



Meeting Minutes - Final City Council

Monday, March 2, 2015

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 March 2, 2015, at 6:00 PM.

A motion was made by Mayor Pro Tem Bullock, seconded by Councilman Benson, to excuse Councilman Teter from tonight's meeting.

VOTE: 8 aye, 1 excused (Teter)

Present: 8 - Mayor Sean Ford, Council Member Jim Benson, 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

Excused: 1 - Council Member Rick A. Teter

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Audience Introduction

The audience introduced themselves.

4. Proclamations and Recognitions

[15-04](#)

Quality Community Foundation Grant Awards

Members of Quality Community Foundation presented checks to this year's grant award recipients.

[15-12](#)

GFOA Award Recognition

The mayor and council presented members of the finance department with a Certificate of Achievement from the Government Finance Officers Association.

5. Citizen Communication

Glen Murray, no address stated, expressed concern regarding the quality of grading on the city's dirt roads and a truck that has been sitting in the Derby area for an extended period of time. Mr. Murray felt that there needs to be a revitalization plan of the Derby area.

Preston Gibson, appeared on behalf of Xcel Energy and showed a construction

timeline video of the Cherokee Pipeline Project.

Hanna Mullen appeared on behalf of Congressman Perlumuter's office to announce two upcoming events.

Charles Wolfesberger, addressed council regarding newly forming metropolitan districts. He asked that mill levy caps be high enough to allow HOAs to consolidate with metro districts.

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

6. Approval of Minutes

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

Min 15-15

Meeting minutes of October 20, 2014

A motion was made by Mayor Pro Tem Bullock, seconded by Councilman Teter, to allow Councilwoman Elliott to abstain from voting on the minutes of October 20, 2014, because of her excused absence.

VOTE: 8 aye, 1 abstain (Elliott)

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

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

Abstained: 1 - Council Member Elliott

Min 15-16

Meeting minutes of November 3, 2014

A motion was made by Mayor Pro Tem Bullock, seconded by Councilman McEldowney, to allow Mayor Ford to abstain from voting on the minutes of November 3, 2014, because of his excused absence.

VOTE: 8 aye, 1 abstain (Ford)

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

Aye: 8 - 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

Abstained: 1 - Mayor Ford

Min 15-17

Meeting minutes of November 17, 2014

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Douglas, that the minutes be approved. VOICE VOTE: Unanimous, all present

affirmed.

[Min 15-18](#)

Meeting minutes of December 1, 2014

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Carson, that the minutes be approved. VOICE VOTE: Unanimous, all present affirmed.

[Min 15-19](#)

Meeting minutes of January 5, 2015

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

7. Consent Agenda

Mayor Ford stepped out during the reading of the consent agenda items.

A motion was made by Council Member Carson, seconded by Council Member McEldowney, that the consent agenda be approved. VOTE:

Aye: 8 - 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

Abstained: 1 - Mayor Ford

[Ord 1998](#)

AN ORDINANCE AMENDING THE 2015 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$166,720 FOR DERBY SIDEWALK REPAIR AND REPLACEMENT PROJECT AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 2044](#)

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF COMMERCE CITY, COLORADO OF ITS SALES AND USE TAX REVENUE REFUNDING BONDS, SERIES 2015; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

[Ord 2045](#)

AN ORDINANCE AMENDING THE 2015 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$8,500 FOR (DUI) ENFORCEMENT EFFORTS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 2046](#)

AN ORDINANCE AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING THE COMMERCE CITY LIQUOR AUTHORITY

[AN-231-14-15](#)

AN ORDINANCE AMENDING THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" TO ORDINANCE AN-231-14-15 REGARDING PROPERTY LOCATED AT 10730 POTOMAC

STREET, COMMERCE CITY, COLORADO

[Res 2015-15](#)

RESOLUTION APPROVING GRANT OF EASEMENT TO SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT

[Res 2015-16](#)

RESOLUTION REAPPOINTING MEMBERS TO DESIGNATED BOARDS, COMMISSIONS AND COMMITTEES OF COMMERCE CITY

8. Public Hearings

[Z-915-15](#)

AN ORDINANCE REZONING THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 8350 ROSEMARY STREET, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING

Mayor Pro Tem Bullock opened the public hearing.

Planner Caitlin Hasenbalg Long presented the case to council. She stated that the applicant, OS Rosemary, LLC, has applied to rezone 8350 Rosemary Street from I-1 to I-2 in order to market the property. The subject property was annexed in 1985 and subsequently zoned to I-1. The Irondale Sub-Area Plan was adopted in 1998 and identified Rosemary Street Corridor for commercial and light industrial uses. The 2010 Comprehensive Plan update also identified Rosemary for industrial distribution type uses. Since the adoption of the 2010 Comprehensive Plan, two things occurred that make this property more suited for an I-2 designation: the Union Pacific Railroad purchased land, bordering the subject property, for future rail connection and the Cherokee Natural Gas Pipeline also borders the subject property. The planning commission held a public hearing on February 3, 2015, and voted unanimously to recommend approval of the application subject to two conditions: no vehicular access allowed from Rosemary Street since the property is bordered on all sides by existing right-of-way and future development on lots facing Rosemary Street would be oriented facing Rosemary Street.

