



Commerce City

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

Monday, May 4, 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 May 4, 2015, at 6:00 PM.

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 Commerce City Police Department Color Guard posted the colors.

The Pledge of Allegiance was recited.

3. Audience Introduction

The audience introduced themselves.

4. Proclamations and Recognitions

[Proc 15-04](#)

Proclamation declaring May 10 - 16, 2015 as Commerce City Police Week

City Attorney Gehler read a proclamation declaring the week of May 10 - 16, 2015, as National Police Week. The proclamation was presented to Chief Smith and members of the Commerce City Police Department.

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member McElDowney, that this proclamation be approved. VOTE:

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

Excused: 1 - Council Member Teter

[Proc 15-07](#)

Kids to Parks Day Proclamation

City Attorney Gehler read a proclamation declaring May 16, 2015, as Kids to Park Day.

A motion was made by Council Member McElDowney, seconded by Council Member Amador, that this proclamation be approved. VOTE:

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

Excused: 1 - Council Member Teter

[Proc 15-17](#)

Proclamation declaring May 5, 2015, as Rotary Mental Health Initiative Awareness Day

Mayor Ford read a proclamation declaring May 5, 2015, as Rotary Mental Health Initiative Awareness Day. The proclamation was presented to Mayor Pro Tem Bullock.

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

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

Excused: 1 - Council Member Teter

5. Citizen Communication

Guillermo Serna, 14122 E. 102nd Pl, thanked the city for the Kids to Park Day Proclamation and reminded folks that graduation can be a stressful time.

6. 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: 8 - Mayor Ford, Council Member Benson, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member Carson, Council Member McEldowney and Mayor Pro Tem Bullock

Excused: 1 - Council Member Teter

[Res 2015-35](#)

RESOLUTION APPROVING CITY ATTORNEY EMPLOYMENT AGREEMENT

7. Public Hearings

[Res 2015-23](#)

RESOLUTION APPROVING BOTH THE AMENDED AND RESTATED BUFFALO HIGHLANDS METROPOLITAN DISTRICT SERVICE PLAN AND THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE BUFFALO HIGHLANDS METROPOLITAN

Mayor Ford opened the public hearing.

Planner Paul Workman presented the case. The metro district is proposing to remove a parcel from the district for dedication to the city for open space and to increase the maximum debt to \$25 million because of increased construction costs.

Elisabeth Cortese from McGready Sisneros appeared before council to answer questions.

No one appeared from the audience to address council and the public hearing portion was closed.

A motion was made by Council Member McEldowney, seconded by Council Member Elliott, that this resolution be adopted. VOTE:

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

Excused: 1 - Council Member Teter

8. Ordinances on 1st Reading

Ord 2050

AN ORDINANCE REPEALING AND REENACTING ARTICLE II OF CHAPTER 8 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO PROVIDE FOR THE LICENSING OF MEDICAL AND RECREATIONAL MARIJUANA BUSINESS

Deputy City Attorney Stevens gave a brief presentation on the process for marijuana business licensing.

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

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

Excused: 1 - Council Member Teter

Ord 2048

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE LAND DEVELOPMENT CODE

Planning Manager Timms gave a brief presentation outlining amendments to the land development code based on council direction at previous study sessions. Mr. Timms stated that based on council recommendation, staff is proposing that marijuana business zoning is a use by right and with a 1,000 foot separation from schools, child-care facilities, alcohol and drug rehabilitation facilities, group homes, halfway houses, public parks and public recreation centers. All the marijuana-use types require a 1,000 foot separation from residential areas; however the two retail components have a reduced distance restriction from residential.

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

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

Excused: 1 - Council Member Teter

Ord 2052

AN ORDINANCE AMENDING SECTION 5-4101 OF THE

COMMERCE CITY REVISED MUNICIPAL CODE ADOPTING
AMENDMENTS TO THE 2009 INTERNATIONAL BUILDING CODE

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

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

Excused: 1 - Council Member Teter

[Ord 2053](#)

AN ORDINANCE AMENDING SECTION 5-41001 OF THE
COMMERCE CITY REVISED MUNICIPAL CODE ADOPTING
AMENDMENTS TO THE 2009 INTERNATIONAL FIRE CODE

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

Excused: 1 - Council Member Teter

[Ord 2054](#)

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 \$3,190 FOR CLICK IT OR TICKET EFFORTS
AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

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

Excused: 1 - Council Member Teter

[Ord 2055](#)

AN ORDINANCE REPEALING ORDINANCE 2011 WHICH
EXTENDED THE MORATORIUM ON THE ESTABLISHMENT OF
RECREATIONAL MARIJUANA BUSINESSES AND RELATED
INDUSTRY IN THE CITY OF COMMERCE CITY

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

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

Excused: 1 - Council Member Teter

9. Presentations

A motion was made by Councilman McEldowney, seconded by Councilman Amador to move the 2015 Work Plan Update before the Capital Program Update.

VOTE: 8 aye, 1 excused (Teter)

[Pres 15-87](#)

Capital Program Update

Program Manager Scott Hergenrader of CH2M Hill, gave a brief presentation to council. He stated that all projects are on-time or trending ahead of schedule. Progress on the projects are being measured in phases and gates and to date, revenues and expenditures are on track.

[Pres 15-89](#)

2015 Q1 Work Plan Update

City Manager McBroom stated that the work plan report continues to be divided into two broad categories: projects operations; however, a shift has been made in presenting the information so that it is clearly demonstrating alignment with council's five goals. Mr. McBroom highlighted many accomplishments in the first quarter of 2015 including: a successful business appreciation event, beginning the process to recertify our enterprise zone community, continued negotiations with Mile High Greyhound Park developer and the issuance of 130 business licenses and 494 construction permits.

10. Administrative Council Business

Mayor Ford will be attending ICSC from May 15th to 18th and he asked Mayor Pro Tem Bullock to facilitate the May 18th council meeting. He asked about the issues surrounding the new Waste Management contract. Mayor announced his appointment by Denver Mayor Hancock to the International Advisory Council.

A motion was made by Mayor Pro Tem Bullock, seconded by Councilman Amador to approve Mayor Ford's appointment to the International Advisory Council.

VOTE: 8 aye, 1 excused (Teter)

City Manager McBroom will be out of town May 17-24th and Deputy City Manager Hayes will be acting city manager at that time.

Councilman Douglas spoke about moving the spin bike class at the recreation center upstairs or purchasing new ones, 96th Avenue & Tower Road temporary lighting or reflectors, 72nd Place speed analysis for a speed bump, and bus stop issues at 104th & Chambers.

11. Reports

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

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

12. Executive Session

A motion was made by Council Member McEldowney, seconded by Mayor Pro Tem Bullock, that an executive session, pursuant to CRS 24-6-402(4)(e) for the purpose of instructing negotiators regarding a potential real estate transaction and pursuant to CRS 24-6-402(4)(e) for the purpose of instructing negotiators concerning DIA, be held. VOTE:

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

Excused: 1 - Council Member Teter

[15-36](#)

An executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of instructing negotiators regarding a potential real estate transaction.

[15-38](#)

An executive session pursuant to 24-6-402(4)(e) for the purpose of instructing negotiators concerning DIA

13. Adjourn

The meeting adjourned at 10:30 pm.

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