



Meeting Minutes - Final

City Council

Monday, August 15, 2016

7:00 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 Pro Tem Bullock on Monday, August 15, 2016, 7:01 PM .

A motion was made by Council Member McEldowney, seconded by Council Member Douglas, to excuse Mayor Ford from tonight's meeting.

VOTE: 8 aye, 1 excused (Ford)

Present: 8 - 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

Excused: 1 - Mayor Sean Ford

2. Pledge of Allegiance

Mayor Pro Tem Bullock asked for a moment of silence for the family of long-time employee, Marvin Rodriguez, who passed away this weekend.

The Pledge of Allegiance was recited.

3. Audience Introduction

The audience introduced themselves.

4. Citizen Communication

Adams County School District 14 Board Member Harvest Thomas introduced the district's new superintendent, Dr. Javier Abrego.

5. Consent Agenda

Council Member Douglas asked to remove Resolution 2016-28 from the consent agenda.

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

Aye: 8 - 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

Excused: 1 - Mayor Ford

[Ord 2104](#) AN ORDINANCE AMENDING THE 2016 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE STATE OF COLORADO PEACE OFFICER STANDARDS AND TRAINING (POST) GRANT FUNDS IN THE AMOUNT OF \$15,000 FOR THE SUPPORT OF LAW ENFORCEMENT TRAINING BACKFILL AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 2105](#) AN ORDINANCE AMENDING THE 2016 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$28,000 FOR (DUI) ENFORCEMENT EFFORTS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 2106](#) AN ORDINANCE AMENDING THE 2016 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE TONY GRAMPSAS YOUTH SERVICES SUPPLEMENTAL GRANT FUNDS IN THE AMOUNT OF \$79,119 FOR THE SUPPORT OF YOUTH MARIJUANA USE PREVENTION Program AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Res 2016-28](#) RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR CHAMBERS ROAD BRIDGE WIDENING PROJECT

Council Member Douglas felt that a pre-fabricated pedestrian bridge would be the best option and asked for more details on the bridge design.

Public Works Director D'Andrea stated that a cantilevered structure would add four girders and extend the width of the bridge by approximately 10 feet. A concrete barrier would be placed between the lanes providing a safer pedestrian walkway.

A motion was made by Council Member Douglas, seconded by Council Member Carson, to postpone to a later date action on this resolution, along with direction to staff to rebid a separate stand alone bridge.

VOTE: 1 aye, 7 nay, 1 excused (Ford)

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

Aye: 7 - Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member Elliott, Council Member McEldowney, Council Member Amador and Council Member Diaz

Nay: 1 - Council Member Douglas

Excused: 1 - Mayor Ford

[Res 2016-34](#) RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR EAST 72ND AVENUE IMPROVEMENTS PROJECT

[Res 2016-86](#) RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR 2016

MILL & OVERLAY AND 120TH AND BUCKLEY INTERSECTION
PROJECT

[Res 2016-97](#) RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS
AND COMMISSIONS OF COMMERCE CITY

[Res 2016-98](#) RESOLUTION AUTHORIZING EXECUTION OF
INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN CITY
OF COMMERCE CITY AND THE REGIONAL TRANSPORTATION
DISTRICT

[Res 2016-99](#) A RESOLUTION AUTHORIZING THE ASSIGNMENT TO THE
COLORADO HOUSING FINANCE AUTHORITY OF A PRIVATE
ACTIVITY BOND ALLOCATION OF THE CITY OF COMMERCE CITY
PURSUANT TO THE COLORADO PRIVATE ACTIVITY BOND
CEILING ALLOCATION ACT

[Res 2016-101](#) RESOLUTION APPROVING ECONOMIC DEVELOPMENT
BUSINESS INCENTIVES FOR MCLANE FOODSERVICE, INC.

