



## Meeting Minutes - Final City Council

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Monday, June 1, 2015

6:00 PM

Council Chambers

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### 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 Monday, June 1, 2015, at 6:06 PM.*

**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 McElowney and Mayor Pro Tem René Bullock

### 2. Executive Session

[15-47](#)

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

**A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Amador, that an executive session, pursuant to CRS 24-6-402(4)(e), for the purpose of instructing negotiators concerning DIA, be held. VOICE VOTE: Unanimous, all present affirmed.**

### 3. Pledge of Allegiance

*The Pledge of Allegiance was recited.*

### 4. Audience Introduction

*The audience introduced themselves.*

### 5. Proclamations and Recognitions

[15-45](#)

Recognition of Memorial Day Parade winners

*Director of Communications and Government Affairs Michelle Halstead stated that the Commerce City Memorial Day Parade turned 51 this year and there were 120 entries. Awards were given as follows:*

*Best of Parade: 3rd Place - USO Denver, 2nd Place - Young Marines, 1st Place - 82nd Airborne Division*

*Most Creative: 3rd Place - Skidmarks Bicycle Club, 2nd Place - Alsup Elementary School, 1st Place - Girl Scout Troop #1202*

*Most Patriotic: 3rd Place - Young Marines, 2nd Place - 82nd Airborne, 1st Place - Airforce Honor Guard*

*Community Spirit: 3rd Place - Girl Scout Troop #1202, 2nd Place - Alsup Elementary School, 1st Place - Commerce City Youth Commission*

*Grand Marshall's Award: Young Marines*

[15-44](#)

Recognition of Quality Community Foundation Scholarship Recipient

*Quality Community Foundation Chairwoman Valerie Medina introduced Amanda Lee, 2015 scholarship recipient, to council.*

**This Recognition was discussed and closed**

## 6. Citizen Communication

*Michael Scanlon, no address given, asked why the city is suing the county.*

## 7. Consent Agenda

**A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Amador, 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

[Ord 2048](#)

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE LAND DEVELOPMENT CODE

[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

[Ord 2052](#)

AN ORDINANCE AMENDING SECTION 5-4101 OF THE COMMERCE CITY REVISED MUNICIPAL CODE ADOPTING AMENDMENTS TO THE 2009 INTERNATIONAL BUILDING CODE

[Ord 2053](#)

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

[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.

[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

## 8. Public Hearings

[Z-923-15](#)

AN ORDINANCE REZONING THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 6310 POPLAR 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. The applicant is requesting a zone change from C-3 to R-1. The subject property is located in a predominantly residential area. Although many of the surrounding properties are also zoned C-3, they are predominantly single-family uses. The subject property is a single-family home, built in 1955, and has been used residentially since that time. The neighborhood was annexed into the city in 1962, and over the years individual property owners have applied to rezone their properties to R-1. The planning commission held a public hearing on May 5, 2015, and voted unanimously to forward the case to council with a favorable recommendation.*

*Scott Josifek, 5985 Grape St., appeared before council on behalf of the applicant.*

*No one else came forward to address council on this case and the public hearing was closed.*

*A motion was made by Mayor Pro Tem Bullock, seconded by Councilwoman Carson to approve the fee waiver requested by the applicant.*

*VOTE: Unanimous; all present affirmed*

*A motion was made by Councilman McEldowney, seconded by Councilman Amador, 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 Teter, 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 2015-37](#)

### RESOLUTION APPROVING AGREEMENT FOR WATER ACQUISITION FEES

*Deputy City Manager Hayes stated that the city was approached in 2014 by Shea Properties considering an agreement on their water rights. In this case Shea Homes has several thousand Equivalent Residential Units (ERUs) that they will give to the city in exchange for a credit towards future water acquisition fees.*

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

## 10. Ordinances on 1st Reading

### [Ord 2056](#)

AN ORDINANCE AMENDING THE 2015 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE TONY GRAMPSAS YOUTH SERVICES GRANT FUNDS IN THE AMOUNT OF \$79,119 FOR THE SUPPORT OF YOUTH MARIJUANA USE PREVENTION 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:** 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

