



Meeting Minutes - Final

City Council

Monday, March 6, 2017

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 Monday, March 6, 2017, at 6:04 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

[17-06](#)

GFOA Award Recognition

Mayor Ford presented representatives of the finance department with a Certificate of Achievement for Financial Reporting Excellence awarded by the Government Finance Officers Association.

Finance Director Sheryl Carstens and Controller Armando Guardiola appeared on behalf of the finance department to accept the award.

[Proc 17-06](#)

Girl Scout Week Proclamation

City Attorney Sheesley read a proclamation declaring March 12-18, 2017, as Girl Scout Week.

Girl Scout Troop #64393 was present to accept the proclamation.

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

5. Citizen Communication

None.

6. Approval of Minutes

[Min 17-15](#)

Meeting minutes of Special Meeting - February 13, 2017

A motion was made Mayor Pro Tem Bullock, seconded by Council Member Teter, to allow Council Member McEldowney to abstain from voting on the minutes of February 13, 2017, because of his excused absence.

VOTE: 8 aye, 1 abstain (McEldowney)

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

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

Abstained: 1 - Council Member McEldowney

7. Consent Agenda

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

[Ord 2120](#)

AN ORDINANCE AMENDING SECTION 21-9230 OF THE COMMERCE CITY LAND DEVELOPMENT CODE RELATING TO THE ANNUAL ESCALATION OF WATER ACQUISITION FEES

[Res 2017-04](#)

APPROVING AN EASEMENT FOR THE REGIONAL TRANSPORTATION DISTRICT FOR ACCESS PURPOSES

[Res 2017-19](#)

RESOLUTION APPROVING GRANT OF DRAINAGE EASEMENTS TO JAY FOLEY PROPERTIES, LLC

[Res 2017-29](#)

RESOLUTION APPROVING GREATER OUTDOORS COLORADO IMPLEMENTATION GRANT AGREEMENT

[Res 2017-31](#)

RESOLUTION APPROVING GRANT OF ACCESS EASEMENT TO HAZELTINE HEIGHTS WATER & SANITATION DISTRICT

8. Resolutions

[Res 2017-25](#)

RESOLUTION APPOINTING SUBSTITUTE MUNICIPAL COURT JUDGES

Judge Juarez introduced the two substitute municipal judges to be appointed and performed the Oath of Office.

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

9. Ordinances on 1st Reading

[Ord 2122](#)

AN ORDINANCE AMENDING SECTION 21-4400(1) OF THE CITY OF COMMERCE CITY LAND DEVELOPMENT CODE BY ADOPTING THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S RECENT AND FUTURE UPDATED FLOOD INSURANCE STUDY AND ACCOMPANYING FLOOD INSURANCE RATE MAPS

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 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 2124](#)

AN ORDINANCE AMENDING THE 2017 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY TRANSFERRING A PORTION OF THE UNDESIGNATED RETAINED EARNINGS IN THE INFORMATION TECHNOLOGY FUND TO THE CIPP FUND IN THE AMOUNT OF \$174,200 FOR THE RECORDS INFORMATION MANAGEMENT PROJECT AND AUTHORIZING THE EXPENDITURE THEREOF

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

[Ord 2125](#)

AN ORDINANCE AMENDING THE 2017 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE OF THE WATER ACQUISITION FUND IN THE AMOUNT OF \$1,787,850 FOR THE PURCHASE OF 4A WATER AND AUTHORIZING THE EXPENDITURE THEREOF

A motion was made by Council Member Amador, 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

10. Ordinances on 2nd Reading

[Z-939-17](#)

AN ORDINANCE REZONING FROM I-2 TO C-3 AND I-1 THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 5850 DAHLIA STREET, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

City Attorney Sheesley stated that upon reviewing the ordinance, as introduced on first reading, there was not a designation of the specific zone districts at each parcel of this property to be assigned. As a housekeeping measure, council was provided with a substitute ordinance.

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member McEldowney, to allow for the substitution of Exhibit A to correct and identify the zone districts of individual parcels.

VOTE: Unanimous; all present affirmed

A motion was made by Council Member McEldowney, seconded by Mayor Pro Tem Bullock, that this zoning ordinance be approved on second & final 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

11. Presentations

[Pres 17-71](#)

Smart Commute Metro North

Karen Stuart provided information on Smart Commute Metro North including formation, membership, funding sources, upcoming projects and participation at various events and festivals.

12. Administrative Council Business

City Manager McBroom offered a suggested date of April 5th for the next URA meeting.

Council indicated that three of them would not be able to participate in the April 5th meeting.

A motion was made by Council Member Carson, seconded by Council Member McEldowney, to direct the city attorney to prepare an ordinance limiting the time of city council meetings to four hours, subject to 15 minute extensions by majority vote of council. If the meeting cannot be concluded after two extensions, the meeting will continue on to Tuesday night.

Council conversation included: concern about rushing business to adjourn on a set time, concern about adding another meeting night and their effectiveness during late hour meetings.

A motion was made by Council Member Carson, seconded by Council Member McEldowney, to amend the previous motion to not limit the 15 minute extensions to two.

City Attorney Sheesley stated that the motion on the floor is to direct him to prepare an ordinance for council consideration for up to two potential opportunities to meet.

VOTE ON MOTION AS AMENDED: 4 aye, 5 nay (Amador, Teter, Ford, Bullock, Douglas)

A motion was made by Council Amador, seconded by Council Member Carson, to hold an executive session, pursuant to C.R.S. 24-6-402(4)(b), for the purpose of receiving legal advice on the application of Section 5.4 of the city charter with respect to the enactment of an emergency ordinance to temporarily suspend licensing of certain classes of marijuana businesses and the legal effect of such ordinance.

VOTE: 5 aye, 4 nay (Bullock, Carson, Diaz, Elliott)

City Attorney Sheesley stated that two-thirds of the quorum present is required to enter into executive session and therefore the motion failed.

A motion was made by Council Member Douglas, seconded by Council Member Elliott, to give staff direction to put an executive session, for the purpose of receiving legal advice on the application of Section 5.4 of the city charter with respect to the enactment of an emergency ordinance, on the March 20, 2017, agenda.

VOTE: 8 aye, 1 nay (Bullock)

Councilman Douglas asked if the concrete panels along the construction area of Highway 2 could be looked at.

17-12

Motion to cancel the study session of March 13, 2017

A motion was made by Council Member Carson, seconded by Mayor Pro Tem Bullock, to cancel the March 13, 2017, study session.

VOTE: Unanimous; all present affirmed

13. Reports

City Manager McBroom gave highlights of his weekly report sent to council earlier.

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

14. Adjourn

The meeting adjourned at 8:08 p.m.

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 Bauer, City Clerk

