



Commerce City

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

City Council

Monday, April 1, 2019

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 April 1, 2019, at 6:00 PM.

A motion was made by Council Member Huseman, seconded by Council Member Guardiola, to excuse Council Member Douglas from the meeting. VOTE: 8 - Aye, 1 - Excused (Douglas)

Present: 8 - Mayor Sean Ford , Mayor Pro Tem Rick A. Teter, Council Member Oscar Madera, Council Member Nicole Frank, Council Member Steve Davis, Council Member Benjamin Huseman, Council Member Crystal Elliott and Council Member Jose Guardiola

Excused: 1 - Council Member Steven J. Douglas

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Audience Introduction

The audience introduced themselves.

4. Proclamations and Recognitions

[Proc 19-02](#)

Proclamation Declaring April 2019 as Sexual Assault Awareness Month in Commerce City

The city attorney read the proclamation. The mayor and council came forward for a photograph with the victim services division staff members.

A motion was made by Council Member Huseman, seconded by Council Member Davis, that this proclamation be approved. VOTE:

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

Excused: 1 - Council Member Douglas

[Proc 19-03](#)**Proclamation Declaring April 7-13, 2019 as National Crime Victims' Rights Week in Commerce City**

The city attorney read the proclamation. The mayor and council came forward for a photograph with the victim services staff members.

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

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

Excused: 1 - Council Member Douglas

[Proc 19-04](#)**Proclamation Declaring April 19, 2019 as Arbor Day in Commerce City and Tree City USA Award Recognition**

The city attorney read the proclamation.

Nancy Klasky from the Colorado State Forest Service presented the city with the 2019 Tree City USA award. The mayor and council came forward for a photograph with Ms. Klasky and parks, recreation, and golf staff.

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

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

Excused: 1 - Council Member Douglas

5. Citizen Communication

Tom Green, representing United Power, 500 Cooperative Way, Brighton, extended an invitation to council and residents who are United Power customers to attend their annual meeting on April 17, 2019.

Troy Whitmore, and Shontel Lewis, representing RTD Districts K and B, respectively, came before council to announce that the G Line will open on April 26. The N Line is currently testing, will be using horns at all crossings through Commerce City during testing, and hopes to open in the first quarter of 2020. Ms. Lewis gave council an update on the RTD board composition and hopes to discuss improving equitable access of public transit with council in the future.

Debra Bullock, 6130 Ivanhoe Street, invited council to the historical society's annual reception. They will be honoring Tim Moore, Betty Peppin, Kids First Healthcare, United Power, and parks, recreation, and golf staff at the reception.

Vicki Ketler, 15722 E 107th Ave, came before council to make them aware of the Extraction Oil and Gas mega-drilling application, her and other residents' efforts to protest the application, and asked the city for assistance in their efforts to protest the application.

6. Consent Agenda

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

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

Excused: 1 - Council Member Douglas

[Min 19-33](#) Minutes of February 4, 2019

[Min 19-34](#) Minutes of March 4, 2019

[Min 19-36](#) Minutes of March 18, 2019

[Ord AN-250-19](#) AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, GENERALLY LOCATED AT THE SE CORNER OF BUCKLEY RD & E 88TH AVE. COMMERCE CITY, COLORADO.

[Ord 2198](#) AN ORDINANCE AMENDING THE 2019 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$15,000.00 FOR DUI ENFORCEMENT EFFORTS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 2204](#) AN ORDINANCE AMENDING THE 2019 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE BULLETPROOF VEST PARTNERSHIP GRANT FUNDS IN THE AMOUNT OF \$14,000.00 FOR THE BULLETPROOF VEST PROGRAM IN THE POLICE DEPARTMENT AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 2205](#) AN ORDINANCE AMENDING THE 2019 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$5,580.00 FOR CLICK IT OR TICKET EFFORTS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Res 2019-37](#) RESOLUTION AUTHORIZING INTERGOVERNMENTAL AGREEMENT REGARDING ESTABLISHING THE ADAMS COUNTY COMMUNICATIONS CENTER AUTHORITY

[Res 2019-38](#) RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR RTD STATION AREA IMPROVEMENTS -72ND AVENUE AND COLORADO BLVD PROJECT

[Res 2019-39](#) RESOLUTION AMENDING COUNCIL POLICY #CP-21 REGARDING FILLING OF COUNCIL VACANCIES

[Z-945-17-19](#) 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 PROPERTY DESCRIBED IN EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF GENERALLY LOCATED ON THE SOUTHEAST CORNER OF BUCKLEY ROAD AND E. 88TH AVENUE FROM ADCO (UNINCORPORATED ADAMS COUNTY) TO PUD (PLANNED UNIT DEVELOPMENT).