### [Ord 2057](#)

AN ORDINANCE AMENDING THE 2015 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT FUNDS IN THE AMOUNT OF \$149,609 FOR THE SUPPORT OF IRRIGATION REPLACEMENT PHASE I AT BUFFALO RUN GOLF COURSE AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

**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:** 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

### [Ord 2058](#)

AN ORDINANCE AMENDING THE 2015 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT FUNDS IN THE AMOUNT OF \$359,450 FOR THE SUPPORT OF THE SECOND CREEK COMMUNITY PARK EXPANSION ACQUISITION 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. Presentations

### [Pres 15-247](#)

SACWSD Water Supply and Demand Presentation

South Adams County Water & Sanitation District General Manager Jim Jones gave a presentation on the water supply for the district. The district service area is between Highway 270 on the South, 120th Avenue on the North, DIA on the East and Platte River on the West. In 1998 the Board of Directors enacted a policy that all new development dedicate water to the district to support the property development. In coordination with the city and developers, the District has acquired over 20,000 acre-feet of water. A large portion of the district's supply is a potable alluvial supply from the Quebec Paleochannel. The problem with this supply is that there are several potential superfund sites in the area that drain into this channel. Many of the concerns have been mitigated, many water-quality concerns, but to abandon this supply would cost approximately \$400 million to replace the asset. The southern area of the District is a master metered area served by Denver Water since 1968.

#### Pres 15-178

#### Federal Advocacy Trip Debrief and Action Items

Director of Communications and Government Affairs Michelle Halstead summarized the March federal advocacy trip. There were five specific legislative priorities adopted in December 2014. While in Washington D.C., city representatives attended 11 meetings regarding these five priorities: removing Victory Crossing deed restrictions and supporting robust operations at the Refuge, implementing the Tower Road on-ramp to Pena Blvd consistent with established agreements, seeking new rules for implementing railroad quiet zones and reducing conflicts between trains and roadway intersections, and preserving tax-exempt status for municipal bonds and allowing the application of sales tax to internet businesses.

Some council members had concerns about the city focusing 75% of time and spending money on removing restrictions on Victory Crossing for Kroenke's benefit.

#### Pres 15-188

#### Economic Development - Quarterly Economic Activity Report

Economic Director Michelle Claymore introduced a new member of her team. She stated that the 2015 Economic Development Workplan consisted of three focus areas: business attraction, business retention, and commercial real estate marketing. Total retail sales are up, unemployment is going down, and available warehouse space is extremely limited within the city.

#### Pres 15-254

#### Rocky Mountain Arsenal National Wildlife Refuge Comprehensive Conservation Plan

Rocky Mountain Arsenal National Wildlife Refuge Manager Dave Lucas stated that the last comprehensive conservation plan was developed in 1996 and work on the updated plan began in 2013. The proposed new plan would include two motorized entrances, but provide for several walking and biking entrances. Public comments are being collected up to July 6, 2015.

## **12. Administrative Council Business**

Councilman Douglas asked about monitoring traffic flow along 96th Avenue because the roadway is lacking shoulders. He asked to have the topic of ice cream vendors back on the study session schedule, an update on the LOKAL homebuilders issue, and overgrown weeds around Landmark and Parkside North looked into.

Councilman Benson would like staff to reach out to NLC regarding their conference attendance rules.

*Councilwoman Carson asked for a study session item regarding residential parking.*

*Councilman Amador has heard feedback that permit valuations in Commerce City are higher than other jurisdictions and he would like a study of permit valuations in surrounding jurisdictions.*

*Councilman McEldowney asked to have staff find out more information regarding major runway work at DIA and the potential for changing flight patterns that could create increased noise complaints. He asked about a more substantial barricade on 88th because of the recent road closure. Councilman McEldowney also stated that the shoulders on Tower Road and 120th Avenue are in horrible condition.*

### **13. Reports**

*City Manager McBroom highlighted items from his weekly report provided to council earlier.*

*Mayor and Council reported on their attendance at various meetings and events.*

### **14. Adjourn**

*The meeting adjourned at 10:00 pm.*

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