



Commerce City

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

City Council

Monday, May 6, 2019

6:00 PM

Council Chambers

Regular Meeting

Immediately Following the City Council Special 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 6, 2019, at 6:32 PM.

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 Steven J. Douglas, Council Member Benjamin Huseman and Council Member Jose Guardiola

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Audience Introduction

The audience introduced themselves.

4. At-Large Council Appointment

A motion was made by Council Member Huseman, seconded by Council Member Madera, to appoint Craig Hurst to the at-large seat. ROLL CALL VOTE: 8 - Aye

5. Proclamations and Recognitions

[Proc 19-07](#)

Proclamation Declaring May 5-11 as National Small Business Week in Commerce City

The city attorney read the proclamation. The mayor and council came forward for a photograph with members of the small business community.

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

[Proc 19-08](#)

Proclamation for Kids to Parks Day

The city attorney read the proclamation. The mayor and council came forward for a photograph with the parks, recreation, and golf staff.

A motion was made by Council Member Madera, seconded by Council Member

Davis, that this proclamation be approved. **VOICE VOTE: Unanimous**, all present affirmed.

6. Citizen Communication

Debra Bullock, 6130 Ivanhoe St, came before council representing the Chamber of Commerce to inform small business owners of the chamber and invited anyone interested to join.

Tim McCormick, 1398 Cherrywood Drive, came before council to speak on his campaign for district attorney.

Susan Noble, 10642 Olathe Street, came before council to speak on the issue of the council's makeup.

7. 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 Douglas, Council Member Huseman and Council Member Guardiola

[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.

[Ord 2207](#)

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

8. Public Hearings

Mayor Ford opened the public hearing for the interrelated items: Resolution 2019 49, Ordinance AN 252 19 and Ordinance Z 955 19.

[Res 2019-49](#)

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. 172109400011 AND 172109400010 LOCATED AT 10560 AND 10650 BRIGHTON ROAD HENDERSON, COLORADO IN AN-252-19

City Attorney Sheesley confirmed with Planner Brayan Marin that a plan for the area was adopted by the City Council pursuant to C.R.S. §31 12 105(1)(e), not less than one sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the city as required by law, 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 proposed to be annexed is integrated or is capable of being integrated with the city, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate is divided into separate tracts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way; comprises 20 acres or more and which together with the buildings and improvements situated thereon, has an assessed value in excess of \$200,000 for ad valorem tax purposes for the year preceding the annexation; or is included with the territory proposed to be annexed without the written consent of the landowner or landowners, no annexation proceedings have been effectively commenced for the annexation of part or all of that territory proposed to be annexed, to another municipality, the proposed annexation will not result in the detachment of area from any school district and attachment of the same to another school district, the petitions for annexation " meets the requirements of law and are in proper order for annexation of the property proposed to be annexed including the requirements of C.R.S. §31 12 105, as amended, the entire width of any street or alley to be annexed is included within the annexation,

The City Council reaches the following conclusions based on its findings that the property is eligible for annexation to the City of Commerce City and all requirements of law have been met for such annexation, including the requirements of C.R.S. §31 12 104, as amended, and C.R.S. §31 12105, as amended, no election is required pursuant to C.R.S. §31 12 107(2) or any other law of the State of Colorado or the City of Commerce City, and no additional terms or conditions are to be imposed as a part of this annexation.

Planner Brayan Marin provided an overview of the property, planned use of the property, and the requirement to rezone the property once annexed.

Mayor Ford wanted to clarify that the city has plans for improving the surface conditions of Brighton Road.

Mayor Pro Tem Teter asked the city manager to make sure the applicant is aware of the animal and land uses allowed by the agricultural zoning designation.

Council Member Douglas asked how much money the applicant will spend on improving Brighton Road. City Manager McBroom clarified that the city and Adams County have funds for helping improving the road in their budgets.

Council Member Huseman asked why the request to rezone the property is agricultural and not residential. The applicant clarified that the reason is to be able to have a horse on the property.

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

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

[Ord AN-252-19](#)

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY KNOWN AS RONQUILLO ANNEXATION, LOCATED AT 10560 & 10650 BRIGHTON ROAD. HENDERSON, CO 80640 PIN(S):

172109400011 & 172109400010 TO THE CITY OF COMMERCE CITY, COLORADO

Council Member Huseman asked if any public hearing notice signs were posted for the annexation. Brayan Marin clarified that one sign was posted along Brighton Road and notices were mailed out to adjoining property owners.