7. Public Hearings

[Res 2019-19](#) RESOLUTION APPROVING THE NEXUS NORTH AT DIA METROPOLITAN DISTRICT SERVICE PLAN AND THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE DIA METROPOLITAN DISTRICT IN CASE MD-108-19

Mayor Ford opened the public hearing.

Jenny Axmacher, city planner, presented on the metro district service plan and the intergovernmental agreement. Ms. Axmacher provided an overview of the metro district make up, proposed financial plan, debt limit and levies proposed in the district, and stated that the service plan meets state statute criteria.

Brock Chapman, representing Schuck Properties, clarified the service plan is consistent with the Nexus North PUD approved on the consent agenda earlier, and that the district will only consist of commercial properties.

Elisabeth Cortese, legal counsel for the metro district, stated the bonds only go to public improvements. Council Member Madera asked for clarification on why the bond proceeds made up almost one third of the capital improvements fund. Ms. Cortez clarified that those bond proceeds would all go to public improvements and not private improvements.

Mayor Ford closed the public hearing.

A motion was made by Council Member Huseman, seconded by Council Member Davis, that this resolution be adopted. VOTE:

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

Excused: 1 - Council Member Douglas

CU-121-19

CU-121-19: Conditional Use Permit to allow mulch pile storage up to 25' in height for the property located at 9109 Monaco Street.

Mayor Ford opened the public hearing.

Mayor Ford stated that there was a request to continue the public hearing to May 6, 2019 by the applicant.

Erin Verneris, 5407 S United Way, representing applicant A1 Organics, stated there was additional materials they would like entered into the record for council's review before making a decision. Ms. Verneris also stated that they would like to continue the public hearing in order for the property owner to be present at the public hearing.

For the record the applicant provided a written submission to continue the public hearing and the additional materials mentioned previously.

Council Member Huseman wanted clarification on how long the applicant had to submit the materials. City attorney Sheesley stated the applicant tried to submit the materials the previous Wednesday.

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Davis, to continue the public hearing to May 6, 2019. Council Member Guardiola asked if Mayor Pro Tem Teter would amend his motion to send the additional materials back to the planning commission for review. Mayor Pro Tem Teter and Council Member Davis agreed to amend the motion. City Attorney Sheesley clarified the original motion needed to be withdrawn and a new motion made.

Mayor Pro Tem Teter withdrew his motion.

Council Member Huseman stated he was against the motion as he believes the applicant had sufficient time to submit the additional materials and the continuation was not fair to the residents who were in attendance to speak on the matter and would have to return again at a later date.

Council Member Davis agreed with Council Member Huseman but wants time to review the additional materials before making a decision.

Mayor Ford closed the public hearing.

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Davis, to send the additional materials provided by the applicant to the planning commission for review and to make a new recommendation to the council and for council to reconsider the matter at a later date.

Aye: 5 - Mayor Ford, Mayor Pro Tem Teter, Council Member Frank, Council Member Davis and Council Member Elliott

Nay: 3 - Council Member Madera, Council Member Huseman and Council Member Guardiola

Excused: 1 - Council Member Douglas

8. Ordinances on 1st Reading

[Ord 2202](#)

AN ORDINANCE AUTHORIZING THE LEASE OF EQUIPMENT AND THE EXECUTION BY THE CITY OF A MASTER LEASE AGREEMENT WITH DEERE CREDIT, INC. AND RELATED DOCUMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED SCHEDULES; SETTING FORTH PARAMETERS AND RESTRICTIONS; AND PROVIDING FOR OTHER RELATED MATTERS.

Council Member Madera asked if the equipment would be better for the city to own rather than to lease.

Matt Thomason clarified that the lease option was more optimal for the city's because leasing the equipment reduced maintenance costs, the leases for the current equipment was ready to be renewed, and the budget did not have the funds to purchase the equipment outright.

Council Member Huseman asked if other companies submitted quotes. Mr. Thomason stated that the city used the Sourcewell Cooperative purchase collaborative to procure the equipment and not a bidding process.

