



Commerce City

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

City Council

Monday, October 7, 2019

6:00 PM

Council Chambers

Regular Meeting

TIMES GIVEN ARE ESTIMATES ONLY

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 October 7, 2019, at 5:59 PM.

Present: 9 - 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, Council Member Craig Hurst and Council Member Jose Guardiola

2. Executive Session

[19-68](#)

An executive session of the City Council and City staff, pursuant to CRS 24-6-402(4)(a, e), to discuss and determine negotiating positions regarding the potential purchase of property.

A motion was made by Mayor Pro Tem Teter, seconded by Council Member Frank, to enter an executive session of the City Council and City staff, pursuant to CRS 24-6-402(4)(a, e), to discuss and determine negotiating positions regarding the potential purchase of property. VOICE VOTE: Unanimous, all present affirmed. by the following vote:

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

Nay: 1 - Council Member Huseman

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Proclamations and Recognitions

[Proc 19-14](#)

Proclamation Recognizing October 4, 2019 as National Manufacturing Day in Commerce City

Mayor Ford invited Laura Moody, Economic Development Specialist, forward. The city attorney read the proclamation and the council came forward for a photo.

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

[Proc 19-16](#)

Proclamation Recognizing October 2019 as Domestic Violence Awareness Month in Commerce City

Mayor Ford invited staff from the Victim Services Division forward. The city attorney read the proclamation and council came forward for a photo.

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

[Proc 19-18](#)

Proclamation Recognizing National Hispanic Heritage Month

Mayor Ford invited representatives from Kids First, Adelante Community Development, and Cultivando forward. The city attorney read the proclamation and council came forward for a photo.

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

5. Citizen Communication

Ricardo Jardenes, 6980 Garden Court, spoke in support of Ballot Issue 6A to increase funding for Anythink Library.

Maria Gonzalez, 7296 Magnolia Street, representing Adelante Community Development, thanked council for their sponsorship for the Commerce City Community Festival on September 7, 2019.

6. Consent Agenda

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

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

[Min 19-140](#)

Minutes of September 16, 2019

[Res 2019-109](#)

RESOLUTION APPROVING THE SELECTION OF REPUBLIC SERVICES, INC. TO PROVIDE THE CURBSIDE GARBAGE AND RECYCLING PROGRAM AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT

Council Member Huseman requested to pull Resolution 2019-109 from the consent agenda. Council Member Huseman stated that council gave staff direction at a study session in July to include weekly recycling services as part of the alternate bids and wanted the recommended bidder to provide those bid amounts.

A motion was made by Council Member Madera, seconded by Council Member Guardiola, that this resolution be adopted. VOTE: 4 - Aye, 5 - Nay (Davis, Douglas, Frank, Hurst, Huseman)

A motion was made by Council Member Huseman, seconded by Council Member Davis, to reconsider Resolution 2019-109. VOTE: 8 - Aye, 1 - Nay (Douglas)

A motion was made by Council Member Huseman, seconded by Council Member Davis, that this resolution be amended to negotiate weekly recycling components of the contract and require council approval before execution of the final contract. VOICE VOTE:

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

Nay: 2 - Council Member Douglas and Council Member Huseman

[Res 2019-110](#)

RESOLUTION IN SUPPORT OF BALLOT ISSUE 6A TO INCREASE MILL LEVY FUNDING FOR THE RANGEVIEW LIBRARY DISTRICT TO EXPAND SERVICES AT ANYTHINK LIBRARIES

7. Ordinances on 1st Reading

City Manager McBroom updated council on cases AN-253-19, AN-254-19, Z-946-17-19, and MD-110-19. Mr. McBroom stated that the applicant had requested to continue the annexation and zoning cases to October 21 and the metropolitan district case to November 4, 2019.

[Ord AN-253-19](#)

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY KNOWN AS THIRD CREEK WEST (1 OF 2) TO THE CITY OF COMMERCE CITY, COLORADO

A motion was made by Council Member Madera, seconded by Mayor Pro Tem Teter, that this ordinance be continued to October 21, 2019. VOICE VOTE: Unanimous, all present affirmed.

[Ord AN-254-19](#)

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY KNOWN AS THIRD CREEK WEST (2 OF 2) TO THE CITY OF COMMERCE CITY, COLORADO

A motion was made by Council Member Madera, seconded by Mayor Pro Tem Teter, that this ordinance be continued to October 21, 2019. VOICE VOTE: Unanimous, all present affirmed.

[Z-946-17-19](#)

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 ANNEXED AS THIRD CREEK WEST FROM ADCO (UNINCORPORATED ADAMS COUNTY) TO PUD (PLANNED UNIT DEVELOPMENT)

A motion was made by Council Member Madera, seconded by Mayor Pro Tem Teter, that this ordinance be continued to October 21, 2019. VOICE VOTE: Unanimous, all present affirmed.

8. Public Hearings

[Res 2019-86](#)

RESOLUTION APPROVING THE CONSOLIDATED SERVICE PLAN FOR THE THIRD CREEK METROPOLITAN DISTRICTS NOS. 1-3 AND THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE THIRD CREEK METROPOLITAN DISTRICTS NOS. 1-3 IN CASE MD-110-19

A motion was made by Council Member Madera, seconded by Mayor Pro Tem Teter, that this resolution be continued to November 4, 2019. VOICE VOTE: Unanimous, all present affirmed.

[Z-960-19](#)

AN ORDINANCE REZONING FROM C-3 (REGIONAL COMMERCIAL DISTRICT) TO R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 6370 POPLAR 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.

