



City Council of Commerce City *Regular Meeting Agenda*

Council Chambers, 7887 E. 60th Ave.

Monday, September 26, 2011, 6:30 p.m.

***(TIMES INDICATED NEXT TO AGENDA ITEMS ARE
AN APPROXIMATE START TIME ONLY)***

1. Call to Order/Roll Call - 6:30

2. Pledge of Allegiance

3. Audience Introduction - 6:35

4. Citizen Communication - 6:40

A Public Comment Roster is available immediately inside the Council Chambers. Anyone who would like to address Council will be given the opportunity after signing the roster. Speakers should limit their comments to three minutes.

5. Approval of Minutes - 6:55

a) Regular Meeting Minutes of August 1, 2011 **Tab 1**

b) Regular Meeting Minutes of August 8, 2011

6. Study Items

a) 7:00 Presentation by the Parents and Community for 27J **Tab 2**
Students on the next steps for their mill levy override
campaign.

6. Study Items

b) 7:15 Discussion of City Council Retirement Benefits **Tab 3**

c) 7:50 Discussion of a policy for use of discretionary funds **Tab 4**

7. Administrative Council Business - 8:30

8. Reports - 8:45

9. Adjourn - 9:00

MINUTES
REGULAR MEETING OF
COMMERCE CITY COUNCIL

August 1, 2011

CALL TO ORDER

A regular meeting of the City Council of the City of Commerce City was called to order by Mayor Natale on August 1, 2011, at 6:30 p.m.

ROLL CALL

Present:

Mayor Natale - presiding
Mayor Pro-Tem Snyder
Councilman Benson
Councilman Bullock
Councilman Diaz
Councilman McEldowney
Councilman Moreno
Councilwoman Teter

Absent:

Councilwoman Carson

Staff Reporting:

City Manager Jerry Flannery
City Attorney Bob Gehler
Planner Jenny Axmacher
Planning Manager Chris Cramer
Economic Development Director Brittany Morris
Intergovernmental Relations Manager Mizraim Cordero

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

AUDIENCE INTRODUCTION

The audience introduced themselves.

EXECUTIVE SESSION

Council members Snyder and McEldowney moved and seconded to enter into an executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations concerning a potential economic development project in Commerce City.

VOICE VOTE: Unanimous; all present affirmed

The business meeting reconvened at 7:10 p.m.

PRESENTATIONS AND PROCLAMATIONS

Employee Appreciation Month

Mayor Natale read a proclamation declaring August 2011 as Employee Appreciation Month.

Council members Teter and Snyder moved and seconded to approve the Employee Appreciation Month Proclamation.

VOICE VOTE: Unanimous; all present affirmed

CITIZEN COMMUNICATION

Esther Hall, no address given, expressed concern over illegal dumping at the recycle center along Highway 2.

PUBLIC HEARINGS

Ordinance Z-539-91-11

Mayor Natale opened the public hearing.

Planner Jenny Axmacher stated that the applicant, Schlumberger Technology Corporation is seeking removal of an existing condition that was placed on the property's zoning in order to allow outdoor storage. The Planning Commission heard the matter at a public hearing on July 5, 2011, and voted to forward the application to the City Council with a favorable recommendation.

Rod Middleton, 9251 E. 104th Ave., addressed Council on behalf of the applicant. He stated that Schlumberger purchased the property three years ago and has been making improvements to the property ever since.

Councilman Benson requested that the applicant's visual presentations be entered as exhibits for future reference.

Interested Citizens

Guillermo Serna, 14122 E. 112th Place

There was no further citizen input and the public hearing portion was closed.

Council members McEldowney and Snyder moved and seconded to approve the findings and recommendations of the Planning Commission.

VOICED VOTE: Unanimous; all present affirmed

Council members Teter and McEldowney moved and seconded to introduce Ordinance Z-539-11 by Council as seated and approve the ordinance on first reading.

