



## Meeting Minutes - Final City Council

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Monday, August 3, 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 August 3, 2015, at 6:00 PM.*

*A motion was made by Councilman Amador, seconded by Councilman Benson, to excuse Mayor Pro Tem Bullock and Councilwoman Elliott from this meeting.*

*VOTE: 5 aye, 2 excused (Bullock, Elliott), 2 absent (McEldowney, Douglas)*

**Present:** 5 - Mayor Sean Ford , Council Member Jim Benson, Council Member Rick A. Teter, Council Member Andrew Amador and Council Member Jadie Carson

**Excused:** 2 - Council Member Crystal Elliott and Mayor Pro Tem René Bullock

**Absent:** 2 - Council Member Steven J. Douglas and Council Member Jason McEldowney

### 2. Pledge of Allegiance

*The Pledge of Allegiance was recited.*

### 3. Audience Introduction

*The audience introduced themselves.*

*Councilman Douglas arrived during audience introduction.*

*A motion was made by Councilman Amador, seconded by Councilman Teter, to amend the agenda to add a resolution approving an amended IGA regarding the community development block grant program.*

*VOTE: 6 aye, 2 excused (Bullock, Elliot), 1 absent (McEldowney)*

**Present:** 6 - Mayor Sean Ford , Council Member Jim Benson, Council Member Rick A. Teter, Council Member Steven J. Douglas, Council Member Andrew Amador and Council Member Jadie Carson

**Excused:** 2 - Council Member Crystal Elliott and Mayor Pro Tem René Bullock

**Absent:** 1 - Council Member Jason McEldowney

### 4. Proclamations and Recognitions

*Councilman McEldowney arrived prior to the proclamation being read.*

**Present:** 7 - Mayor Sean Ford , Council Member Jim Benson, Council Member Rick A. Teter, Council Member Steven J. Douglas, Council Member Andrew Amador, Council Member Jadie Carson and Council Member Jason McEldowney

**Excused:** 2 - Council Member Crystal Elliott and Mayor Pro Tem René Bullock

[Proc 15-24](#)

Proclamation declaring August as Commerce City Employee Appreciation Month

*Mayor Ford read a proclamation declaring August 2015 as Employee Appreciation Month.*

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

**Aye:** 7 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Douglas, Council Member Amador, Council Member Carson and Council Member McEldowney

**Excused:** 2 - Council Member Elliott and Mayor Pro Tem Bullock

## 5. Citizen Communication

*Sonya Negri, 6421 Glencoe, asked council to consider allowing chickens in residential backyards throughout the city.*

*Philip Snow appeared on behalf of three business applicants at 5400 Monroe Street. Mr. Snow asked council to consider allowing virtual separation of co-located medical and retail marijuana businesses versus physical separation.*

## 6. Approval of Minutes

[Min 15-51](#)

Meeting minutes of April 6, 2015

*A motion was made by Councilman McEldowney, seconded by Councilman Amador, to allow Mayor Ford to abstain from voting on the minutes of April 6, 2015, because of his excused absence.*

*VOTE: 6 aye, 1 abstain (Ford), 2 excused (Elliott, Bullock)*

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

**Aye:** 6 - Council Member Benson, Council Member Teter, Council Member Douglas, Council Member Amador, Council Member Carson and Council Member McEldowney

**Excused:** 2 - Council Member Elliott and Mayor Pro Tem Bullock

**Abstained:** 1 - Mayor Ford

[Min 15-52](#)

Minutes of the April 13, 2015, Special Meeting

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

**Aye:** 7 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Douglas, Council Member Amador, Council Member Carson and Council Member McEldowney

**Excused:** 2 - Council Member Elliott and Mayor Pro Tem Bullock

[Min 15-53](#)

Meeting minutes of April 20, 2015

*A motion was made by Councilman Douglas, seconded by Councilman Amador, to allow Councilman Teter to abstain from voting on the minutes of April 20, 2015, because of his excused absence.*

