOR SUPPLEMENTAL REGULATION OF HAZARDOUS MATERIALS

[Ord 2192](#) AN ORDINANCE AMENDING THE 2018 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO HEALTH FOUNDATION GRANT IN THE AMOUNT OF \$1,105,000 FOR THE HEALTHY PLACES COMMERCE CITY PROGRAM AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 2194](#)

AN ORDINANCE AMENDING SECTIONS 21-5200 AND 21-5254 OF THE LAND DEVELOPMENT CODE RELATING TO OUTDOOR STORAGE STANDARDS INCLUDING STANDARDS FOR MATERIAL PILES

## 7. Public Hearings

[Res 2018-78](#)

Consideration for adoption of the drafted 2017 Consolidated Annual Performance Evaluation Report (CAPER)

*Mayor Ford opened the public hearing.*

*CDBG Coordinator Sheryl Steinberg presented the 2017 Consolidated Annual Performance and Evaluation Report. Ms. Steinberg highlighted current budget funds, how funds are allocated and spent, and an overview of the programs that the Community Development Block Grant and the Housing and Urban Development administers.*

*No one from the audience came forward to speak on this matter.*

*Mayor Ford closed the public hearing.*

**A motion was made by Council Member Huseman, seconded by Council Member Madera, that this resolution be adopted. VOICE VOTE: Unanimous, all present affirmed.**

## 8. Resolutions

[Res 2018-108](#)

RESOLUTION AUTHORIZING NEGOTIATIONS, PURCHASE, AND THE EXERCISE OF THE CITY'S POWERS OF EMINENT DOMAIN TO ACQUIRE CERTAIN REAL PROPERTY INTERESTS NECESSARY FOR THE CDBG SIDEWALK PROJECT

**A motion was made by Council Member Huseman, seconded by Council Member Madera, that this resolution be adopted. VOICE VOTE: Unanimous, all present affirmed.**

## 9. Ordinances on 1st Reading

[Ord 2196](#)

AN ORDINANCE AMENDING THE 2018 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT IN THE AMOUNT OF \$175,000.00 FOR THE ACQUISITION OF THE FOREST DRIVE PROPERTY LOCATED AT 6017 FOREST DRIVE IN COMMERCE CITY AND AUTHORIZATION OF THE EXPENDITURE THEREOF

**A motion was made by Council Member Huseman, seconded by Mayor Pro Tem Teter, 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

## 10. Presentations

### [Pres 18-366](#)

#### Healthy Places Implementation Grant - Colorado Health Foundation

*Erin Mooney, Cultivando Executive Director, presented on the Colorado Health Foundation Healthy Places Grant. Ms. Mooney provided a background on how the grant meets the council's goals of improving resident health and safety and creating opportunities for healthy activities. Ms. Mooney highlighted grant awards the city has received, outcomes of Healthy Places studies conducted in target areas of the city, and the implementation strategies for projects that utilize grant funds.*

### [18-92](#)

#### Recognition of Erin Mooney, Cultivando Executive Director

*The Mayor and council recognized Erin Mooney for her service to the community.*

### [Pres 18-367](#)

#### Veterans Memorial Park Master Plan

*Parks Planning and Operations Manager Mike Brown presented an update on the Veterans Memorial Park Master Plan. Mr. Brown highlighted the master plan, improvements to the open space, sidewalk, and playground, and the funding sources for the project.*

*Council provided feedback on the plan features related to public restrooms and playground accessibility.*

## 11. Administrative Council Business

*Council Member Guardiola asked for an update on the sidewalk along 112th Avenue. He also asked about a "no turn on red" sign at the intersection of 104th and Belle Creek.*

*Council Member Douglas expressed concern over charging for the Pearl with Santa program.*

*A motion was made by Council Member Douglas, seconded by Council Member Huseman, to direct staff to explore the creation of a task force for the purpose of reviewing oil and gas operations in the city to be comprised of both Commerce City residents and oil and gas representatives. ROLL CALL VOTE: 7 - Aye, 2 - Nay (Madera, Teter).*

*A motion was made by Council Member Huseman, seconded by Council Member Madera, to direct staff to prepare a discussion of community and economic development project updates and future project announcement logistics at the January 14, 2019 study session and to call a special meeting for January 14, 2018 as well. VOICE VOTE: Unanimous, all present affirmed.*

*A motion was made by Council Member Douglas, seconded by Council Member Huseman, to direct staff to research the cost estimate for the installation of a flashing beacon at the intersection of Heartland Drive and Chambers Road. VOICE VOTE: Unanimous, all present affirmed.*

*Mayor Ford recognized Director of External Michelle Halstead for her work during her tenure with the city and the council wished her well in her new roll at Arapahoe County.*

## 12. 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.*

## 13. Adjourn

*The meeting adjourned at 10:11 p.m.*