City Attorney Gehler read the title of Ordinance Z-539-11: *AN ORDINANCE AMENDING ORDINANCE Z-539-91 BY DELETING A ZONING CONDITION FOR THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, AND LOCATED AT 9251 EAST 104TH AVENUE, COMMERCE CITY, COLORADO.*

ROLL CALL VOTE: 8 aye

RESOLUTIONS

Resolution 2011-41

City Attorney Gehler stated this resolution is based upon issues involving the Urban Renewal Authority and acquisition of certain property. Council is asked to approve an agreement between the City and the Authority to proceed with efforts to acquire property on behalf of the Authority.

Council members Teter and Bullock moved and seconded to approve Resolution 2011-41.

City Attorney Gehler read the title of Resolution 2011-41: *RESOLUTION OF THE CITY OF COMMERCE CITY AUTHORIZING INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE URBAN RENEWAL AUTHORITY OF THE CITY OF COMMERCE CITY*

VOICE VOTE: Unanimous; all present affirmed

ORDINANCES ON FIRST READING

Ordinance 1866

City Attorney Gehler explained that passage of the ordinance would allow the Urban Renewal Authority to continue its efforts to acquire property by the transfer of funds from the general fund to the Authority.

Council members Moreno and Snyder moved and seconded to introduce Ordinance 1866 by Council as seated and approve the ordinance as an emergency ordinance.

City Attorney Gehler read the title of Ordinance 1866: *AN ORDINANCE AMENDING THE 2011 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY TRANSFERRING A PORTION OF THE UNENCUMBERED FUND BALANCE IN THE GENERAL FUND FOR THE URBAN RENEWAL AUTHORITY OF THE CITY OF COMMERCE CITY, AUTHORIZING THE EXPENDITURE THEREOF AND DECLARING AN EMERGENCY*

ROLL CALL VOTE: 8 aye

STUDY ITEMS

Derby Business District

Planning Manager Chris Cramer stated that the initial phase of Derby's redevelopment included the establishment of a master plan and design guidelines and the creation of a review board. During the implementation phase, a catalyst program was established, the Derby diamond was constructed and a Derby redevelopment coordinator was on staff for three years.

Intergovernmental Relations Manager Mizraim Cordero stated that Suncor did not fund the grant that previously paid for the coordinator position. Council will receive periodic updates and staff will prepare a long-term strategy for Council's review in approximately 12 to 18 months.

Brittany Morris stated that Derby resource staffing will now be split between several city divisions: community planning, economic development, neighborhood services and housing. There will be a focus on economic development and enhanced marketing and communications. The city will continue to partner with Community Enterprise.

ADMINISTRATIVE COUNCIL BUSINESS

Mayor Pro-Tem Snyder would like to use her discretionary funds to provide school supplies and uniforms to Hanson Elementary School families.

Council members Snyder and McEldowney moved and seconded to approve allowing Mayor Pro-Tem Snyder to use her discretionary funds to purchase school supplies.

VOICE VOTE: Unanimous; all present affirmed

Mayor Natale asked for the reserve balance to be publicized in the city's newsletter, a report of city expenditures broken down by north and south areas of the City, and a list of accomplishments of the outgoing Council be documented.

Councilman McEldowney asked for a fact check mechanism during election season.

REPORTS

City Manager Flannery reported on his meetings with the various department heads regarding their 2012 budget requests.

City Attorney Gehler reported that King Soopers and Shea had filed a plat with the city for their development. The city had received an objection; however that objection has been withdrawn and the plat will be approved administratively.

Councilman Bullock reported on attending the cultural council's Music in the Park event, ADCOG dinner and a graduation ceremony for the first class to complete police camp.

Councilman Diaz reported that there will be another Music in the Park event on August 4th in Pioneer Park.

Councilwoman Teter reported on attending an ADCOG dinner.

Mayor Pro-Tem Snyder reported on attending the Music in the Park event and an Adams City High School alumni mixer.

Councilman Benson reported on attending an ADCOG dinner and E-470 meeting.