*VOTE: 6 aye, 1 abstain (Teter), 2 excused (Bullock, Elliott)*

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

**Aye:** 6 - Mayor Ford, Council Member Benson, Council Member Douglas, Council Member Amador, Council Member Carson and Council Member McEldowney

**Excused:** 2 - Council Member Elliott and Mayor Pro Tem Bullock

**Abstained:** 1 - Council Member Teter

[Min 15-54](#)

Meeting minutes of May 4, 2015

*A motion was made by Councilman Douglas, seconded by Councilman McEldowney, to allow Councilman Teter to abstain from voting on the minutes of May 4, 2015, because of his excused absence.*

*VOTE: 6 aye, 1 abstain (Teter), 2 excused (Bullock, Elliott)*

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

**Aye:** 6 - Mayor Ford, Council Member Benson, Council Member Douglas, Council Member Amador, Council Member Carson and Council Member McEldowney

**Excused:** 2 - Council Member Elliott and Mayor Pro Tem Bullock

**Abstained:** 1 - Council Member Teter

[Min 15-55](#)

Minutes of the June 29, 2015, special meeting

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

**Aye:** 7 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Douglas, Council Member Amador, Council Member Carson and Council Member McEldowney

**Excused:** 2 - Council Member Elliott and Mayor Pro Tem Bullock

## 7. Consent Agenda

**A motion was made by Council Member McEldowney, seconded by Council Member Benson, to approve the consent agenda as presented. ROLL CALL VOTE:**

**Aye:** 7 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Douglas, Council Member Amador, Council Member Carson and Council Member McEldowney

**Excused:** 2 - Council Member Elliott and Mayor Pro Tem Bullock

- [Res 2015-65](#) Resolution Approving Aerial Easement to Regional Transportation District
- [Res 2015-76](#) Resolution to Authorize Award of Contract for Buffalo Run Irrigation Replacement Phase I
- [Z-204-79-15](#) AN ORDINANCE REZONING THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 8600 ROSEMARY STREET, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.
- [Z-922-15](#) AN ORDINANCE APPROVING THE SECOND AMENDMENT TO MARTY FARMS INDUSTRIAL CENTER PUD ZONE DOCUMENT.
- [Z-925-15](#) AN ORDINANCE REZONING THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 5171 EAST 56TH AVENUE (PIN 182307400027), COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.
- [Ord 2060](#) AN ORDINANCE AMENDING CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE BY THE ADDITION OF ARTICLE IX CONCERNING THE REPAIR OF CONSTRUCTION DEFECTS
- [Ord 2063](#) 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 \$15,128 FOR (DUI) ENFORCEMENT EFFORTS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.
- [Ord 2064](#) AN ORDINANCE AMENDING THE 2015 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO, BY APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE OF THE GENERAL FUND IN THE AMOUNT OF \$82,400 AND TRANSFERRING A PORTION OF THE UNENCUMBERED FUND BALANCE IN THE GENERAL FUND TO THE CIPP FUND IN THE AMOUNT OF \$39,380, TRANSFERRING \$40,000 FROM THE SOLID WASTE FUND TO THE CIPP FUND, \$355,000 FROM THE IMPACT FEES

FUND TO THE CIPP FUND; APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE IN THE CIPP FUND IN THE AMOUNT OF \$550,000, URBAN RENEWAL AUTHORITY FUND IN THE AMOUNT OF \$50,000 AND THE POLICE DONATION FUND IN THE AMOUNT OF \$44,021.59 FOR A TOTAL AMOUNT OF \$1,160,801.59 AND REAFFIRMING PRIOR APPROPRIATIONS AND AUTHORIZING THE EXPENDITURE THEREOF

[Ord 2065](#)

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.

