



Commerce City

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

City Council

Monday, May 21, 2018

6:00 PM

Council Chambers

Regular Meeting

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 May 21, 2018, at 6:00 p.m.

A motion was made by Council Member Douglas, seconded by Council Member Huseman, to excuse Council Member Elliott from tonight's meeting.

VOTE: 8 aye, 1 excused (Elliott)

A motion was made by Council Member Douglas, seconded by Council Member Huseman, to amend the agenda to move citizen communication before the executive session.

VOTE: 3 aye, 5 nay (Madera, Frank, Teter, Guardiola, Ford), 1 excused (Elliott)

Present: 8 - Mayor Sean Ford , Mayor Pro Tem Rick A. Teter, Council Member Steven J. Douglas, Council Member Paolo Diaz, Council Member Benjamin Huseman, Council Member Jose Guardiola, Council Member Nicole Frank and Council Member Oscar Madera

Excused: 1 - Council Member Crystal Elliott

2. Presentation

[Pres 18-87](#)

Oil and Gas Presentation

Community Development Director Cramer gave a brief overview of oil and gas activities and regulatory processes at the state and city levels. The city has received spacing application notifications; however, no oil and gas permits have been submitted to the city.

City Attorney Sheesley provided a legal overview of oil and gas regulations within the state.

3. Executive Session

A motion was made by Council Member Douglas, seconded by Council Member Diaz, to move the executive session after citizen communication.

VOTE: 6 aye, 2 nay (Madera, Teter), 1 excused (Elliott)

[18-32](#)

An executive session pursuant to CRS 24-6-402(4)(a, b, and e) to receive legal advice and to determine positions relative to matters that may be subject to negotiations with regard to oil and gas development and regulation.

A motion was made by Council Member Huseman, seconded by Mayor Pro Tem Teter, to enter into executive session, pursuant to CRS 24-6-402(4)(a, b and e), to receive legal advice and to determine positions relative to matters that may be subject to negotiations with regard to oil and gas development and regulation. VOTE:

Aye: 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 1 - Council Member Elliott

4. Pledge of Allegiance

The Pledge of Allegiance was recited.

5. Audience Introduction

The audience introduced themselves.

6. Proclamations and Recognitions

[18-31](#)

Recognition of local Daniels Fund Scholarship recipients

Daniels Fund Representatives recognized five Commerce City Youth as scholarship recipients. Three of the scholarship recipients were in attendance.

[18-42](#)

GFOA Award Recognition

The mayor and council presented finance staff with the Government Finance Officers Association Distinguished Budget Award.

A motion was made by Council Member Douglas, seconded by Mayor Pro Tem Teter, to move citizen communication before the proclamations.

VOTE: 8 aye, 1 excused (Elliott)

[Proc 18-11](#)

Proclamation declaring May 20-26, 2018, as Public Works Week in Commerce City

City Attorney Sheesley read a proclamation declaring May 20-26, 2018, as Public Works Week in Commerce City.

Department staff were on hand to accept the proclamation.

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Douglas, that this proclamation be approved. VOTE:

Aye: 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 1 - Council Member Elliott

[Proc 18-12](#)

Proclamation recognizing the Deaguero Family of Commerce City

City Attorney Sheesley read a proclamation recognizing the Deaguero Family.

The family was on hand to accept the proclamation.

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Madera, that this proclamation be approved. VOTE:

Aye: 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 1 - Council Member Elliott

[Proc 18-15](#)

Proclamation declaring May 2018 as Mental Health Month

City Attorney Sheesley read a proclamation declaring May 2018 as Mental Health Month.

A Community Reach Center representative was on hand to accept the proclamation.

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Madera, that this proclamation be approved. VOTE:

Aye: 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 1 - Council Member Elliott

7. Citizen Communication

Maria Zubia and student representatives of Kids First Health Care asked council to take action to make the streets around Kearney Middle School safe for students.

The following individuals spoke in opposition to fracking:

*Brandy Nichols, 11840 Jasper St.
Ron Woodfan, 10536 Unity Pkwy.
Steve and Stella Strock, 16280 E. 115th Ave.,
Kellye Trujillo, 16464 E. 117th Ave.
Susan Good, 17938 E. 105th Ave. Unit D
Susan Noble, 10642 Olathe St.
Dan Leftwich, attorney
Phil Doe, Littleton,
Tamara Graff, 15862 E. 107th Ave.
Perry Silvey, 10487 Ouray St.
Derek Seifried, 12411 E. 106th Pl.
Theresa Eskridge, 01553 Joplin St.*

Stephanie Silvey, 10487 Ouray St.
Guillermo Serna, 14122 W. 102nd Pl.
Barbara Mills, Lakewood
Cherwin Chung, 17937 E. 104th Wy #D
Don Meyers,

Ryan Seastrom, COGA Community Outreach Coordinator, invited council to use them as a resource.

Other:

Glen Murray, 11010 Havana St., stated that he doesn't agree with 20' buffer for weed mitigation on large properties

Jacob Wilson, 10618 Vaughn Wy., believes that public officials should be paid minimum wage

Girl Scout Troop #2042, asked council for a flashing light and painted crosswalk at 100th & Chambers.

A motion was made by Council Member Teter, seconded by Council Member Huseman to direct staff to hold a study session regarding the Girl Scout Troop's request.