Council members Moreno and McEldowney had no report.

Mayor Natale reported on attending a meeting in Adams County regarding a proposed medical waste facility.

ADJOURNMENT:

The meeting adjourned at 9:00 p.m.

Paul Natale, Mayor

Laura Bauer, City Clerk

MINUTES
REGULAR MEETING OF
COMMERCE CITY COUNCIL

August 8, 2011

CALL TO ORDER

A regular meeting of the City Council of the City of Commerce City was called to order by Mayor Natale on August 8, 2011, at 6:30 p.m.

ROLL CALL

Present:

Mayor Natale - presiding
Mayor Pro-Tem Snyder
Councilman Benson - arrived after roll call
Councilman Bullock
Councilwoman Carson
Councilman Diaz
Councilman Moreno

Absent:

Councilwoman Teter
Councilman McEldowney

Staff Reporting:

City Manager Jerry Flannery
City Attorney Bob Gehler
Economic Development Specialist Michelle Hill
Finance Director Roger Tinklenberg

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

AUDIENCE INTRODUCTION

The audience introduced themselves.

PRESENTATIONS AND PROCLAMATIONS

Buffalo Run Proclamation

Mayor Natale read a proclamation declaring that August 13, 2011, be recognized as the 15th Annual Celebration at Buffalo Run Golf Course.

Council members Teter and Diaz moved and seconded to approve the proclamation.

VOICE VOTE: Unanimous; all present affirmed

CITIZEN COMMUNICATION

Glen Murray, 11010 Havana St. expressed displeasure over the city purchasing the dog track property. Mr. Murray talked about weeds, fences and prairie dogs along Highway 2.

Oliver Poise, 2835 Northbrook Drive, Boulder, addressed Council regarding the proposed ballot language regarding taxing medical marijuana.

Troy Whitmore, United Power, addressed Council about the power outages in the city during a series of storms awhile back.

APPROVAL OF MINUTES

June 13, 2011

Council members Snyder and Diaz moved and seconded to approve the minutes of the June 13, 2011, meeting.

VOICE VOTE: Unanimous; all present affirmed

July 11, 2011

Council members Snyder and Diaz moved and seconded to approve the minutes of the July 11, 2011, meeting.

VOICE VOTE: Unanimous; all present affirmed

AMEND AGENDA

Council members Bullock and Moreno moved and seconded to continue the citizen communication discussion to August 15, 2011.

VOICE VOTE: Unanimous; all present affirmed

CONSENT AGENDA

Council members Snyder and Moreno moved and seconded to approve the consent agenda as presented.

City Attorney Gehler read the title of Ordinance 2011-41: *AN ORDINANCE RE-NAMING THE UNITED POWER, INC. FRANCHISE, RENEWING AND EXTENDING THE UNITED POWER, INC. FRANCHISE AND FIXING THE TERMS AND CONDITIONS THEREFORE*

ROLL CALL VOTE: 7 aye

RESOLUTIONS

Resolution 2011-37

Economic Development Specialist Michelle Hill stated that the incentive amount being offered to UE Compression for expansion is \$143,000. The incentive will be provided through a rebate of sales and use tax.

Council members Bullock and Snyder moved and seconded to approve Resolution 2011-37.

City Attorney Gehler read the title of Resolution 2011-37: *RESOLUTION APPROVING INCENTIVE AGREEMENT FOR UE COMPRESSION, LLC*

VOICE VOTE: Unanimous; all present affirmed

STUDY ITEMS

2012 Revenue Estimates

City Manager Flannery stated that this is the kickoff for the budget season and staff will continue to make presentations over the month of August.

Finance Director Roger Tinklenberg presented Council with the proposed budget schedule. Mr. Tinklenberg reported that the city's commercial and industrial bases are growing slightly; however, going into the budget process and discussion there is a \$3.4 million gap between estimated revenues and expenditures.

Council discussed their retirement fund, trash service and soccer fields.

