



Meeting Minutes - Final

City Council

Monday, March 5, 2018

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 March 5, 2018, at 6:00 p.m.

Present: 9 - Mayor Sean Ford, Mayor Pro Tem Rick A. Teter, Council Member Crystal Elliott, 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

2. Executive Session

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Madera, to enter into an executive session, pursuant to CRS 24-6-402(4)(b), for the purpose of receiving legal advice, relative to ethics and public official liability laws, and pursuant to CRS 24-6-402(4)(b) and (e), for the purpose of receiving legal advice, developing strategy for negotiations, and instructing negotiators concerning noise issues arising out of the 1988 IGA with the City and County of Denver. VOICE VOTE: Unanimous, all present affirmed.

[18-02](#)

Executive session pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice relative to ethics and public official liability laws.

[18-19](#)

An executive session pursuant to CRS 24-6-402(4)(b) and (e) for the purpose of receiving legal advice, developing strategy for negotiations, and instructing negotiators concerning noise issues arising out of the 1988 IGA with the City and County of Denver.

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Audience Introduction

The audience introduced themselves.

5. Citizen Communication

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Douglas, to amend the agenda to hear an administrative council business matter before citizen communication.

VOTE: Unanimous; all present affirmed

Council Member Huseman believes the level of service provided by the public works department doesn't meet the level of service of privatized public works services provided in other Colorado communities. He believes the city can save between \$500,000 to \$1 million by privatizing public works services, with the exception of engineering.

A motion was made by Council Member Huseman, seconded by Council Member Frank, to direct the city manager to evaluate and present to council, options for contracting public works services.

VOTE: 2 aye, 7 nay (Madera, Diaz, Teter, Ford, Douglas, Elliott, Guardiola)

Dennis Davenport appeared on behalf of AFSCME and spoke in opposition to privatization of city services.

Cheryl Hutchinson appeared on behalf of AFSCME and spoke in opposition to privatization of city services.

Shalisa Hazelett, no address given, asked council to consider legalizing backyard chickens.

Donald Austin appeared on behalf of Suncor to inform council of upcoming maintenance operations and extended an invitation to council to come and tour the facility.

Serena DeVivo, no address given, asked for council permission to do a community mural at the skatepark in Frontier Park.

John Lucero, public works employee, spoke in opposition to privatization of city services.

6. Consent Agenda

A motion was made by Council Member Madera, seconded by Mayor Pro Tem Teter, to approve the consent agenda as presented. ROLL CALL VOTE:

Aye: 9 - Mayor Ford, Mayor Pro Tem Teter, Council Member Elliott, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

[Res 2018-11](#)

RESOLUTION APPROVING THE USE OF OFF-HIGHWAY VEHICLES BY THE COMMERCE CITY POLICE DEPARTMENT

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

VOTE: Unanimous; all present affirmed

[Res 2018-13](#)

RESOLUTION APPROVING GRANT OF EASEMENT TO SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT

[Res 2018-15](#)

RESOLUTION AUTHORIZING AMENDMENT OF MUNICIPAL JUDGE

AGREEMENT AND APPOINTMENT

[Res 2018-17](#)RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS
AND COMMISSIONS OF COMMERCE CITY**7. Public Hearings**

Mayor Ford opened the public hearing on Resolution 2018-09 and Zoning Ordinance Z-898-18.

Planner Martinelli presented the cases. The applicant, Jesse Aragon, is applying to subdivide a 6.9 acre lot into two smaller lots in the Irondale Neighborhood and rezone the parcels from I-2 and R-1 to PUD for industrial uses. The original Irondale Subdivision was platted in 1889 with 25' lots intended for residential use. There was little development within the subdivision until the 1970s. Part of the subdivision will include a 30' right-of-way dedication to the city. The planning commission held a public hearing on February 6, 2018, and voted unanimously to forward the case to council with one condition.

Attorney David Foster appeared on behalf of the applicant. Mr. Foster stated that there were a number of issues addressed before this was presented to council. The property has been used, as it is used today, since 1987. The PUD will allow for the on site uses to be conforming and drainage improvements are planned.

Michael Aragon, applicant, appeared before council to answer any questions.

