



Meeting Minutes - Final City Council

Monday, July 2, 2012

5:30 PM

Council Chambers

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 July 2, 2012, at 5:27 PM.

Present: 8 - Mayor Sean Ford , Mayor Pro-Tem Dominick Moreno, Council Member Jim Benson, Council Member Rick A. Teter, Council Member René Bullock, Council Member Crystal Elliott, Council Member Jason McEldowney and Council Member Steven J. Douglas

Excused: 1 - Council Member Jadie Carson

2. Executive Session

[12-0046](#)

Executive session pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice concerning executive sessions and City Council relationships

A motion was made by Mayor Pro-Tem Moreno, seconded by Council Member Douglas, that this executive session be held pursuant to CRS 24-6-402(4)(b) for the purpose of receiving legal advice concerning executive sessions and City Council relationships. **VOICE VOTE: Unanimous, all present affirmed.**

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

5. Presentations & Proclamations

[Proc 12-014](#)

2012 Play Day proclamation

Attachments: [Play Day proclamation](#)
[Playful Cities USA press release](#)

Mayor Ford read a proclamation declaring Wednesday, July 4, 2012, as Play Day in Commerce City. The proclamation was presented to Parks and Recreation Director Carolyn Keith.

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

[Pres 12-154](#)

Commerce City Historical Society Presentation of Business Plan

Attachments: [CCHS Business Plan](#)

Society member Debra Bullock gave a PowerPoint presentation outlining the business plan for the historical society. Their mission is to have a museum and welcome center. Museum goal for the present is the Denver Black Sr. house and the Denver Black Jr. house. The museum goal for the future is to have a Mile High Kennel Club area museum. Current and future programs include: tours and story telling to elementary schools, high school history club, adult writing classes, senior lunches and history talks, history bus tours and newsletters. Future revenue opportunities include: brick sale, gift shop, membership fee, book sale, museum fee, ticketed events, individual donations and a ballot initiative to create a history tax. The society envisions turning Derby into an historic district, the city to become a certified local government, linking the historical society's website to the city's website and strategic planning with the city.

This Presentation was discussed and closed

[Pres 12-175](#)

Presentation by the Commerce City Quality Community Initiative Stakeholder Committee.

Attachments: [Report to Council](#)

Committee members David Foster and Maria Gonzales addressed Council and reviewed with them the purpose of the committee: to form a clear concept of the long-term needs in the city, to interact with the community and Council and to present a recommendation to Council on a strategy to achieve long-term goals. Their charter expired on June 30, 2012, and they would like Council to extend their term through the end of December 2012. The committee has been researching the city's very complicated financial issues and believe that items for future consideration could include: new improvement districts, storm water utility, impact fees on new development, entertainment admissions tax, employment head tax and refuse collection.

Council members McEldowney and Moreno moved and seconded to extend the Quality Community Initiative Stakeholder Committee's charter through December 2012.

VOICE VOTE: Unanimous; all present affirmed

This Presentation was discussed and closed

6. Citizen Communication

Pam Sprattler, 7041 E. 75th Ave., thanked Councilman Moreno for helping her with a problem she has had over the last two weeks. She stated these same people are now walking their pit bulls down the street and she asked what could be done.

Casey Hayes, 5350 E. 66th Wy., addressed Council in support of the historical society.

Consent Agenda

Approval of the Consent Agenda

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

Aye: 8 - Mayor Ford, Mayor Pro-Tem Moreno, Council Member Benson, Council Member Teter, Council Member Bullock, Council Member Elliott, Council Member McEldowney and Council Member Douglas

Excused: 1 - Council Member Carson

[Ordinance 1911](#)

AN ORDINANCE AMENDING THE 2012 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO AUTOMOBILE THEFT PREVENTION AUTHORITY BOARD (CATPA) GRANT AWARD IN THE AMOUNT OF \$20,100 FOR CAMERAS, ADMINISTRATIVE COSTS, OVERTIME COSTS, AND ANNUAL MAINTENANCE FEES FOR PIPS SYSTEM AND I2 SOFTWARE AND AUTHORIZATION OF THE EXPENDITURE THEREOF.

Attachments: [Ordinance](#)

This Ordinance was approved on second & final reading.