VOTE: 8 aye, 1 excused (Elliott)

8. Approval of Minutes

[Min 18-44](#)

Meeting Minutes of March 5, 2018

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Madera, that the minutes be approved. VOTE:

Aye: 7 - Mayor Ford, Mayor Pro Tem Teter, Council Member Douglas, Council Member Diaz, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 1 - Council Member Elliott

Abstained: 1 - Council Member Huseman

[Min 18-46](#)

Meeting Minutes of April 16, 2018

A motion was made by Council Member Guardiola, seconded by Mayor Pro Tem Teter, that the minutes be approved. VOTE:

Aye: 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 1 - Council Member Elliott

9. Consent Agenda

A motion was made by Council Member Madera, seconded by Mayor Pro Tem Teter, that the consent agenda be approved as presented. VOTE:

Aye: 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 1 - Council Member Elliott

- [Res 2018-37](#) RESOLUTION APPROVING GRANT OF ACCESS EASEMENT TO FAIRMOUNT CEMETERY COMPANY
- [Res 2018-43](#) RESOLUTION APPROVING FEDERAL LANDS ACCESS PROGRAM AND FEDERAL LANDS TRANSPORTATION PROGRAM PROJECT MEMORANDUM OF AGREEMENT AND AUTHORIZING THE EXPENDITURE OF FUNDS
- [Res 2018-45](#) RESOLUTION APPROVING SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING SERVICES WITH HDR ENGINEERING, INC. FOR THE TOWER ROAD WIDENING PROJECT
- [Res 2018-46](#) RESOLUTION APPROVING TERMS FOR THE PREPAYMENT OF THE CITY'S LOAN TO THE BUFFALO HIGHLANDS METROPOLITAN DISTRICT FOR THE CONSTRUCTION OF 96TH AVENUE AND AUTHORIZING ACTIONS RELATED THERETO
- [Ord 2160](#) AN ORDINANCE CREATING SECTION 12-2011 OF THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING ENTRANCE UPON CLOSED PUBLIC GROUNDS

10. Ordinances on 1st Reading

- [Ord 2167](#) AN ORDINANCE AMENDING THE 2018 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$4,500 FOR DUI ENFORCEMENT EFFORTS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

Aye: 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

Excused: 1 - Council Member Elliott

11. Presentations

[Pres 18-08](#)

Anythink Library Update

Library Director Pam Sandian-Smith appeared before council. She stated that the district is on their third strategic plan since 2006. The district plans to place a mill levy question on the November 2018 ballot.

[Pres 18-41](#)

Annual Senior Advisory Committee Presentation

Members of the Senior Advisory Committee reported completing 13 action items identified in 2017, and provided highlights of their 2018 goals.

[Pres 18-63](#)

North Metro Smart Commute's Pilot Bike Share Program

This presentation will be rescheduled at a later date.

[Pres 18-71](#)

2018 Garbage & Recycling Program Overview

Waste Management Representative Tony Howard addressed council. Mr. Howard stated that Commerce City recycled 3,579 tons of recyclables in 2017; however, 998 tons were actually trash that equals 27.9% of contamination. Waste Management would like that percentage down to about 10%.

[Pres 18-72](#)

Parks Division - Trails Update

Parks Planning & Operations Manager Mike Brown presented a trail update to council. City Council adopted the Prairie Ways Action Plan in 1999. This plan set forth the master plan for parks, trails and open space in the northern part of the city. Existing trails include: Second Creek Trail, Rocky Mountain Arsenal National Wildlife Refuge Perimeter Trail and multi-use paths. The next phase of planning is to create a loop trail with connectivity to the Bison Ridge Recreation Center.

12. Administrative Council Business

A motion was made by Council Member Huseman, seconded by Mayor Pro Tem Teter, to authorize the mayor's signature on a letter of support of Spaceport Colorado Programmatic Environmental Assessment.

VOTE: 8 aye, 1 excused (Elliott)

A motion was made by Council Member Huseman, seconded by Mayor Pro Tem Teter, to authorize the mayor to sign a letter requesting Governor Hickenlooper veto SB 18-203.

VOTE: 8 aye, 1 excused (Elliott)

A motion was made by Council Member Huseman, seconded by Mayor Pro Tem Teter, to provide sponsorship funding in the amount of \$500 to 27J Education Foundation.

VOTE: 8 aye, 1 excused (Elliott)

A motion was made by Council Member Huseman, seconded by Council Member Douglas, to direct the city attorney and staff to prepare an ordinance for a six-month

moratorium on drilling and extraction operations in Commerce City for presentation at the June 4th city council meeting for discussion and consideration.

VOTE: 7 aye, 1 nay (Madera), 1 excused (Elliott)

A motion was made by Council Member Huseman, seconded by Council Member Diaz, to approve Commerce City joining amicus brief in the Martinez lawsuit.

VOTE: 6 aye, 2 nay (Madera, Teter), 1 excused (Elliott)

[18-49](#)

Discuss donation to the Steve Hogan Memorial Fund

A motion was made by Council Member Huseman, seconded by Mayor Pro Tem Teter to donate \$500 to the University of Denver's Steven D. Hogan Scholarship Fund in memory of Aurora Mayor Steven Hogan.

VOTE: 8 aye, 1 excused (Elliott)

This Administrative Business was discussed and closed

13. Reports

City Manager McBroom stated that his weekly reports will be provided midweek at the request of council.

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

14. Adjourn

The meeting adjourned at 11:04 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