



Commerce City

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

City Council

Monday, August 1, 2016

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 August 1, 2016, at 6:00 PM.

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

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Audience Introduction

The audience introduced themselves.

4. Proclamations and Recognitions

[Proc 16-16](#)

Proclamation declaring August as Commerce City Employee Appreciation Month

Interim City Attorney Robert Sheesley read a proclamation declaring August 2016, as Employee Appreciation Month.

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

[Proc 16-17](#)

Proclamation declaring August 15 - 19, 2016, as Safety Net Clinic Week

Interim City Attorney Robert Sheesley read a proclamation declaring the week of August 15-19, 2016, as Safety Net Clinic Week.

Norma Portnoy from Kids First Health appeared to accept the proclamation. Ms. Portnoy stated that the Safety Net Clinic has five locations throughout Commerce City and provided assistance to 2,200 children in the community.

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

5. Citizen Communication

Joe Quillen, Denver resident, expressed concern regarding noise at Dick's Sporting Goods Park over the weekend.

A motion was made by Council Member McEldowney, seconded by Mayor Pro Tem Bullock, to review current policies and ordinances regarding noise limits at outdoor events.

VOTE: Unanimous; all present affirmed

Scott Wilson, Northfield resident, expressed concern regarding noise at Dick's Sporting Goods Park over the weekend.

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

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

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| <u>Res 2016-57</u> | RESOLUTION APPROVING SETTLEMENT AGREEMENT TO RESOLVE LITIGATION - HAMMER ET AL. V. CITY OF COMMERCE CITY AND CITY OF COMMERCE CITY V. HAMMER ET AL. |
| <u>Res 2016-87</u> | RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT REGARDING TOWER ROAD IMPROVEMENTS WITH SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT |
| <u>Res 2016-96</u> | RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY |
| <u>Res 2016-82</u> | RESOLUTION FINDING SUBSTANTIAL COMPLIANCE OF AN ANNEXATION PETITION AND SETTING A PUBLIC HEARING TO DETERMINE IF THE PROPOSED ANNEXATION COMPLIES WITH STATUTORY REQUIREMENTS FOR SUCH ANNEXATION AN-237-16 |
| <u>Res 2016-83</u> | RESOLUTION FINDING SUBSTANTIAL COMPLIANCE OF AN ANNEXATION PETITION AND SETTING A PUBLIC HEARING TO DETERMINE IF THE PROPOSED ANNEXATION COMPLIES WITH STATUTORY REQUIREMENTS FOR SUCH ANNEXATION AN-238-16 |

7. Public Hearings

[Res 2016-80](#)

RESOLUTION APPROVING 2016-2021 CONSOLIDATED PLAN

Mayor Ford opened the public hearing.

Jeremy Gray from Mosaic Community Planning presented to council. The process for drafting the consolidation plan included public outreach, a needs assessment, and a market analysis. Four projects were identified as "first year projects." August 15th is the deadline for filing the plan with HUD and the program plan will begin on October 1st.

No one from the audience came forward to address council regarding the plan and the mayor closed the public hearing.

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

8. Ordinances on 1st Reading[Ord 2110](#)

AN ORDINANCE AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE TO LICENSE AND REGULATE MOBILE ICE CREAM VENDORS

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

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

[Ord 2109](#)

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF COMMERCE CITY, COLORADO OF ITS SALES AND USE TAX REVENUE BONDS, SERIES 2016; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH

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

9. Presentations[Pres 16-431](#)

Service Dogs and the Americans with Disabilities Act

Cathy Burds, wife of a local business owner, gave a presentation on service dogs. Ms. Burds felt compelled to give this presentation after a local business refused to allow her service dog into their business. She stated that all is required of service dogs is to

be trained and under control of the owner.

[Pres 16-97](#)

Capital Program Update

CIPCAC Co-Chairs Gordon Hamby and Susan Carabajal addressed council. CIPCAC believes that their input on capital projects has made a difference.

Scott Hergenrader appeared before council. The city is at the halfway point of the 2K initiatives: 5 projects in 5 years. Total budget is \$137 million. Construction on remaining projects is scheduled to be underway by the next update in three months.

[Pres 16-98](#)

2016 Q2 Work Plan Update

City Manager McBroom provided council with an update of the organization's work plan. The update included: city representatives attended the ISCS Recon Conference and interacted with over 30 retail real estate businesses, 121 business licenses issued, new construction activity is brisk, a new performance management system was launched, and body worn cameras were fully implemented as of June 30th.

10. Administrative Council Business

Interim City Attorney Sheesley asked council to authorize filing paperwork to preserve the right to appeal a department of revenue decision.

A motion was made by Council Member McEldowney, seconded by Council Member Teter, to enter into executive session, pursuant to CRS 24-6-402(4)(b) for the purpose of receiving legal advice.

VOTE: Unanimous, all present affirmed

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Teter to authorize the city attorney to appeal the final determination of the department of revenue in the matter of AT&T Affiliates and the tax carriers class versus Commerce City using outside counsel.

VOTE: Unanimous; all present affirmed

Council Member Douglas expressed concern that citizens are unsure if they reside in Commerce City when their mailing address contains a Brighton zip code.

Mayor Ford directed staff to research the zip code issue and what can be done to resolve it.

Council Member Douglas requested a study session on Airbnbs.

Mayor Pro Tem Bullock stated he has received phone calls complaining about mosquitoes in one of the housing developments near the golf course.

11. Reports

City Manager McBroom highlighted items off his weekly emailed report.

The mayor and council reported on their attendance at various meetings and events throughout the week.

12. Adjourn

The meeting adjourned at 9:37pm.

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

Respectfully submitted by:

City Clerk Laura Bauer