



Commerce City

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

City Council

Monday, April 2, 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 April 2, 2018, at 6:00 PM.

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 Guardiola, to enter into executive session, pursuant to CRS 24-6-402(4)(e) for the purpose of developing strategy for negotiations with the City of Brighton regarding boundary issues, and pursuant CRS 24-6-402(4)(e) for the purpose of developing strategy for negotiations with Kroenke Sports Enterprises regarding facility use. VOTE:

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

[18-28](#)

Executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of developing strategy for negotiations with the City of Brighton regarding boundary issues.

[18-29](#)

Executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of developing strategy for negotiations with Kroenke Sports Enterprises regarding facility use.

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Audience Introduction

The audience introduced themselves.

5. Proclamations and Recognitions

[18-14](#)

ACMCYA 2018 Recognition of Commerce City Youth

Mayor and Council recognized the following Commerce City youth:

Sophia DeFiore

Xavier Garcia

Kennedi Laubert

Angela Lopez

Dino (DJ) Rivera

Bryan Rodriguez

Vance Vasquez

[18-24](#)

Recognition of Adams City High School Student Council, School District for Make-A-Wish Project

Mayor and Council recognized Adams City High School Student Council for their Make-A-Wish project.

[Proc 18-06](#)

Proclamation for Child Abuse Prevention Month

City Attorney Sheesley read a proclamation declaring the month of April 2018 as Child Abuse Prevention Month.

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

[Proc 18-09](#)

Proclamation for Sexual Assault Awareness Month

City Attorney Sheesley read a proclamation declaring the month of April 2018 as Sexual Assault Awareness Month. Deputy Chief Moon and members of the victims advocate unit were on hand to accept the proclamation.

A motion was made by Council Member Guardiola, seconded by Council Member Huseman, that this proclamation be approved. VOICE VOTE: Unanimous, all present affirmed.

[Proc 18-10](#)

Proclamation for National Crime Victims Rights Week

City Attorney Sheesley read a proclamation declaring the week of April 8-14, 2018 as National Victims Rights Week. Deputy Chief Moon and members of the victims advocate unit were 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. VOICE VOTE: Unanimous, all present affirmed.

6. Citizen Communication

Jonathan Cardinas, 1134 SW Harris St, spoke on police officer workplace death and suicide rates and the mural in remembrance and appreciation of police officers. He invited council to attend a benefit dinner.

Oil & Gas:

Tamara Graff, 15862 E. 107th Ave

*Perry Silvy, 10487 Ourray St.
Carly Seller, 10564 Joplin St.
Linn Berlin, 15892 E. 107th Ave.*

A motion was made by Council Member, Douglas, seconded by Council Member Huseman, to direct staff to create an oil and gas informational subpage on the city's website.

VOTE: Unanimous, all present affirmed.

Rene Bullock, 6130 Ivanhoe St, came before council representing Sand Creek Regional Greenway, and asked council to purchase tickets for the May 8 benefit dinner.

A motion was made by Council Member Huseman, seconded by Mayor Pro Tem Teter, to purchase 20 tickets for the Sand Creek Regional Greenway Benefit Dinner.

VOTE: Unanimous, all present affirmed.

7. Consent Agenda

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Guardiola, to approve the consent agenda as amended. 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 2018-12](#) RESOLUTION AUTHORIZING THE SERVICE AND CONSUMPTION OF ALCOHOL AT RECREATION CENTERS AND THE ESTABLISHMENT OF RULES RELATED THERETO

[Res 2018-27](#) RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT FOR EDUCATION ACCESS PROGRAMMING WITH ADAMS COUNTY SCHOOL DISTRICT 14

[Res 2018-20](#) RESOLUTION AUTHORIZING AMENDMENT TO PARKS DIVISION PGW/ROW MAINTENANCE CONTRACT

[Res 2018-26](#) RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR CITYWIDE CUSTODIAL SERVICES TO TOWN AND COUNTRY DEVELOPMENT CORPORATION

Council Member Douglas asked to remove Resolution 2018-26 for further discussion. He would like the service to be provided in-house.

A motion was made by Council Member Douglas, seconded by Council Member Madera, that this resolution be adopted. VOICE VOTE: Unanimous, all present affirmed.

[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

[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.

[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.

[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.