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: 8 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis, Council Member Huseman, Council Member Elliott and Council Member Guardiola

Excused: 1 - Council Member Douglas

[Ord 2207](#)

AN ORDINANCE AMENDING SECTION 21-7238 OF THE LAND DEVELOPMENT CODE PROVIDING FOR MINOR MODIFICATIONS RELATING TO OFF-STREET PARKING REQUIREMENTS

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Madera, 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 Madera, Council Member Frank, Council Member Davis, Council Member Huseman, Council Member Elliott and Council Member Guardiola

Excused: 1 - Council Member Douglas

9. Administrative Council Business

Mayor Ford asked for approval for the city to contribute to the Metro Mayor's Caucus homeless initiative.

A motion was made by Council Member Huseman, seconded by Council Member Guardiola, to contribute \$3000.00 to the Metro Mayor's Caucus homeless initiative. VOTE: 8 - Aye, 1 - Excused (Douglas)

Deputy City Manager Troy Smith stated the Metro Mayor's Caucus requested the council change their position on House Bill 19-1228 on the affordable housing tax credit from a position of monitor to a position of support.

A motion was made by Council Member Huseman, seconded by Mayor Pro Tem Teter, to change the council's position on House Bill 19-1228 from monitor to support. VOTE: 8 - Aye, 1 - Excused (Douglas)

Mayor Pro Tem Teter stated the North Area Transportation Alliance requested the council change their position on House Bills 19-1257 and 19-1258 on placing referendums on the ballot to increase education and transportation funding from a position of oppose to a position of support.

A motion was made by Council Member Huseman, seconded by Council Member Madera, to change the council's position on House Bills 19-1257 and 19-1258 from oppose to support. VOTE: 8 - Aye, 1 - Excused (Douglas)

Council Member Frank stated she received an invitation from the Federal Railroad Authority for her and one other person to attend a listening session in Washington, D.C. on April 26, 2019 to identify existening and emerging technologies to reduce railroad crossing collissions.

A motion was made by Council Member Huseman, seconded by Council Member Guardiola, to allow Council Member Frank and one additional Commerce City representative to attend the listening session. VOTE: 8 - Aye, 1 - Excused (Douglas)

A motion was made by Council Member Huseman, seconded by Council Member Frank, to direct staff to reach out to all schools within the Adams 14 and Brighton 27J school districts to look into providing washers and dryers in schools for students use. VOTE: 8 - Aye, 1 - Excused (Douglas)

A motion was made by Council Member Huseman, seconded by Council Member Frank, to direct staff to draft a resolution to declare Commerce City a "sanctuary city" for firearms.

Mayor Ford and Council Members Guardiola and Madera stated they were in favor of staff providing additional information at a study session prior to considering a resolution.

VOTE: 5 - Aye (Davis, Ford, Frank, Huseman, Teter), 3 - Nay (Elliott, Guardiola, Madera), 1 - Excused (Douglas)

A motion was made by Council Member Huseman, seconded by Council Member Frank, to direct staff to draft a resolution for discussion at the same study session

preventing the police department from expending resources enforcing the bill.

Council Member Davis stated while opposed to the bill, he was unsure if the city should tell the police chief to not enforce state laws.

Council Member Madera stated council's job was not to determine what is constitutional and to defer to the judicial system for review.

Council Member Huseman withdrew his motion.

A motion was made by Council Member Huseman, seconded by Council Member Frank, to direct staff to have a study session item on the legal liability of directing staff to not enforce the state's red-flag bill. VOTE: 8 - Aye, 1 - Excused (Douglas).

[Pres 19-182](#)

Speaker Series: South Adams County Fire Department

Mr. Weigam, SACFD Division Chief, presented on their risk management and emergency response plans. SAFD plans have been developed in accordance with the city's best management practices and adopted fire codes.

10. Reports

Mayor Ford recessed the City Council meeting to go into the E-470 Commercial Area General Improvement District meeting at 8:01 p.m.

Mayor Ford reconvened the City Council meeting at 8:05 p.m.

City Manager McBroom highlighted items presented on his weekly report provided to council earlier. The mayor and council reported on their attendance at various meetings and events.

Council Members and the community thanked Council Member Elliott for her service to the community.

11. Adjourn

The meeting adjourned at 8:45 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:

Dylan A. Gibson, Deputy City Clerk