



Meeting Minutes - Final

City Council

Monday, July 17, 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 July 17, 2017, at 6:05 p.m.

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Amador, to excuse Council Member McEldowney from this meeting.

VOTE: 8 aye, 1 excused (McEldowney)

Council Member McEldowney arrived shortly after this vote was taken.

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 17-16](#)

Proclamation recognizing Kate Kramer for service as Executive Director, Sand Creek Regional Greenway

City Attorney Sheesley read a proclamation recognizing Kate Kramer for her service as Executive Director of the Sand Creek Regional Greenway.

Ms. Kramer was on hand to accept the proclamation and to introduce the new executive director.

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

5. Citizen Communication

South Adams County Fire District Chief Kevin Vincel addressed council about their new response plan.

Daniela Golden, 11855 E. 114th Ave., expressed concerns regarding fireworks in the River Run Neighborhood.

Wes Atkins, 7620 E. 81st Ave., expressed concerns regarding neighborhood services actions.

State Senator Kerr introduced himself to council.

Guillermo Serna, 14122 E. 102nd Pl., addressed council regarding signage throughout the city and residences within Derby.

6. Approval of Minutes

[Min 17-29](#)

Meeting Minutes of May 15, 2017

A motion was made by Council Member Amador, seconded by Council Member Douglas, to allow Council Member Carson to abstain from voting on the minutes of May 15, 2017, because of her excused absence.

VOTE: 8 aye, 1 abstain (Carson)

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

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

Abstained: 1 - Council Member Carson

[Min 17-30](#)

Meeting Minutes of the May 22, 2017 Special Meeting

A motion was made by Council Member Carson, seconded by Council Member McEldowney, to allow Mayor Ford to abstain from voting on the minutes of the May 22, 2017, special meeting, because of his excused absence.

VOTE: 8 aye, 1 abstain (Ford)

A motion was made by Council Member Diaz, seconded by Mayor Pro Tem Bullock, that the minutes be approved. 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

Abstained: 1 - Mayor Ford

7. Consent Agenda

Council Member Douglas asked to remove Resolution 2017-54 from the consent agenda for further discussion and a separate vote.

A motion was made by Council Member McEldowney, seconded by Council Member Teter, that the consent agenda be approved as amended. 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

[Z-932-17](#) AN ORDINANCE REZONING FROM AG TO I-2 THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 10020 HAVANA STREET, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

[Ord 2127](#) AN ORDINANCE AMENDING SECTION 21-5214 OF THE CITY OF COMMERCE CITY LAND DEVELOPMENT CODE BY REMOVING THE SEPARATION REQUIREMENT BETWEEN LIQUOR STORES, TAVERNS, BEER AND WINE BUSINESSES ABSENT A USE BY PERMIT.

[Ord 2132](#) AN ORDINANCE AMENDING THE 2017 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT FUNDS IN THE AMOUNT OF \$50,000 FOR THE VETERAN'S MEMORIAL PARK MASTER PLAN AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 2135](#) AN ORDINANCE AMENDING THE 2017 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$9,000 FOR (DUI) ENFORCEMENT EFFORTS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 2136](#) AN ORDINANCE AMENDING THE 2017 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE OF THE COMMERCE CITY BRIGHTON SCHOOL DISTRICT USE TAX FUND (CCBSD) IN THE AMOUNT OF \$200,000 FOR HALF THE COST TO UPGRADE THE NATURAL SURFACE PLAYFIELD LOCATED AT REUNION ELEMENTARY AND AUTHORIZING THE EXPENDITURE THEREOF.

[Res 2017-51](#) RESOLUTION AUTHORIZING FOURTH AMENDMENT TO THE CONTRACT FOR CAPITAL PROGRAM AND PROJECT MANAGEMENT SERVICES

[Res 2017-54](#) RESOLUTION APPROVING A CONTRACT AMENDMENT FOR CAPITAL IMPROVEMENT PROGRAM PUBLIC INFORMATION SERVICES

Council Member Douglas asked if the city's communication division could take on this project in January 2018.

Director of External Affairs Halstead stated that an extension of this contract to the end of 2017 was previously approved. The communications division does not have the capacity to handle the communication for the remaining 2K Projects that will become very active by spring 2018 and believe that continuity in communication and marketing will be very important.

Council Member Douglas moved to reduce the amount of the contract price \$129,419 to \$109,419.

The motion was not seconded.

