



Commerce City

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

City Council

Monday, February 4, 2019

7:00 PM

Council Chambers

Regular Meeting

Immediately Following the Urban Renewal Authority 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 February 4, 2019, at 7:09 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

City Manager McBroom suggested Council consider postponing presentations scheduled for later in the meeting due to the length of the agenda.

A motion was made by Council Member Huseman, seconded by Council Member Madera, to amend the agenda to postpone the Capital Program Update, State of the Court for 2018, and the 2018 Q4 Work Plan Update presentations to a later council meeting to be determined. VOTE: Unanimous, all present affirmed.

[19-07](#)

An executive session, including only the City Council and City staff and legal counsel, pursuant to CRS 24-6-402(b,e) for the purpose of determining negotiating positions, developing negotiation strategy, and instructing negotiators and receiving legal advice relating to the negotiation of a regional operator agreement with Extraction, LLC, and the City's responses to state oil and gas permit applications.

A motion was made by Council Member Frank, seconded by Council Member Madera, to enter into an executive session, including only the City Council and City staff and legal counsel, pursuant to CRS 24-6-402(b,e) for the purpose of determining negotiating positions, developing negotiation strategy, and instructing negotiators and receiving legal advice relating to the negotiation of a regional operator agreement with Extraction, LLC, and the City's responses to state oil and gas permit applications. VOTE:

Aye: 6 - Mayor Ford, Mayor Pro Tem Teter, Council Member Elliott, Council Member Guardiola, Council Member Frank and Council Member Madera

Nay: 3 - Council Member Douglas, Council Member Huseman and Council Member Davis

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Audience Introduction

The audience introduced themselves.

5. Citizen Communication

The following people spoke in opposition to oil and gas development:

Dan Bruce, 15800 East 121st Avenue

Andrew O'Connor, 1220 West Devonshire Court, Lafayette

Ron Bruce, 15800 East 121st Avenue

Sean Cuevo, 11754 Hannibal Street

John Myers, 16154 East 105th Street

Lucy Molina, 6650 Clermont Street

Susan Noble, 10642 Olathe Street

Guillermo Serna, 14122 East 102nd Place

Patty Sullivan, 110 Daphne Way, Broomfield

Ashley Hawkins, 1470 Osceola Street

Heidi Henkel, 14049 Park Cove Drive, Broomfield

Stew Nyholm, 13789 East Franklin Street, Brighton

Christine Nyholm, 13789 East Franklin Street, Brighton

Ron Booth, no address given

The following people spoke in favor of oil and gas development:

Austin Rollison, 7095 Pontiac Street

Chandler Newhall, 15700 Monaghan Road

Jeff Annable, 10433 Yosemite St

Ryan Seestrup, 1800 Glenarm Place, Denver

Guillermo Serna, 14122 East 102nd Place, came before Council to speak on the issue of parking enforcement.

6. Consent Agenda

Council Member Douglas requested Resolution 2019-04 and Resolution 2019-12 be pulled from the consent agenda.

A motion was made by Council Member Huseman, seconded by Council Member Douglas, 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 19-09](#)

Minutes of January 7, 2019

- [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
- [Res 2019-02](#) RESOLUTION APPROVING CITY 2018 HIGHWAY USER TAX FUND (HUTF) REPORT
- [Res 2019-03](#) RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY
- [Res 2019-04](#) RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR RIGHT OF WAY LANDSCAPE MAINTENANCE SERVICES
- Council Member Douglas request to remove Resolution 2019-04 to seek clarification if all right-of-way landscaping services were contracted.*
- Mike Brown, parks planning and operations manager, clarified that all right-of-way landscaping services were contracted.*
- A motion was made by Council Member Huseman, seconded by Council Member Davis, that this resolution be adopted. VOICE VOTE: Unanimous, all present affirmed.**
- [Res 2019-12](#) RESOLUTION SETTING THE PUBLIC HEARING DATE FOR ANNEXATION AN-250-19
- Council Member Douglas requested to remove Resolution 2019-12 to correct a clerical error setting the hearing date for March 18, 2018 to March 18, 2019.*
- A motion was made by Council Member Huseman, seconded by Council Member Madera, that this resolution be adopted. VOICE VOTE: Unanimous, all present affirmed.**

7. Public Hearings

[Z-781-02-04-05-06-10-17-19](#)

AN ORDINANCE APPROVING THE BUFFALO HILLS RANCH, REUNION PUD ZONE DOCUMENT AMENDMENT NO. 5.

Mayor Ford opened the public hearing.

Brad Callender, assistant city planner, presented Case 781. Mr. Callender provided an overview of the requested amendment area. Mr. Callender stated the applicant was requesting to amend the Reunion PUD Zone Document for undeveloped areas within Villages 1, 2, 3, 4, 7, 8, and 9 to decrease minimum lot sizes, revise proposed roadways and roadway alignments, and add land uses to be allowed within the PUD for multiple parcels located generally north of E. 96th Avenue, south of E. 112th Avenue, west of E-470, and east of Peoria Street.

Council Member Huseman requested to know the reason for the one objection received during the public comment section of the planning commission meeting. Mr. Callender clarified that the objection was due to development near an observed bald eagle's nest, but that none of the proposed development would affect the nest.

Council Member Davis requested information related to the high plains parkway changes related to road profiles, lane changes, and speed studies. Mr. Callender explained the road profiles are similar to other road profiles within newer developments.