[Ord NIGID 163](#)

AN ORDINANCE REENACTING AND RATIFYING ORDINANCE NIGID 158 INCLUDING CERTAIN LANDS INTO THE CITY OF COMMERCE CITY NORTHERN INFRASTRUCTURE GENERAL IMPROVEMENT DISTRICT

Ordinance NIGID 163 was placed on the agenda erroneously. The ordinance will be voted on by the NIGID Board.

[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.

Council Member Huseman asked about the status of the public improvement agreements for the surrounding properties.

City Manager McBroom responded that staff is currently working on it.

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Madera, to pass Ordinance Z-898-18 on second and final reading.

VOTE: 4 - Aye, 5 - Nay (Ford, Douglas, Huseman, Guardiola, Frank)

A motion was made by Council Member Diaz, seconded by Mayor Pro Tem Teter, to enter into an executive session CRS 24-6-402(4)(b) for the purpose of receiving legal advice.

VOTE: Unanimous, all present affirmed.

A motion was made by Council Member Huseman, seconded by Council Member Guardiola, to reconsider Ordinance Z-898-18.

VOTE: Unanimous, all present affirmed.

A motion was made by Council Member Teter, seconded by Council Member Madera, that this zoning ordinance be continued to April 16. 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.

8. Public Hearings

[Res 2018-22](#)

RESOLUTION APPROVING SUBDIVISION PLAT IN CASE #S-697-18

Mayor Ford opened the public hearing on Resolution 2018-22 and Ordinance Z-947-18.

Planner Brad Callendar presented the case. The applicant, M.J. Cassutt Architects, P.C., is requesting to subdivide the property at 6091 Dexter Street into two lots and rezone the property from I-3 to C-3 for a proposed dental office and parking. The planning commission held a public hearing on the matter on March 6, 2018 and voted unanimously to forward the case to council with a favorable recommendation.

Michael Cassutt appeared on behalf of the applicant.

Mayor Ford closed the public hearing.

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

VOTE: Unanimous, all present affirmed.

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

Z-947-18

AN ORDINANCE REZONING FROM I-3 TO C-3 THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 6091 DEXTER STREET, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Madera, 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 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-950-18

AN ORDINANCE REZONING FROM AG TO I-1 THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT THE SOUTHWEST CORNER OF EAST 88TH AVENUE AND WILLOW STREET (PIN:0172128101005) COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

Mayor Ford opened the public hearing on Ordinance Z-950-18.

Planner Brad Callendar presented the case. The applicant, Baseline Engineering, is seeking to rezone the property located at the southwest corner of East 88th Avenue and Willow Street, from AG to I-1, in order to improve the marketability of the site.

Corey Miller appeared on behalf of the applicant.

Mayor Ford closed the public hearing.

A motion was made by Council Member Teter, seconded by Council Member Huseman, 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 Frank, that this 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 Diaz, Council Member Huseman, Council Member Guardiola, Council Member Frank and Council Member Madera

Nay: 1 - Council Member Douglas

9. Resolutions

[Res 2018-24](#)

RESOLUTION IN SUPPORT OF PUBLIC ART INSTALLATIONS FOR THE EAGLE POINTE RECREATION CENTER

The cultural council president and public art consultant gave a presentation on the public art installation at the Eagle Pointe Recreation Center.

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

10. Ordinances on 1st Reading

[Ord 2165](#)

AN ORDINANCE AMENDING SECTION 12-5006 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ALLOW THE PERMITTED POSSESSION OF OPEN CONTAINERS CONTAINING FERMENTED MALT BEVERAGES AND VINOUS LIQUORS IN CITY RECREATION FACILITIES

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Huseman, 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

11. Administrative Council Business

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Madera, to allow Mayor Pro Tem Teter to vote yes on the DRCOG TIF plan.

VOTE: Unanimous, all present affirmed.

Council Member Guardiola requested staff increase the frequency of consent agenda items on study session agendas prior to regular meeting agendas to allow for more discussion.

Council Member Douglas brought to the attention of council the Home the Homeless Foundation and that he would be presenting on the foundation at the April 16 meeting.

12. Reports

City Manager McBroom highlighted items off his weekly report.

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

13. Adjourn

The meeting adjourned at 6:24 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:

Dylan A. Gibson, Deputy City Clerk