Brayan Marin, City Planner, presented case Z-960-19 to council. Mr. Marin provided a history of the property, its current zoning, and the applicants request to rezone the property to R-1 to allow for an addition to the rear of their property.

There was no public comment.

Mayor Ford closed the public hearing.

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

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

9. Resolutions

[Res 2019-107](#)

RESOLUTION AUTHORIZING INTERGOVERNMENTAL AGREEMENT FOR SHARING THE COST OF A CENSUS LIAISON POSITION IN ADAMS COUNTY

Mayor Ford invited Paolo Diaz and Crystal Elliott, representing Adams County, forward.

Council Member Douglas asked if the cost was divided amongst all municipalities in Adams County. Mr. Diaz stated cost was split among municipalities based on population determined by the 2017 community survey.

Ms. Elliott stated their mission would be to seek out previously uncounted populations in Commerce City to be counted in the 2020 census.

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

[Proc 19-11](#)

Proclamation Recognizing and Supporting the 2020 Colorado Complete Count Campaign for the 2020 Census

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.

10 Ordinances on 1st Reading

[Ord 2216](#)

AN ORDINANCE REPEALING AND REENACTING DIVISION 1 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL BUILDING CODE, INCLUDING APPENDIX CHAPTERS C, E, F, G, H, I and J, WITH AMENDMENTS

Patrick Buckley, Building Official, presented staffs recommendation to approve the 12 ordinances adopting various sections of the 2018 Family of International Codes.

Mayor Pro Tem Teter, stated council did not want to require home residential sprinkler systems but residents were allowed to do so if they chose.

Heidi Williams, Metro Home Builders Association, spoke on the organizations support of the 12 ordinances adopting the 2018 Family of International Codes.

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

[Ord 2217](#)

AN ORDINANCE REPEALING AND REENACTING DIVISION 2 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL RESIDENTIAL CODE, INCLUDING APPENDIX CHAPTERS H, J, K AND M WITH AMENDMENTS

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

[Ord 2218](#)

AN ORDINANCE REPEALING AND REENACTING DIVISION 3 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL EXISTING BUILDING CODE, INCLUDING APPENDIX CHAPTER B, WITH AMENDMENTS

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

[Ord 2219](#)

AN ORDINANCE REPEALING AND REENACTING DIVISION 10 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL FIRE CODE, INCLUDING APPENDIX CHAPTERS B, C, D, E, F, H, I, J, K, M AND N, WITH AMENDMENTS

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

[Ord 2220](#)

AN ORDINANCE REPEALING AND REENACTING DIVISION 9 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE, WITH AMENDMENTS

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

[Ord 2221](#)

AN ORDINANCE REPEALING AND REENACTING DIVISION 8 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL FUEL GAS CODE, INCLUDING APPENDIX CHAPTERS A, B, AND C, WITH AMENDMENTS

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

[Ord 2222](#)

AN ORDINANCE REPEALING AND REENACTING DIVISION 7 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL MECHANICAL CODE, INCLUDING APPENDIX CHAPTER A, WITH AMENDMENTS

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

[Ord 2223](#)

AN ORDINANCE REPEALING AND REENACTING SECTIONS 5-4602, 5-4603, 5-4604, AND 5-4605 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL PLUMBING CODE, INCLUDING APPENDIX CHAPTERS B, C, D, AND E, WITH AMENDMENTS

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

[Ord 2224](#)

AN ORDINANCE REPEALING AND REENACTING DIVISION 4 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE, INCLUDING APPENDIX CHAPTER A, WITH AMENDMENTS

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

[Ord 2238](#)

AN ORDINANCE ENACTING DIVISION 11 OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE, WITH AMENDMENTS

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

[Ord 2242](#)

AN ORDINANCE REPEALING AND REENACTING SECTION 5-4502 AND REPEALING SECTIONS 5-4503 AND 5-4504 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO RE-ADOPT THE 2006 EDITION OF THE INTERNATIONAL CODE COUNCIL ELECTRICAL ADMINISTRATIVE PROVISIONS, WITH AMENDMENTS

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

[Ord 2243](#)

AN ORDINANCE ENACTING ARTICLE V OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ESTABLISH A MASTER CODE ENFORCEMENT ARTICLE APPLICABLE TO ALL INTERNATIONAL CODES

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

[Ord 2236](#)

AN ORDINANCE AMENDING CHAPTER 8 OF THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING ALCOHOLIC BEVERAGES AND MEDICAL MARIJUANA TO CONFORM TO RECENT CHANGES IN THE STATE LIQUOR CODE, TO CLARIFY THE AUTHORITY OF THE LIQUOR AUTHORITY AND OTHER MATTERS

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

[Ord 2239](#)

AN ORDINANCE SUPPORTING THE PRACTICE OF MASSAGE THERAPY BY REPEALING AND REENACTING DIVISION 7 OF ARTICLE III OF CHAPTER 9 OF THE COMMERCE CITY REVISED MUNICIPAL CODE RELATING TO THE LICENSING AND REGULATION OF THE OPERATION OF MASSAGE FACILITIES

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

[Ord 2245](#)

AN ORDINANCE AMENDING SECTION 12-7000 OF THE COMMERCE CITY REVISED MUNICIPAL CODE RELATING TO THE REGULATION OF CIGARETTES, TOBACCO PRODUCTS, AND NICOTINE PRODUCTS

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

11. Administrative Council Business

A motion was made by Council Member Hurst, seconded by Council Member Madera, to state council's support of State Proposition DD. ROLL CALL VOTE: 6 - Aye, 3 - Nay (Douglas, Frank, Teter)

12. Council 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.

13. Adjourn

The meeting adjourned at 9:04 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:

Dylan A. Gibson, Deputy Secretary