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

Nay: 1 - Council Member Douglas

[Z-955-19](#)

AN ORDINANCE REZONING FROM ADCO AG TO AG THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 10560 AND 10650 BRIGHTON ROAD HENDERSON, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

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

A motion was made by Council Member Madera, seconded by Council Member Frank, that this ordinance be introduced by council as seated and approved on first reading. VOTE:

Aye: 6 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Frank, Council Member Davis and Council Member Guardiola

Nay: 2 - Council Member Douglas and Council Member Huseman

[Z-948-19](#)

AN ORDINANCE REZONING FROM AG TO I-2 THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 8600 VERBENA STREET, 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.

Planner Domenic Martinelli presented the case. Mr. Martinelli provided an overview of the property, the planned future use of the property to be a small-scale industrial use, the history of the property, and planned improvements to the site.

Council Member Frank asked if any road improvements would be made. Mr. Martinelli clarified that East 86th Avenue improvements are called for in the Irondale Plan, but no specific timeline was laid out.

Council Member Huseman asked why the property owner to the south of the subject property was not required to make public improvements when their zoning application was heard approximately one year ago. Mr. Martinelli clarified that the public works

department determines if and what kind of public improvements are required as part of rezoning cases. Deputy City Manager Tinklenberg clarified that the case Council Member Huseman is referencing did not ask for a change in use.

Council Member Douglas asked if Mr. James Parent, the applicant, was aware of the public improvement requirements at the time of the application. Mr. Martinelli affirmed that Mr. Parent was made aware.

Mr. Parent, applicant, came before council and said he was wanting to get the East 86th Avenue improved as the dirt road was causing a problem for his equipment.

Council Member Davis asked what the use of the property is that requires the small-scale industrial rezoning. Mr. Parent stated the use is primarily to house vehicles, equipment, and machinery required for job site visits by his employee.

Council Member Madera asked what primary routes his employees use to access the property. Mr. Parent stated his employees typically take East 86th Avenue and traffic would not be impacted by the rezoning or improvements made.

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

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Davis, to accept the findings and recommendations of the planning commission. VOTE: Unanimous, all present affirmed.

A motion was made by Council Member Huseman, seconded by Council Member Frank, to approve Ordinance Z 948 19 as amended to remove the public improvement agreement.

City Attorney Sheesley clarified the motion was improper as the public improvement agreement was not part of the zoning ordinance itself.

A motion was made by Council Member Huseman, seconded by Council Member Frank, 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 Douglas, Council Member Huseman and Council Member Guardiola

9. Ordinances on 1st Reading

[Z-695-98-19](#)

AN ORDINANCE APPROVING THE VILLAGES AT BUFFALO RUN WEST PUD ZONE DOCUMENT, AMENDMENT NO. 1

City Attorney Sheesley stated the zoning ordinance was placed back on the agenda after not passing at the April 15 council meeting due to the charter requirement that a vote of the majority of council is required in order to overturn the recommendations of the planning commission.

City Attorney Sheesley confirmed that Council Members Davis and Madera had reviewed the entirety of the public hearing and were able to vote on the ordinance.

A motion was made by Council Member Madera, seconded by Council Member Frank,

to enter into an executive session pursuant to C.R.S. 24 6 402(4)(b) for the purpose of receiving legal advice on specific legal questions. VOTE: 7 Aye, 1 Nay (Teter)

A motion was made by Council Member Madera, seconded by Mayor Pro Tem Teter, to accept the findings and recommendations of the planning commission. VOTE: 5 Aye (Davis, Ford, Guardiola, Madera, Teter), 3 Nay (Douglas, Frank, Huseman)

Council Member Huseman stated he did not believe the land development code requirements are met by the subject property and will not support the ordinance.

A motion was made by Council Member Madera, seconded by Council Member Davis, that this ordinance be introduced by council as seated and approved on first reading. VOTE:

Aye: 5 - Mayor Ford, Mayor Pro Tem Teter, Council Member Madera, Council Member Davis and Council Member Guardiola

Nay: 3 - Council Member Frank, Council Member Douglas and Council Member Huseman

10. Administrative Council Business

A motion was made by Council Member Madera, seconded by Council Member Frank, to donate \$1000 to the Sand Creek Greenway and purchase 20 tickets for their An Evening for Sand Creek Greenway with Ken Salazar event on May 17. VOTE: Unanimous, all present affirmed.

Council Member Douglas resided that staff follow up with residents in the Turnberry neighborhood about a grant for a park to be built in the area.

Mayor Pro Tem Teter requested staff look into putting a dog park next to Stuart Middle School.

11. Reports

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

12. Adjourn to NIGID Meeting

The meeting adjourned at 9:01 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