Public comment:

Jim Parent, 8600 Verbena

Council expressed concern that past applicants were required to provide public improvements; however, this applicant is not being required to do so.

There was no further testimony and the public hearing was closed.

[Res 2018-09](#)RESOLUTION APPROVING SUBDIVISION PLAT IN CASE #S-652-18
RESOLUTION #2018-09

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Frank, to accept the findings and recommendations of the planning commission.

VOTE: Unanimous; all present affirmed

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

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

Nay: 1 - Council Member Guardiola

[Z-898-18](#)AN ORDINANCE AMENDING THE ZONING ORDINANCE AND
ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO FOR

REZONING TO PUD ZONE DISTRICT AND APPROVING A PUD ZONE DOCUMENT FOR THE PROPERTIES DESCRIBED IN EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF LOCATED AT 8470 AND 8510 EAST 86TH AVENUE, COMMERCE CITY, COLORADO.

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Diaz, to approve the recommendations of the planning commission on Case Z-898-18 with the change to the development plans of February 14, 2018.

VOTE: Unanimous; all present affirmed

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

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

Nay: 1 - Council Member Huseman

8. Ordinances on 1st Reading

[Ord 2156](#)

AN ORDINANCE AMENDING ARTICLE X OF CHAPTER 20 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO IMPOSE A VOTER-APPROVED EXCISE TAX ON THE WHOLESALE TRANSFER OF MARIJUANA AND MARIJUANA PRODUCTS TO SUPPORT PUBLIC SAFETY AND MODIFYING THE DEFINITIONS AND ADMINISTRATIVE PROVISIONS CONTAINED THEREIN

Council Member Huseman stepped out right before the vote.

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 Elliott, Council Member Douglas, Council Member Diaz, Council Member Guardiola, Council Member Frank and Council Member Madera

Abstained: 1 - Council Member Huseman

[Ord 2157](#)

AN ORDINANCE REENACTING AND RATIFYING ORDINANCE 2134 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.

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

Aye: 9 - Mayor Ford, Mayor Pro Tem Teter, Council Member Elliott, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

[Ord 2162](#)

AN ORDINANCE CREATING SECTION 11-2104 OF THE COMMERCE CITY TRAFFIC CODE REGARDING PERSONS REMAINING IN MEDIANS.

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

Aye: 9 - Mayor Ford, Mayor Pro Tem Teter, Council Member Elliott, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

[AN-245-17A](#)

AN ORDINANCE REENACTING AND RATIFYING ORDINANCE AN-245-17 APPROVING 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 Frank, seconded by Council Member Madera, that this annexation ordinance be introduced by council as seated and approved on first reading. VOTE:

Aye: 9 - Mayor Ford, Mayor Pro Tem Teter, Council Member Elliott, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

[Z-781-02-04-05-06-10-17-18-A](#)

AN ORDINANCE REENACTING AND RATIFYING ORDINANCE Z-781-02-04-05-06-10-17 approving the REUNION PUD ZONE DOCUMENT AMENDMENT NO. 4.

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

Aye: 9 - Mayor Ford, Mayor Pro Tem Teter, Council Member Elliott, Council Member Douglas, Council Member Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

9. Administrative Council Business

Council Member Diaz asked to be replaced on the Senior Commission because of scheduling conflicts.

There were no volunteers at this time.

Council Member Douglas requested follow up to his previous request to study opening the recreation center 1/2 hour earlier and closing 1/2 hour later.

City Manager McBroom stated that the issue was brought up at the last budget retreat in August, and the decision was to wait until after the new recreation center is open and all staffing is in place.

Council Member Frank asked for council support for the formation of a C3 University for residents to learn about the inner workings of city operations. Mayor Ford stated that he would rather see Leadership Academy expanded. Council Member Douglas would like to see a study session regarding some type of bootcamp on what citizens can and can't do within the city. Mayor Ford suggested that Council Member Frank and Council Member Douglas work with Director of External Affairs Halstead and other administrative staff to try to put together an outline of what they are talking about and then council could have a broader discussion at a future study session.

Mayor Ford asked that council be apprised of the public improvement process.

10. Reports

City Manager McBroom highlighted items off his weekly report.

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

11. Adjourn

The meeting adjourned at 8:23 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