



Meeting Minutes - Final City Council

Monday, April 7, 2014

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 April 7, 2014, at 6:03 PM.

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

Absent: 1 - Council Member Jim Benson

2. Executive Session

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Carson, that the executive session pursuant to CRS 24-6-402(4)(e) for the purpose of instructing negotiators concerning a lease for the Conter Heritage and Cultural Center and pursuant to CRS 24-6-402 (4)(b) for the purpose of receiving legal advice concerning DIA be held. VOTE:

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

[14-16](#)

Executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of instructing negotiators concerning a lease for the Conter Heritage and Cultural Center

[14-20](#)

Executive session pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice concerning DIA issues

3. Pledge of Allegiance

It was noted that Mr. Benson was present.

The Pledge of Allegiance was recited.

Present: 9 - Mayor Sean Ford , Council Member Jim Benson, Council Member Rick A. Teter, Council Member Crystal Elliott, Council Member Steven J. Douglas, Council Member Andrew Amador, Council Member Jadie Carson, Council Member Jason McEldowney and Mayor Pro Tem René Bullock

4. Audience Introduction

The audience introduced themselves.

5. Proclamations and Recognitions

[Proc 14-06](#)

Proclamation declaring April 6-12, 2014 as National Crime Victims' Rights Week

Staff and volunteers of the Commerce City Police Department were presented with a proclamation declaring April 6-12, 2014, as National Crime Victims' Rights Week.

A motion was made by Council Member McEldowney, seconded by Council Member Teter, that the proclamation be approved. VOICE VOTE: Unanimous, all present affirmed.

[Proc 14-07](#)

Proclamation declaring April as Child Abuse Prevention and Awareness Month

A CASA representative was presented with a proclamation declaring April 2014, as Child Abuse Awareness and Prevention Month.

A motion was made by Council Member McEldowney, seconded by Council Member Amador, that the proclamation be approved. VOICE VOTE: Unanimous, all present affirmed.

6. Citizen Communication

Jeremy Rodriguez from Congressman Perlmutter's Office addressed Council. Mr. Rodriguez stated that their office just completed the annual Congressional art competition and an Adams City High School student took third place.

Wilma Rose, 457 Poplar Dr., Brighton, introduced herself as an at-large candidate for Adams County Commissioner.

Guillermo Serna, 14122 E. 102nd Pl, addressed Council regarding the Boys & Girls Club.

7. Approval of Minutes

[Min 14-148](#)

Special Meeting Minutes of January 27, 2014

A motion was made by Council member McEldowney, seconded by Mayor Pro Tem Bullock, that Council member Benson be allowed to abstain from voting on the minutes because of his excused absence.

VOICE VOTE: 8 aye, 1 abstain (Benson)

A motion was made by Council Member McEldowney, seconded by Mayor Pro Tem Bullock, that the minutes be approved. VOTE:

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

Abstained: 1 - Council Member Benson

8. Consent Agenda

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

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

- [Res 2014-29](#) RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT FOR IMPLEMENTATION OF 2004 IGA
- [Res 2014-30](#) RESOLUTION AUTHORIZING NEGOTIATION AND AWARD OF CONTRACT FOR CAPITAL PROGRAM MANAGEMENT SERVICES
- [Res 2014-34](#) RESOLUTION AUTHORIZING NEGOTIATION AND AWARD OF CONTRACT FOR DESIGN OF OUTDOOR LEISURE POOL
- [Res 2014-35](#) RESOLUTION AUTHORIZING NEGOTIATION AND AWARD OF CONTRACT FOR OWNER'S REPRESENTATIVE SERVICES
- [Res 2014-36](#) RESOLUTION MODIFYING THE FUNDING AGREEMENT BETWEEN CITY OF COMMERCE CITY AND BUFFALO HIGHLANDS METROPOLITAN DISTRICT, BUFFALO HIGHLANDS LLC, AND C. LARSON FAMILY FARMS, INC. WITH RESPECT TO 96TH AVENUE CONSTRUCTION AND THE DEDICATION OF CERTAIN LANDS
- [Res 2014-39](#) RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY
- [Ord 1996](#) AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE KAISER PERMANENTE WALK & WHEEL GRANT FUNDS IN THE AMOUNT OF \$12,275 TO FUND THE WELLNESS COMMITTEE PROGRAM AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.
- [Ord 1997](#) AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE VALE GRANT IN THE AMOUNT OF \$3,894 FOR THE SUPPORT OF THE COMMUNITY JUSTICE PROGRAM AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.
- [Ord 1999](#) AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) GRANT FUNDS IN THE AMOUNT OF \$7,000 FOR THE SUPPORT OF DUI ENFORCEMENT AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.
- [Ord 2001](#) AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF

COMMERCE CITY, COLORADO BY TRANSFERRING A PORTION OF THE UNENCUMBERED FUND BALANCE IN THE GENERAL FUND TO THE FUND FOR THE URBAN RENEWAL AUTHORITY OF THE CITY OF COMMERCE CITY, AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF

9. Public Hearings

[Res 2014-25](#)

RESOLUTION APPROVING SUBDIVISION PLAT IN CASE #S-487-14

City Attorney Gehler addressed council regarding their role in a quasi-judicial matter such as this. He expressed concern over correspondence from Councilman Douglas that could jeopardize a council decision if he votes on the matter.