## 8. Resolutions

*Resolution 2015-81 was added to the agenda.*

*A motion was made by Councilman McEldowney, seconded by Councilman Douglas, to approve Resolution 2015-81.*

*VOTE: 7 aye, 2 excused (Elliott, Bullock)*

[Res 2015-77](#)

RESOLUTION APPROVING AMENDED AND RESTATED PURCHASE AND SALE AGREEMENT & OPTION TO REPURCHASE

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

**Aye:** 7 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Douglas, Council Member Amador, Council Member Carson and Council Member McEldowney

**Excused:** 2 - Council Member Elliott and Mayor Pro Tem Bullock

## 9. Presentations

[Pres 15-88](#)

### 2015 2nd Quarter Work Plan Update

*Deputy City Manager Hayes stated that staff continues to divide the work plan into operations and projects all tied to the five council goals. Some of the data is tracked annually and a Q4 report will contain more information. Mr. Hayes highlighted Q2 activities tied to each of the goals. Some of these highlights include: Enterprise Zone Recertification process has been completed with the county, Derby Downtown District Open House, 189 permits have been issued year-to-date, 151 active land-use cases year-to-date, and a robust safety program was implemented.*

[Pres 15-90](#)

### Capital Program Update

*Scott Hergenrader with the CH2M Hill Team appeared before council to provide an update on the city's 2K capital program. Mr. Hergenrader reported that all projects are currently on budget and on or ahead of schedule. At the end of the second*

quarter, June 2015, two projects are in the construction phase: Fronterra Neighborhood Park and the outdoor leisure pool. Three projects are in design: Turnberry Neighborhood Park, Villages at Buffalo Run East Neighborhood Park, and Tower Road expansion. The new recreation center and the existing recreation center are both in the planning process. Mr. Hergenrader provided an update on projects that are not funded through 2K. 96th Avenue Project has been accepted, 104th Phase 3B construction is ongoing, Highway 2 is under design, Tower Road/Pena ramp is in the pre-design RFP phase, and the RTD North Metro Station is in the planning phase.

[Pres 15-293](#)

NATE update from RTD

RTD Planning Project Manager Chris Quinn appeared before council to provide an update on the Northeast Area Transit Evaluation (NATE). The NATE I Study was meant to investigate ways to connect the northeast communities into the FasTracks system; understanding, that a lot of the rail investments were not benefiting those areas of the metro district. In this study, the focus was on preserving railroad right-of-way for future investments. The study concluded that while rail investment might make sense, there were no real strategies developed on how or what the next steps would be. Then came the NATE II Study with the purpose of looking at what technologies could be used, refinement of alignments, and a bus rapid-transit alternative to eventually transition into a rail alternative. The focus is now on projected ridership for the bus rapid-transit alternative.

Council feedback included consideration of an alignment that provides access to the built environment, the undeveloped environment, and employment centers.

## 10. Administrative Council Business

Councilman McEldowney stated that the 120th & Buckley intersection continues to degrade and that pedestrian safety improvements on 104th & Chambers are needed.

Councilman Amador reported possible drag racing on Monaco between 64th & 70th, the light above him in the chambers is out, a light is falling off of the back stair, the sidewalk by his parking space could be extended, and the one-way sign near Walgreens on 60th & Dexter appears to be on two sides of the road.

Councilman Teter reported that the intersection of East 72nd and Highway 85 is in need of repair.

Councilman Douglas asked that staff look at a company that builds pre-fab bridges for Chambers Road, pass on a letter to the Boys & Girls Club, and even out the tile work near the civic center entrance.

Mayor Ford reported on dead elm trees between Quebec Street and Quebec Parkway near Hansen Elementary.

City Manager McBroom stated that Landmark Academy Foundation is asking for financial support of their golf tournament.

A motion was made by Councilman Benson, seconded by Councilman Teter to support a foursome at the golf tournament.

VOTE: 7 aye, 2 excused (Elliott, Bullock)

A motion was made by Councilman McEldowney, seconded by Councilman Amador,

*to direct staff to provide council with an update in regards to their research of backyard chickens.*

*VOTE: 7 aye, 2 excused (Elliott, Bullock)*

*Councilwoman Carson asked for a video presentation of cop camp.*

## **11. Reports**

*City Manager McBroom highlighted items from his weekly report sent to council earlier in the evening.*

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

## **12. Adjourn**

*The meeting adjourned at 8:50 pm.*

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