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member McElDowney, that this resolution be adopted. VOTE:

Aye: 8 - Mayor Ford, 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

[Res 2017-57](#) RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY

[Res 2017-58](#) RESOLUTION APPROVING CERTAIN CITY-OWNED PROPERTY'S EXCLUSION FROM THE SABLE ALTURA FIRE PROTECTION DISTRICT AND INCLUSION IN THE SOUTH ADAMS COUNTY FIRE PROTECTION DISTRICT.

[Res 2017-59](#) RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR 2017 SLURRY SEAL AND ASPHALT REPAIR PROJECT

[Res 2017-60](#) RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR 2017 MILL AND OVERLAY PROJECT

[Res 2017-61](#) RESOLUTION APPROVING THE PURCHASE OF TWO PUBLIC WORKS DEPARTMENT STREET SWEEPERS

[Res 2017-62](#) RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR THE NOVEMBER 7, 2017 COORDINATED MAIL BALLOT ELECTION

[Res 2017-68](#) RESOLUTION APPROVING CHANGE ORDER TO CONTRACT WITH FLATIRONS CONSTRUCTORS, INC. FOR TOWER ROAD WIDENING PROJECT, REGIONAL DRAINAGE IMPROVEMENTS

8. Public Hearings

[Res 2017-21](#) RESOLUTION APPROVING 2017 ANNUAL ACTION PLAN

Mayor Ford opened the public hearing for the 2016 Amended Action Plan and the 2017

Annual Action Plan.

CDBG Coordinator Steinberg gave a brief presentation on the two plans. Each year the city reaches out to the community to solicit project applications for CDBG funding. The proposed 2017 Action Plan identifies and prioritizes community development, economic development, and housing needs. Twelve projects were recommended for funding.

No one came forward to address council on the action plans and the public hearing was closed.

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.

[Res 2017-53](#)

RESOLUTION APPROVING 2016 ANNUAL ACTION PLAN AS AMENDED

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

[Res 2017-42](#)

RESOLUTION MAKING FINDINGS OF FACT BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY AND ITS CONCLUSION RELATIVE TO ELIGIBILITY OF ANNEXATION TO THE CITY OF COMMERCE CITY OF THE PROPERTY WITH PIN NO.172300000279 GENERALLY LOCATED NORTH OF E. 104TH AVENUE AND WEST OF CHAMBERS ROAD, COMMERCE CITY, COLORADO IN AN-245-17

Mayor Ford opened the public hearing.

Planning Manager Timms was sworn in by the city attorney and testified to the following findings of fact:

- a plan for the area has been adopted by city council*
- not less than 1/6th of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the city*
- a community of interest exists between the area proposed to be annexed and the city*
- the area is urbanized or will be urbanized in the near future*
- the area to be annexed is integrated or capable of being integrated with the city*
- all the owners of land to be annexed signed a petition for annexation*
- no other jurisdiction has commenced annexation proceedings*
- the proposed annexation will not result in the detachment of land from one school district and attachment to another school district*
- the annexation will not extend the boundaries of the city more than three miles in any direction in one year*

Mr. Timms stated that Shea Homes is seeking the annexation and rezoning of a 20-acre property located north and west of the King Soopers Marketplace at 104th and Chambers. Development plans for the property include medium density residential units.

A representative from Shea Homes was available to answer questions.

No one came forward to speak in favor or opposition of these cases and the public hearing was closed.

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.

[AN-245-17](#)

AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, GENERALLY LOCATED NORTH OF E. 104TH AVENUE AND WEST OF CHAMBERS ROAD (PIN: 172300000279), COMMERCE CITY, COLORADO

A motion was made by Council Member Amador, seconded by Council Member McEldowney, that this annexation 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

[Z-781-02-04-05-06-10-17](#)

AN ORDINANCE APPROVING THE REUNION PUD ZONE DOCUMENT AMENDMENT NO. 4

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

VOTE: Unanimous; all present affirmed

A motion was made by Council Member Teter, seconded by Council Member Carson, that this zoning 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. Resolutions

[Res 2017-63](#)

RESOLUTION APPROVING AMENDED AND RESTATED WATER RESOURCES AGREEMENT FOR PHASE 4A ERUS

Deputy City Manager Tinklenberg presented this item to council. Mr. Tinklenberg stated that council had discussed this topic in May of 2017. At that time, staff hoped, based on comments from the financial sector, that the city could use its water rights as collateral for the 4A water lease purchase; however, once the city submitted a formal RFP, they learned that the water rights could not be used as collateral. Council is being asked if they still want to purchase 4A water; and if so, do they support using the MSC as collateral.