A motion was made by Mayor Pro Tem Bullock, seconded by Council member McEldowney, to allow Council member Douglas to abstain from voting on the case.

VOICE VOTE: 8 aye, 1 abstain (Douglas)

Mayor Ford opened the public hearing

Planner Paul Workman presented the case. The applicant, Shea Homes, is seeking approval of a plat that will create 100 new lots for single-family homes and six tracts for landscaping and drainage. As a result of the city receiving six letters, representing 13 households, this public hearing was scheduled. On March 19, 2014, the planning commission held a public hearing and voted to forward the case to council with a favorable recommendation.

Marty Zemcik appeared on behalf of the applicant. In response to questions from council, Mr. Zemcik stated that all Shea Home buyers signs a disclosure that specifically states that Shea Homes has the right to change the type of product, the price of product, the size of homes and the architecture of homes.

Interested Parties:

*Jim Tucker, 10383 Ouray
Brenda Berggren, 10961 Unity Pkwy.
Steve Douglas, 10900 Unity Pkwy.*

There was no further comments 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.

VOICE VOTE: 8 aye, 1 abstain (Douglas)

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 Benson, Council Member Teter, Council Member Elliott, Council Member Amador, Council Member Carson, Council Member McEldowney and Mayor Pro Tem Bullock

Abstained: 1 - Council Member Douglas

10. Resolutions

[Res 2014-37](#)

RESOLUTION APPROVING DELEGATION AND PARTICIPATION AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE CITY AND COUNTY OF DENVER

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.

11. Ordinances on 1st Reading

[Ord 2000](#)

AN ORDINANCE AMENDING SECTION 12-6010 OF THE COMMERCE CITY REVISED MUNICIPAL CODE REGULATING THE RESIDENCY OF SEX OFFENDERS WITHIN THE CITY

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

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

13. Presentations

[Pres 14-617](#)

Trash and Recycling Program Vendor Update

Melissa Kolwait and other representatives from Waste Management addressed Council. The current contract began in November of 2008 and the initial term expired in 2013; however, the city initiated one of their five optional one-year renewals. The contract includes trash and recycling, bulk item pickup and city facilities service. Facility tours are free to the community.

14. Administrative Council Business

Mayor Pro Tem Bullock provided council with information on a "backpacks to briefcases" presentation that he attended.

Councilwoman Elliott announced that Eduexpo will be occurring this weekend. She also stated that she has been receiving requests for public tennis courts in the city.

Councilman Douglas thought the tornado sirens were not consistent during testing, he had questions about individual memberships at the golf course and asked for approval to attend an NLC Leadership Summit.

Police Chief Troy Smith responded to Councilman Douglas's concern. He stated that the city recently upgraded the siren system because of last year's weather event. During that event, the tornado started in the south part of the city, yet the sirens went off communitywide. Same happened, when the tornado was in the north part of the city, the sirens again went off citywide. The system is now separated allowing pinpoint activation.

A motion was made by Councilman Benson, seconded by Mayor Pro Tem Bullock to approve Councilman Douglas's travel request with payment coming from their travel budget.

VOICE VOTE: 7 aye, 2 nay (Carson, McEldowney)

A motion was made by Council member McEldowney, seconded by Council member Benson, to direct staff to come back with a revised travel request form that defines what the council member will do, the cost and benefit to the city. The form is to be submitted to council prior to the request to allow time for review. Upon their return, the council member is to provide a report at a study session.

VOICE VOTE: Unanimous; all present affirmed

15. Reports

City Manager McBroom provided highlights of his weekly city manager report that was emailed to council earlier.

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

16. Adjourn

A motion was made by Council member McEldowney, seconded by Council member Bullock to reconvene an executive session pursuant to CRS 24-6-402(4)(e) for the purpose of instructing negotiators concerning a lease for the Conter Heritage and Cultural Center and CRS 24-6-402(4)(b) for the purpose of receiving legal advice concerning DIA issues.

VOICE VOTE: Unanimous; all present affirmed

The meeting reconvened at 11:46 pm and adjourned

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