6. Public Hearings

[Z-937-16](#) AN ORDINANCE REZONING FROM AG TO I-1 THE PROPERTY
DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A
PART HEREOF, LOCATED AT 6601 COLORADO BOULEVARD,
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 Jenny Axmacher presented the case. The applicant, Nuanes/King LLC is seeking to rezone the property located at 6601 Colorado Blvd. from AG to I-1 to support a development for artists, art galleries, and other artistic work spaces.

Jeanie King, appeared on behalf of the applicant. Ms. King stated that the real estate market is pricing artists out of the Santa Fe Art and Rhino Art Districts.

There was no further audience input and the public hearing was closed.

A motion was made by Council Member McEldowney, seconded by Council Member Douglas, to accept the findings and recommendations of the planning commission.

VOTE: 8 aye, 1 excused (Ford)

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

Aye: 8 - 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

Excused: 1 - Mayor Ford

[Res 2016-94](#)

D-305-16: Crown Enterprises, Inc. is requesting approval of a development plan for a transportation terminal located at 10251 Newark Street, zoned I-2.

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

Aye: 8 - 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

Excused: 1 - Mayor Ford

[Res 2016-95](#)

S-662-16: Crown Enterprises, Inc. is requesting approval of the Aberdeen South Subdivision Replat, a request to consolidate 2 lots into 1 lot, for the property located at 10251 Newark Street, zoned I-2.

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

Aye: 8 - 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

Excused: 1 - Mayor Ford

7. Ordinances on 1st Reading

[Ord 2112](#)

AN ORDINANCE AMENDING THE 2016 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY INCREASING THE BUDGETED REVENUES IN THE GENERAL FUND BY \$2,553,900 FOR THE RECOGNITION OF THE PAYMENT FROM ADAMS COUNTY AS THE ADMINSTRATOR OF THE IGA FOR THE ADAMS COUNTY AIRPORT COMMITTEE, AUTHORIZING THE TRANSFER OF \$1,398,021 TO THE CIPP FUND AND AUTHORIZING THE EXPENDITURE THEREOF

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

Aye: 8 - 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

Excused: 1 - Mayor Ford

[Ord 2113](#)

AN ORDINANCE AMENDING THE 2016 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 \$586,000 AND TRANSFERRING A PORTION OF THE UNENCUMBERED FUND BALANCE IN THE

GENERAL FUND TO THE FOLLOWING: CIPP FUND IN THE AMOUNT OF \$588,000 URA FUND IN THE AMOUNT OF \$100,000 TRANSFERRING \$40,000 FROM THE CIPP FUND TO THE GID FUND, APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE IN THE POLICE DONATION FUND IN THE AMOUNT OF \$46,704.42 FOR A TOTAL AMOUNT OF \$1,360,704.42 AND REAFFIRMING PRIOR APPROPRIATIONS AND AUTHORIZING THE EXPENDITURE THEREOF

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

Aye: 8 - 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

Excused: 1 - Mayor Ford

8. Ordinances on 2nd Reading

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 Council Member Amador, seconded by Council Member McEldowney, to amend Section 3.02(g) of Ordinance 2109 as proposed by adding the words "net effective" between "maximum" and "interest rate."

VOTE: 8 aye, 1 excused (Ford)

A motion was made by Council Member Teter, seconded by Council Member McEldowney, that this ordinance be approved on second & final reading as amended. VOTE:

9. Presentations

Pres 16-43

2016 HEAL Work Plan Update

Interim Director of External Affairs Halstead presented to council. Ms. Halstead introduced members of the team and highlighted accomplishments that include: first community to achieve an elite status in Colorado, launched pilot container gardening program, increased amount of healthy choices in city vending machines, and originally expanded food bank network. Sadly, a number of the smaller food banks have had to close. Ms. Halstead reviewed HEAL items included in the 2016 work plan and outlined 2017 work plan goals: landscape standards, expand container gardening, expand HEAL committee to include the school districts and other non-profits, and implement healthy vending.