Council Member Frank requested to know why the development review team recommended removing the outdoor storage facilities. Mr. Callender clarified the development review team viewed the outdoor storage facility as an industrial structure.

Kelly Leid, vice president, and Layla Rosales, designer, representing applicant Oakwood Homes made a presentation to council to clarify the developer's vision for the future use of the requested area and provided concept images of the homes, parks, and structures.

Council Member Davis requested to know how successful the american dream home products were selling and if the proposed fieldhouse and sports facilities would negatively impact the city's recreation centers. Mr. Leid stated the homes had sold out and that the sports facilities are geared to hosting national competitions for sports leagues.

Council Member Douglas asked how many metro districts would be within the requested area. Mr. Leid clarified that there would be five metro districts that would be created.

Council Member Guardiola asked for the average price for the american dream home product. Ms. Rosales clarified the average price was around \$250,000.

Tim Gallagher, 10659 Nucla Street, spoke in favor of the proposed amendments.

Keely Thompson, 10133 Waco Street, spoke in favor of the proposed amendments.

Ferd Belz, 1125 17th Street, Denver, spoke in favor of the proposed amendments.

Susan Noble, 10642 Olathe Street, spoke on the potential fracking activity in the area of the proposed area.

Mike Kelley, 17482 E 98th Way, asked for clarification on a horse property. Mr. Kelly

clarified that the agricultural high school may have certain agricultural animals for students to study.

Debra Bullock, 6130 Ivanhoe Street, asked council to consider emergency responder vehicles traveling through the proposed areas.

Lucy Molina, 6650 Clermont Street, spoke against the amendments due to the pricing of homes in the proposed area.

Rene Bullock, 6130 Ivanhoe Street, spoke in support of the proposed amendments but would like to see the area include more attainable housing for all income levels.

Mayor Ford closed the public hearing.

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Huseman, to accept the findings and recommendations of the planning commission. VOTE: 8 - Aye, 1 - Nay (Douglas)

Mayor Ford commented on the history of the Reunion area since 1999 and commended Oakwood Homes for their work with residents in developing the area.

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: 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Elliott, Council Member Huseman, Council Member Guardiola, Council Member Frank, Council Member Madera and Council Member Davis

Nay: 1 - Council Member Douglas

8. Resolutions

[Res 2019-14](#)

RESOLUTION ESTABLISHING TEMPORARY OIL AND GAS FOCUS GROUP

Chris McGowne, associate director for the Colorado Petroleum Council, spoke in favor of the resolution.

Ryan Seastrum, representing Colorado Oil and Gas Association, spoke in support of the resolution but requested that council include oil and gas industry representatives on the focus group.

Lucy Molina, 6650 Clermont, spoke in favor of the resolution.

Guillermo Serna, 14122 East 102nd Place, spoke in favor of the resolution.

Council Member Guardiola stated that the process for applying to serve on the Oil and Gas Focus Group would be the same as applying for any other board or commission.

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

9. Ordinances on 1st Reading

[Ord 2195](#)

AN ORDINANCE AMENDING THE 2019 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE DEFENSE COUNSEL FIRST APPEARANCE GRANT OF \$41,400 FOR THE DEFENSE COUNSEL FIRST APPEARANCE PROGRAM AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

Aye: 8 - Mayor Ford, Council Member Elliott, Council Member Douglas, Council Member Huseman, Council Member Guardiola, Council Member Frank, Council Member Madera and Council Member Davis

Nay: 1 - Mayor Pro Tem Teter

10. Presentations

[Pres 19-17](#)

Cultural Council Presentation

Debra Bullock, Ed Hanson, and Lucy Molina representing the cultural council, presented on the council's 2018 successes and 2019 planned activities. In 2018 the council participated in a variety of community events, hosted several events such as much in the park and student art shows, and received over \$60,000 in grants. In 2019 the council plans to develop an arts and culture master plan, implement a maintenance plan for public art, and add new cultural events among many other goals.

[Pres 19-08](#)

Capital Program Update

This presentation was continued to a later date.

[Pres 19-10](#)

State of the Court for 2018

This presentation was continued to a later date.

[Pres 19-09](#)

2018 Q4 Work Plan Update

This presentation was continued to a later date.

11. Administrative Council Business

Council Member Douglas requested information for joint meetings with the city council and 27J school district be published on the city's website.

Council Member Guardiola wanted to let residents know that the rotating art exhibits in the city's recreation centers feature Commerce City residents.

A motion was made by Council Member Frank, seconded by Council Member Huseman, that a letter be sent to the Colorado Department of Public Health and Environment stating Council Member Douglas' comments at the January 17, 2019 CDPHE meeting do not reflect the views of the city council as a body. Vote: 8 - Aye, 1 - Nay (Douglas)

A motion was made by Council Member Huseman, seconded by Mayor Pro Tem Teter, to direct staff to look into amending the Land Development Code related to the approval process of land use cases. Vote: Unanimous, all present affirmed.

[Pres 19-19](#)

Oil and Gas Monthly Update

Chris Cramer, Community Development Director, presented the monthly oil and gas updates. Mr. Cramer provided an update on new and existing oil and gas applications at the state level, and ongoing staff activities related to community meetings and oil and gas application and best management practice requirement negotiations.

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 11:50 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:

Dylan A. Gibson, Deputy City Clerk