[Ordinance 1913](#)

AN ORDINANCE AMENDING THE 2012 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT IN THE AMOUNT OF \$465,000 TO BE USED FOR FAIRFAX PARK RENOVATIONS WHICH INCLUDE A PERIMETER TRAIL, LANDSCAPING, NEW SHELTERS, TABLES, BBQ GRILLS, TRASH CANS, AND A NEW PARKING LOT AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

Attachments: [Ordinance](#)

This Ordinance was approved on second & final reading

[Ordinance 1914](#)

AN ORDINANCE AMENDING THE 2012 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT IN THE AMOUNT OF \$529,000 TO BE USED FOR FAIRFAX PARK RENOVATIONS WHICH INCLUDE A REDESIGNED COURT AREA WITH TWO BASKETBALL COURTS, TWO TENNIS COURTS, TWO HANDBALL COURTS, IMPROVEMENTS TO THREE BALL FIELDS, AND UNDERGROUNDING POWER LINES AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

Attachments: [Ordinance](#)

This Ordinance was approved on second & final reading.

Public Hearings

[Z-900-12](#)

AN ORDINANCE REZONING FROM PUD TO C-3 ZONE DISTRICT THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 6955 AND 6995 BRIGHTON BOULEVARD, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

Attachments: [Ordinance](#)
[Minutes](#)
[Vicinity Map](#)
[Staff Report](#)
[Narrative](#)
[Development Plan](#)

Mayor Ford opened the public hearing.

PlannerPaul Workman presented the case. The applicant, Millenium Venture Group, is seeking to rezone property located at 6955 and and 6995 Brighton Blvd from PUD to C-3 in order to formally plat the two lots for commercial development. The planning commission held a public hearing and voted unanimously to forward the application to City Council with a favorable recommendation and no additional conditions.

Greg Moran appeared on behalf of the Millenium Venture Group. He stated that access off Dahlia has been widened and they are considering seeding the property along the Highway 85 corridor as well as adding shrubbery.

There was no further public comment and the public hearing portion was closed.

Council members Moreno and McEldowney moved and seconded to accept the findings and recommendations of the planning commission.

VOICE VOTE: Unanimous; all present affirmed

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

Aye: 8 - Mayor Ford, Mayor Pro-Tem Moreno, Council Member Benson, Council Member Teter, Council Member Bullock, Council Member Elliott, Council Member McEldowney and Council Member Douglas

Excused: 1 - Council Member Carson

9. Resolutions

[Res 2012-26](#) Resolution approving Subdivision Plat in Case #S-586-12

Attachments: [Resolution](#)
 [PC Minutes](#)
 [Vicinity Map](#)
 [Staff Report](#)
 [Final Plat](#)

Council members Moreno and Bullock moved and seconded to accept the findings and recommendations of the planning commission.

VOICE VOTE: Unanimous; all present affirmed

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

[Res 2012-27](#) Resolution of the City of Commerce City authorizing the 2012 Intergovernmental Agreement between the City of Commerce City and the Urban Renewal Authority of the City of Commerce City

Attachments: [Resolution](#)
 [IGA](#)

A motion was made by Mayor Pro-Tem Moreno, seconded by Council Member McEldowney, that this resolution be adopted. VOICE VOTE:

Aye: 7 - Mayor Ford, Mayor Pro-Tem Moreno, Council Member Teter, Council Member Bullock, Council Member Elliott, Council Member McEldowney and Council Member Douglas

Nay: 1 - Council Member Benson

Excused: 1 - Council Member Carson

10. Ordinances on 1st Reading

[Ordinance
1918](#)

AN ORDINANCE AMENDING THE 2012 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE IN THE GENERAL FUND FOR A LOAN TO THE URBAN RENEWAL AUTHORITY OF THE CITY OF COMMERCE CITY, AND AUTHORIZING THE EXPENDITURE THEREOF BY THE URBAN RENEWAL AUTHORITY.

Attachments: [Ordinance](#)

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

Aye: 7 - Mayor Ford, Mayor Pro-Tem Moreno, Council Member Teter, Council Member Bullock, Council Member Elliott, Council Member McEldowney and Council Member Douglas

Nay: 1 - Council Member Benson

Excused: 1 - Council Member Carson

[Ordinance
1919](#)

AN ORDINANCE APPROVING AND ADOPTING FRANCHISE AGREEMENT BETWEEN THE CITY OF COMMERCE CITY, COLORADO AND PUBLIC SERVICE COMPANY OF COLORADO

Attachments: [Ordinance](#)
 [Franchise Agreement](#)

The following individuals addressed Council regarding this ordinance:

Preston Gibson on behalf of the Public Service Company of Colorado

In response to questions Council was advised that if the franchise agreement question on the ballot fails, their will no longer be a franchise agreement; however, Xcel will still provide service to the city. If it doesn't pass there will be some legal issues as to what to do next.