Pres 16-429

Rocky Mountain Arsenal National Wildlife Refuge Five Year Review

Charles Sherman addressed council regarding the Rocky Mountain Arsenal Wildlife Refuge's five-year review. The purpose of the review is to provide a comprehensive

review that supplements ongoing monitoring. The review is required of all superfund sites where waste was left on site and it ensures the remedy is still protective of human health and environment. The scope of the review scope is designed to answer three questions: Is the remedy functioning as intended? Are the assumptions used at the time of the remedy selection still valid? Has any other information come to light that could call into question the protectiveness of the remedy? The review includes six components: community involvement, document review, data analysis, site inspection, interviews, and protectiveness determination. Seven issues were identified in the previous review and five of those issues have been resolved. The public review period will close on August 24, 2016, the army will respond to the public comments and prepare a final report, and the EPA will issue its concurrence or separate protectiveness determination.

10. Administrative Council Business

A motion was made by Council Member McEldowney, seconded by Council Member Teter, to hold a special meeting on August 22, 2016, at 3:00 pm to vote on contract awards.

VOTE: 8 aye, 1 excused (Ford)

A motion was made by Council Member Amador, seconded by Council Member Elliott, to approve Council Member Douglas's attendance the 2016 Economic Development Conference in Vail.

VOTE: 8 aye, 1 excused (Ford)

Council Member Douglas asked about monitoring the area around 65th & Niagara. Apparently there is an ongoing incident with vehicles from the industrial side parking on the residential side. Council Member Douglas expressed concern over the Peoria Street construction project taking so long. Council Member Douglas stated that he has received a phone call from a handicapped resident who is struggling to get to the cross signal button at 104th & Potomoc.

Mayor Pro Tem Bullock stated that residents along 88th Avenue are held hostage on the weekends by the flea market and at night by the drive-in theater.

Council Member Amador expressed concern over a mobile home at 59th & Highway 2 that is an eye sore.

Council Member Elliott expressed concern with fences along Monaco between 64th and 72nd Avenues.

City Manager McBroom asked council to consider calling a special meeting on September 12, 2016, in order for council to finish his performance review and approve a contract for the Highway 2 widening project.

A motion was made by Council Member McEldowney, seconded by Council Member Elliott, to convene a special meeting on September 12th following the study session for the city manager review and anticipated review of the Highway 2 contract.

VOTE: 8 aye, 1 excused (Ford)

11. Reports

City Manager McBroom highlighted items off his weekly city manager report.

12. Executive Session

[16-38](#)

An Executive Session pursuant to C.R.S. 24-6-402(4)(f) for the purpose of reviewing applications, conducting interviews, and deliberating regarding candidates for the position of City Attorney and;

An Executive Session pursuant to C.R.S. 24-6-402(4)(g) for the purpose of reviewing applications and materials related to candidates for the position of City Attorney which are documents protected by the mandatory nondisclosure provision of the Colorado Open Records Act and;

An Executive Session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of determining negotiation positions and instructing negotiators concerning the position of City Attorney and;

An Executive Session pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice, if needed, from the Senior Assistant City Attorney

A motion was made by Council Member Elliott, seconded by Council Member Teter, that an executive session pursuant to C.R.S. 24-6-402(4)(f) for the purpose of reviewing applications, conducting interviews, and deliberating regarding candidates for the position of City Attorney and; pursuant to C.R.S. 24-6-402(4)(g) for the purpose of reviewing applications and materials related to candidates for the position of city attorney which are documents protected by the mandatory nondisclosure provision of the Colorado Open Records Act and; pursuant to C.R.S. 24-6-402(4)(e) for the purpose of determining negotiation positions and instructing negotiators concerning the position of city attorney and; pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice, if needed, from the senior assistant city attorney, be held. VOTE:

Aye: 8 - 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

Excused: 1 - Mayor Ford

13. Adjourn

The meeting adjourned at 11:50 pm.

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

Respectfully Submitted By:

Laura J. Bauer, City Clerk