2011 November Election Ballot Discussion

City Attorney Bob Gehler asked Council to determine the percent of excise tax to include in the medical marijuana question on the ballot.

Council agreed not to exceed 7%.

City Attorney Gehler provided Council with the draft language for the ballot question regarding Council term limits.

Council agreed to move forward with the proposed draft language.

City Attorney Gehler provided Council with the draft language for the ballot question regarding Council membership on the Planning Commission.

Council agreed to move forward with the proposed draft language.

ADMINISTRATIVE COUNCIL BUSINESS

Councilman Benson requested that a formal annexation policy be drafted and presented to Council and he announced that he will be hosting a Ward II meeting on Tuesday, August 9, 2011.

Councilman Bullock requested the city manager and police chief meet with a resident of Reunion regarding the installation of a four-way stop near Landmark School.

REPORTS

City Manager Flannery reported on signing the AFSCME agreement.

ADJOURNMENT:

The meeting adjourned at 10:27 p.m.

Paul Natale, Mayor

Laura Bauer, City Clerk



Council Communication

City Council Meeting: 26 Sep 2011

Prepared: 24 Aug 2011

Number of Attachments: 1

Subject: Presentation by the Parents and Community for 27J Students on the next steps for their mill levy override campaign.

Presenter: P&C for 27J representative

Recommended City Council Action:

City council will be asked to pass a resolution in the future supporting this ballot measure.

Summary Statement:

The Parents and Community for 27J group will present to City Council on the facts about the financial needs of the 27J school district. They will also ask City Council to pass a resolution in support of a ballot measure that was placed on the November ballot by the 27J school board asking residents of the district to approve a mill levy increase to support and enhance operating expenses of the school district.

Next Steps: City council would have to deliberate the group's request that they pass a resolution in support of the mill levy increase.

Expenditure Required: none at this time

Source of Funds: N/A

Policy Issue: Should the city council have a position on a November ballot measure placed by the school district board.

Alternative: Not to support, or do nothing.

Background Information:

Similar attempts to pass a mill levy increase have been placed on the November ballot by the 27J board and have not obtain sufficient electoral support to pass.



Council Communication

City Council Meeting: 26 Sep 2011

Prepared: 19 Sep 2011

Number of Attachments: None

Subject: Discussion of City Council Retirement Benefits

Presenter: Brian McBroom

Recommended City Council Action:

This is a City Council discussion item and no formal action is required at this time.

Summary Statement:

Per the City Council's request at it's September 12, 2011 Budget Retreat, staff has scheduled a discussion of City Council's retirement benefits. Below is a summary of the City Council's current retirement benefit plan. Modifying this plan is at the sole discretion of the City Council.

Next Steps: Next steps will be dependent on the outcome of City Council discussion.

Expenditure Required: No expenditure is required.

Source of Funds: N/A

Policy Issue: Are changes to the City Council's retirement benefits supported by a majority of the City Council or is the current plan satisfactory?

Alternative: City Council has the discretion and the authority to modify the plan as it sees fit.

Background Information:

ELECTED OFFICIALS
RETIREMENT INFORMATION

as of 09/20/2011

Number of Participants:

2011 - 12 participants

2012 - 13 participants

2013 - 14 participants

Min & Max Payments to Participants:

\$120 - \$560 per month

\$1,440 - \$6,720 per year

Level of Current Benefits: For years 2011, 2012, and 2013

\$120 per month 2, 2, 2

\$140 per month 1, 1, 1

\$160 per month 5, 6, 7

\$200 per month 1, 1, 1

\$420 per month 1, 1, 1

\$440 per month 1, 1, 1

\$560 per month 1, 1, 1

Average of Payments to participants per month:

2011 - \$234

2012 - \$228

2013 - \$223

Current Fund Balance as of 12/31/2010: \$240,529.36

In past years council approved adding to the amount needed on a annual basis to cover the retirees in case some years an allocation could not be made.