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

Aye: 7 - Mayor Ford, Mayor Pro-Tem Moreno, Council Member Teter, Council Member Bullock, Council Member Elliott, Council Member McEldowney and Council Member Douglas

Nay: 1 - Council Member Benson

Excused: 1 - Council Member Carson

11. Ordinances on 2nd Reading

[Ordinance
1887](#)

Attachments: [Ordinance - Original](#)
 [Ordinance - Revised](#)

In response to Council questions, Planner Paul Workman stated that the revisions were simply scribner errors.

A motion was made by Council Member Bullock, seconded by Council Member McEldowney, that this ordinance be approved on second & final reading. VOTE:

Aye: 8 - Mayor Ford, Mayor Pro-Tem Moreno, Council Member Benson, Council Member Teter, Council Member Bullock, Council Member Elliott, Council Member McEldowney and Council Member Douglas

Excused: 1 - Council Member Carson

[Ordinance
1891](#)

AN ORDINANCE AMENDING ARTICLES III, V AND XI OF THE CITY'S LAND DEVELOPMENT CODE TO REVISE AND ADD REGULATIONS RELATING TO SUBSURFACE EXTRACTION AND OIL AND GAS EXPLORATION

Attachments: [Ordinance](#)
[Minutes](#)
[Staff Report](#)
[List of Exhibits](#)
[Article III](#)
[Article V](#)
[Extraction Agreement](#)
[Introduction](#)
[Background](#)
[Existing Wells Map](#)
[Map of Available Locations](#)
[Existing Regulations](#)
[AG Letter](#)
[COGA Letter](#)
[Public Outreach Summary](#)

The following individuals addressed Council on this ordinance:

Cliff Welming, 1246 Newark Dr., Lafayette

**A motion was made by Council Member Douglas, seconded by Council Member Bullock, that this ordinance be approved on second & final reading.
VOTE:**

Aye: 8 - Mayor Ford, Mayor Pro-Tem Moreno, Council Member Benson, Council Member Teter, Council Member Bullock, Council Member Elliott, Council Member McEldowney and Council Member Douglas

Excused: 1 - Council Member Carson

12. Administrative Council Business

[Pres 12-167](#)

Belle Creek Traffic Calming Recommendation and Possible Action

Attachments: [Belle Creek NM Presentation 6-21-12](#)
[Sign-in sheet](#)

Public Works Director Gregg Clements addressed Council. Mr. Clements stated that based on the neighborhood meeting held at Belle Creek, staff is ready to move forward with the construction of a speed table at approximately 106th Drive & Belle Creek Boulevard to address the neighborhood concerns. The group discussed discontinuing the test barricade system and returning the school flashers to a regular schedule during the school season. The cost estimate of \$6,000 is included in the reappropriation ordinance scheduled to come before Council.

This Presentation was discussed and closed

[12-0044](#)

Motion to begin the July Study Sessions at 5:30 p.m. and to also begin the meeting of July 16, 2012 at 5:30 p.m.

Council members Moreno and Bullock moved and seconded to begin the meeting of July 16, 2012, to 5:30 p.m.

VOICE VOTE: Unanimous; all present affirmed

Council members Bullock and McEldowney moved and seconded to begin the July study sessions at 5:30 p.m.

VOICE VOTE: Unanimous; all present affirmed

[12-0045](#)

Motion to begin the meeting of August 27, 2012 at 3:00 p.m.

Council members McEldowney and Teter moved and seconded to begin the meeting of August 27, 2012, at 3:00 p.m.

VOICE VOTE: Unanimous; all present affirmed

Council members McEldowney and Douglas moved and seconded to excuse Council member Bullock from the August 27, 2012, budget retreat.

VOICE VOTE: Unanimous; all present affirmed.

Councilman Benson asked for assistance in distributing American flags at the 4th Fest. Mr. Benson asked that staff look into placing a tax question on the ballot.

Councilman Douglas asked about the status of his request for allowing students to play golf for free at Buffalo Run Golf Course.

Council members McEldowney and Teter moved and seconded to engage King Soopers and Shea to produce a marketing postcard to Commerce City residences reminding them to shop at the new King Soopers.

During discussion of the motion, Council members Douglas and Moreno expressed their desire to use the city's newsletter to market the continue use of the new King Soopers.

13. Reports

Mayor and Council reported on attending various meetings and events.

City Manager McBroom outlined the contents of his weekly report to Council

14. Adjourn

The meeting adjourned at 9:22 p.m.