Audience Input:

Guillermo Serna, 14122 E. 102nd Pl.

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 2134](#)

AN ORDINANCE AMENDING THE 2017 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 \$471,197 AND TRANSFERRING A PORTION OF THE UNENCUMBERED FUND BALANCE IN THE GENERAL FUND TO THE CIPP FUND IN THE AMOUNT OF \$305,561, TRANSFERRING \$42,310 FROM THE INFORMATION TECHNOLOGY FUND TO THE CIPP FUND, AND APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE IN THE NIGID FUND IN THE AMOUNT OF \$68,565; THE FLEET FUND IN THE AMOUNT OF \$47,517; URBAN RENEWAL AUTHORITY FUND IN THE AMOUNT OF \$102,248 AND THE POLICE DONATION FUND IN THE AMOUNT OF \$45,622 FOR A TOTAL AMOUNT OF \$1,083,020 AND AUTHORIZING THE EXPENDITURE THEREOF

Deputy City Manager Smith reviewed the list of reappropriation requests.

Council asked about position requests and the Chambers Road Bridge Project.

A motion was made by Council Member McEldowney, seconded by Council Member Elliott, 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 2130](#)

AN ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CITY PROPERTY AND THE EXECUTION AND DELIVERY BY THE CITY OF A SITE LEASE, A LEASE PURCHASE AGREEMENT AND OTHER FINANCING DOCUMENTS IN CONNECTION THEREWITH; SETTING FORTH PARAMETERS AND RESTRICTIONS WITH RESPECT TO THE FINANCING; RATIFYING ACTION PREVIOUSLY TAKEN CONCERNING THE REFERENCED TRANSACTIONS; AND PROVIDING OTHER MATTERS RELATING THERETO.

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

11. Ordinances on 2nd Reading

[Ord 2131](#)

AN ORDINANCE AMENDING SECTION 8-1104 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ELIMINATE STATE IMPOSED DISTANCE RESTRICTIONS

Audience Input

Guillermo Serna, 14122 E. 102nd Place

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

VOTE:

Aye: 6 - Council Member Carson, Council Member Teter, Mayor Pro Tem Bullock, Council Member McEldowney, Council Member Amador and Council Member Diaz

Nay: 3 - Mayor Ford, Council Member Elliott and Council Member Douglas

12. Presentations

[Pres 17-294](#)

CIPP Program Evaluation Criteria

Director of External Affairs Halstead gave a presentation with a draft of the CIPP Program evaluation criteria. Since 2015, council has established project evaluation criteria and CIPCAC has provided feedback on a variety of evaluation elements. Departments were asked to submit projects for consideration that spanned the 2018 - 2022 time period and requests were categorized by the program framework, resulting in submittals totaling more than \$200 million.

A motion was made by Council Member McEldowney, seconded by Council Member Carson, to formally support the CIPP Program evaluation criteria as presented.

VOTE: Unanimous; all present affirmed

13. Administrative Council Business

Council Member Douglas asked about the process for King Soopers Marketplace to obtain a liquor licensed drugstore license. He also asked for an economic development update.

A motion was made by Council Member Douglas, seconded by Mayor Pro Tem Bullock, to call for a special meeting on July 24, 2017, to ask for additional funding from E-470 for the Tower Road/Pena Boulevard ramp.

After discussion, the motion was rescinded.

A motion was made by Council Member Douglas, seconded by Council Member McEldowney, to submit a letter to E-470 asking for additional funding from E-470 for the Tower Road/Pena Boulevard ramp.

VOTE: Unanimous; all present affirmed

A motion was made by Council Member Carson, seconded by Council Member McEldowney, to schedule a study session topic of the use of illegal fireworks in the city.

VOTE: Unanimous; all present affirmed

[17-58](#)

Motion to appoint two members of City Council to serve as the council representatives on the Senior Commission.

City Manager McBroom asked council to appoint two members from amongst themselves to serve on the newly formed senior commission until their next organizational meeting.

A motion was made by Council Member McEldowney, seconded by Mayor Pro Tem Bullock, to appoint Council Members Carson and Teter to the senior commission to serve until the next organizational meeting.

VOTE: Unanimous; all present affirmed

14. Reports

City Manager McBroom highlighted items off his weekly report sent to council earlier.

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

15. Adjourn to NIGID Meeting

The meeting adjourned at 9:25 p.m.

Respectfully Submitted By:

Laura Bauer, City Clerk