John Lowe, appeared on behalf of the applicant, to state that by changing the zoning to I-2, it opens the marketability of the property.

No one else came forward to testify and Mayor Ford closed the public hearing.

A motion was made by Mayor Pro Tem Bullock, seconded by Councilman 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 Council Member Douglas, that this zoning 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

Z-918-15

AN ORDINANCE REZONING THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 5360 MONACO STREET, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

Mayor Ford opened the public hearing.

Planner Caitlin Hasenbalg Long presented the case to council. The applicant, J. Connie McWhirt, wishes to rezone 5360 Monaco Street from I-2 to R-2 to allow a family member to obtain financing and live in the home. This property was zoned I-2 in 1964.

Mayor Ford stated he was contacted by the applicant; however, he did not discuss the case.

Councilman Teter stated he too was contacted by the applicant; however, he did not discuss the case.

Connie McWhirt, 8342 Sheridan Court Arvada, appeared before council. Ms. McWhirt gave a brief history of her family home. The original owners, her parents, have passed and her younger brother wishes to continue living there.

Rubin McWurt, 8342 Sheridan Court, Arvada, appeared before council. Mr. McWhirt stated that there has been a decline in business use and an increase in residential activity within this neighborhood. He also stated that there is no documentation on how the buffer zone was defined.

Council asked numerous questions regarding the zoning around the area and the buffer area identification.

John Ray, 5360 Monaco, addressed council. He stated that if the rezoning application fails, they will most likely rent the home.

Mayor Ford closed the public hearing.

A motion was made by Councilman McEldowney, seconded by Councilman Benson, to deny the findings and recommendations of the planning commission.

VOTE: Unanimous; all present affirmed

Attorney Gehler offered suggested findings:

(1) The change in rezoning is not in violation of the goals and policies of the comprehensive plan, in that the plan supports existing residential areas, but opposes expansion of residential areas.

(2) The existing non-conforming use is a legal use and that use will be eliminated and brought into compliance with the rezoning.

(3) There are adequate public uses such as parks, schools and open space within the immediate area.

(4) Compatibility with the surrounding area and uses

(5) Adequately served by public utilities and amenities

A motion was made by Councilman McEldowney, seconded by Councilman Benson, to accept the findings proposed by City Attorney Gehler

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

9. Resolutions

[Res 2015-14](#)

RESOLUTION REGARDING THE ADOPTION OF THE COMMERCE CITY YOUTH MASTER PLAN

Communications Supervisor Julia Emko presented the city's first youth master plan. The plan will serve as a strategic roadmap to assess and guide city-driven youth programming and services. Areas of focus: early childhood development, education, health and safety, neighborhoods and community.

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

[Res 2015-04](#)

RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION RELATED TO OWNERSHIP OF STATE HIGHWAY 2, RESPONSIBLE ACCELERATION OF MAINTENANCE AND PARTNERSHIPS (RAMP) PROGRAM

Public Works Director Maria D'Andrea gave a presentation. She stated that the city submitted a funding request through CDOT'S RAMP (Responsible Accelerated Maintenance and Management Program) to widen Highway 2. CDOT and the city have entered into an agreement to take over ownership and maintenance of Highway 2 from 62nd to I-76. Commerce City will receive \$15.7 million in grant funding.

Jay Hendrickson, CDOT Program Engineer, appeared before council to encourage their support of the resolution.

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

10. Ordinances on 1st Reading

[Ord 2004](#)

AN ORDINANCE AMENDING THE 2015 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE STATE OF COLORADO SAFE ROUTES TO SCHOOL GRANT IN THE AMOUNT OF \$284,618 FOR EAST 72ND AVENUE CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECT AND THE

AUTHORIZATION OF THE EXPENDITURE THEREOF.

A motion was made by Council Member McEldowney, seconded by Council Member Douglas, 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

11. Administrative Council Business

City Manager McBroom asked council to consider calling a special meeting in order to hold an executive session to conduct performance evaluations for the municipal court judge, the city attorney and himself.

A motion was made by Mayor Pro Tem Bullock, seconded by Councilman McEldowney, to call a special meeting on Monday, March 30, 2015, in order to hold an executive session for the purpose of conducting performance evaluations for the city manager, the city attorney, and the municipal court judge.

VOTE: Unanimous; all present affirmed

Councilman Douglas asked for a copy of the latest energy audit.

Councilman Teter asked for a study session to understand the grant process for funding by Quality Community Foundation.

12. Reports

City Manager McBroom highlighted the items from his weekly report provided to council earlier via email.

Mayor Ford appointed Councilwoman Elliott as acting mayor while he and the mayor pro tem are out of town.

13. Adjourn

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

The meeting adjourned at 9:21 pm.