How the annual budget amount is set:

Currently by the annual retirement amount

2011 - \$32,280

2012 - \$34,400

2013 - \$36,960



Council Communication

City Council Meeting: 26 Sep 2011

Prepared: 14 Sep 2011

Number of Attachments: 1

Subject: Discussion of a policy for use of discretionary funds

Presenter: Robert R. Gehler

Recommended City Council Action:

This is a City Council discussion item and no formal action is required at this time.

Summary Statement:

In the recent past, the City Council has discussed the need for clarity regarding the use of discretionary funds by members of the City Council. The attached draft council policy addresses that concern.

Next Steps: Passage of resolution adopting a council policy regarding the use of discretionary funds.

Expenditure Required: No expenditure is required.

Source of Funds: n/a

Policy Issue: Should City Council adopt a Council Policy regarding use of discretionary funds?

Alternative: City Council has the discretion and the authority to clarify the use of discretionary funds as it sees fit.

Background Information:

COUNCIL POLICY #CP-19

SUBJECT: Use of City discretionary funds by City Council for attendance at functions and activities

POLICY STATEMENT: The City Council recognizes the necessity for a policy regarding use of City funds by members of the City Council for attendance at functions and activities.

The following policy shall be adhered to regarding use of City funds by members of the City Council for attendance at functions or activities:

- A. Each year an amount shall be allocated for use by each member of the City Council for attendance at functions and activities that are in addition to those functions and activities intended for attendance by members of the City Council authorized for payment in paragraph C below. Commencing with the year 2011, the amount allocated for each individual member of the City Council is \$1,500 per calendar year and said amount shall remain in effect until changed by action of the City Council. Such funds allocated for attendance by individual members of the City Council has been and shall continue to be referred to as "Discretionary Funds".
- B. Expenditure of Discretionary Funds by members of the City Council for attendance at City functions and activities is only authorized if the function or activity is of benefit to the City of Commerce City, is in the public interest for the City of Commerce City or serves a public purpose. Examples of functions or activities deemed to be for the benefit of the City of Commerce City, in the public interest for the City of Commerce City or serves a public purpose include, but are not limited to, the following:
 - (1) Events, including social events, that give the opportunity to promote, advertise or disclose the benefits, advantages, events and activities existing or taking place in the City of Commerce City.
 - (2) Events, including social events, where attendance enables development of relationships with others that have the potential of benefiting Commerce City in the future.
 - (3) Attendance as a member of a committee that serves a governmental purpose related to the activities and functions of the City of Commerce City such as attendance as a member of a CML or NLC committee.
- C. Expenditure of Discretionary Funds shall not be required for any event authorized for payment from City funds pursuant to Council Policy #CP-5.
- D. The allocated Discretionary Funds for each calendar year shall not be accumulated from year to year but shall lapse at the end of each calendar year and become a part of the general fund.
- E. When feasible, the Council member shall inform the City Council at a duly-convened meeting of the City Council that use of Discretionary Funds is anticipated at an upcoming function or activity and, if objection is made by the City Council as to whether the proposed use of Discretionary Funds is authorized, the City Council shall determine the issue by majority vote. In the event advance notice to the City Council at a duly-convened meeting is not feasible,

approval shall be obtained from (Mayor, committee of two council members, city attorney or other option – council needs to choose an option).

- F. The Discretionary Funds of each council member shall not be assigned, transferred or used for persons other than a City Council member except for assignment, transfer or use for a 501(c)(3) organization or a governmental entity and then only with the approval as provided in paragraph E above.
- G. In no event shall any Discretionary Funds be expended for campaign purposes which would violate the Fair Campaign Practices Act.
- H. Each expenditure from the Discretionary Funds shall be accounted for on a City form and filed with the City Manager's Office within thirty (30) days after the expenditure is made. Reimbursement of the approved expenditure shall be made by the City. If any Council member desires an advance of funds from Discretionary Funds for any function to be attended and paid for pursuant to this Council Policy, a City form requesting the advancement shall be filed with the City Manager's Office at least seven days prior to expectation of payment.