

Inside the city

Information on latest happenings, items of interest.

City-led Events – Save the Date

- 7:30 a.m. Thursday, March 19: Commerce City Business Appreciation Breakfast, Dick's Sporting Goods Park Stadium
- 6:30 p.m. Thursday, March 19: Youth Commission Meeting, Civic Center, Room 2108
- 9 a.m. Friday, March 20: Stand Up for Transportation Signature Bus Tour, Commerce City Recreation Center
- Noon, Friday, March 20: Denver/Commerce City Joint City Council Lunch, Tables Restaurant, 2267 Kearney St., Denver
- 6 p.m. Wednesday, March 25: Community Sidewalk Tours: Paradise Island Pool at Pioneer Park

Third-Party Events – Please RSVP to Lysa Gallegos, lgallegos@c3gov.com to attend

- 5 p.m. Wednesday, March 18: Denver & Colorado Tourism Hall of Fame Dinner, Seawall Grand Ballroom at Denver Center for Performing Arts
- 5:45 p.m. Wednesday, March 18: Adams County Mayors and Commissioners Youth Awards Banquet, Buffalo Run
- 5:30 p.m. Thursday, March 19: 2015 Boys & Girls Clubs Gala, Hyatt Regency Denver, 650 15th Street, Denver
- 10 a.m. Saturday, March 28: MVP Physical Therapy Grand Opening, 13635 E 104th Ave, Suite 700 in the North Forest Office Space
- 10 a.m. Saturday, March 28: Town Hall Meetings with State Legislators, Civic Center, Council Chambers

To see events posted on the city wide calendar please visit our [website](#).



FROM THE CITY MANAGER'S OFFICE

For the week of March 16, 2015

Council follow-up

Resolution of action items or requests from previous meetings.

Councilman Benson inquired about the feasibility for possible intoxication ordinance for individuals within public right of way based on Judge Juarez' presentation.

State law (CRS 27-81-117) prohibits the city from adopting or enforcing any ordinance with a criminal or civil penalty "that includes drinking, being a common drunkard, or being found in an intoxicated condition as one of the elements of the offense giving rise to a criminal or civil penalty or sanction."

McKinstry contract – year three summary

In 2009, the City worked with the Governor's Energy Office and contracted with McKinstry Essention, Inc. to perform a comprehensive technical energy audit of the City's buildings and recommend energy savings measures across a variety of areas in order to reduce energy costs and upgrade aging infrastructure. The capital improvements are funded by guaranteed energy savings of \$185,115 annually over a 13-year payback period.

Year Three of the program ended in September 2014. McKinstry prepared a Measurement and Verification Report for the City that describes the savings and confirms the City achieved the anticipated energy savings for this period. Specifically, the City achieved \$167,651 in energy cost savings and \$23,199 in operations and maintenance cost savings for a total project cost savings of \$190,850. This results in a surplus of \$5,740 in savings relative to the guarantee. The total project savings were higher than previous year's savings primarily due to better than expected HVAC controls for garage door heaters, lighting controls, and the solar photovoltaic (PV) system on the roof of the Civic Center.

For a copy of the Year Three Executive Summary or full report, please contact Director of Public Works Maria D'Andrea. As a part of the 2016 budget process, staff will re-evaluate McKinstry's original recommendations to determine if any additional energy savings measures should be pursued.

Quality Community Foundation update

QCF President Valerie Medina contacted Dale Mingilton with the Adams 14 Foundation and Sharon Meyers with St. Anthony's North Foundation March 3, 2015, to discuss their unsuccessful submittal. Ms. Medina reported, "They were acceptable to the comments and look forward to submitting for next year." A June 8, 2015, study session has been tentatively scheduled as a follow-up to Councilman Teter's request.

Standard & Poor's (S&P) upgrades City of Commerce City's sale and use tax bond rating

On February 23, 2015, the rating agency S&P upgraded the City of Commerce City's sales and use tax bond rating from A+ to AA- (stable). The upgrade reflects increased sales revenue and corresponding increased debt service coverage. S&P also affirmed its A+ rating on Commerce City's Series 2014 sales and use tax revenue bonds.



FROM THE CITY MANAGER'S OFFICE

For the week of March 16, 2015

Moody's assigns initial A1 rating to Commerce City's, CO 2015 sales and use tax bonds

On February 19, 2015, the rating agency Moody's assigned an initial rating for the City of Commerce City's sales and use tax bond rating of A1. The initial rating primarily reflects the city's satisfactory historic trend of sales and use tax revenue and concentrated tax base and local economy that is part of the larger Denver metropolitan area. The rating also reflects the satisfactory legal structure supporting the bonds and the high level of debt service coverage.

April 27, 2015 City Council session to be held at the Municipal Services Center

This will be a joint meeting of the City Council and the Commerce City Housing Authority Board.

Capital Improvement Program update

Attached please find this week's update.

Legislative report

Attached please find this week's legislative report and tracking sheet.

Development Report

Attached please find the current development report.

City Council Work Schedule

Attached please find the current city council meeting schedule.



City of Commerce City

Capital Infrastructure Projects Program

Monthly Executive Summary – February 2015



Program Financials

- \$137,035,000 gross budget
- First Bond Issuance Proceeds received June 2014: \$78,000,000
- Revenues thru Dec 2014: \$10,206,202 (13% greater than planned)
- Expended thru Feb 2015: \$6,586,234

Project Phase Highlights

- New Recreation Center
 - Environmental investigations and site survey work underway
 - Planning for Rec Center to begin in Q3
- Tower Road Widening
 - Design approximately 50% complete
 - Developing IGA for Denver portion of work
- Outdoor Pool at Pioneer Park
 - Excavation and shot-crete of lazy river and leisure pool complete
 - Bathhouse steel structure complete
- 3 New Neighborhood Parks
 - Fronterra Neighborhood Park
 - Site grading and utility tie-ins complete
 - Continuing work on interior trails and skate park
 - Turnberry Neighborhood Park
 - Design public outreach planned for April
 - Villages at Buffalo Run East Neighborhood Park
 - Design public outreach planned for April
- Existing Recreation Center Expansion
 - Planning to begin in Q3

Budgets, Commitments, Costs and Forecasts

Projects	2K Budget	Committed	% Commit	Expended	Forecast	Variance
•Program Level Budgets	12,833,150	2,376,002	18.51%	817,773	12,833,150	
•New Recreation Center						
•New Recreation Center	32,892,445				32,892,445	
•Site & Roadway Infrastructure	15,691,525	49,945	0.32%	69,721	15,691,525	
•Tower Road Widening	51,171,009	1,464,002	2.86%	603,755	51,171,009	
•Outdoor Pool at Pioneer Park	9,372,080	8,483,945	90.52%	3,645,131	9,372,080	
•3 New Neighborhood Parks						
•Fronterra Neighborhood Park	3,978,452	3,196,961	80.36%	1,420,249	3,978,452	
•Turnberry Neighborhood Park	2,196,665	152,952	6.96%	13,620	2,196,665	
•Villages at Buffalo Run East Neighborhood Park	2,197,242	165,102	7.51%	15,985	2,197,242	
•Existing Recreation Center Expansion	6,702,432				6,702,432	
Total	137,035,000	15,888,909	11.59%	6,586,234	137,035,000	-

Project Status

- Phase completed
- Phase in progress
- Phase started this month

Project Name	Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Phase 6	Phase 7
	Planning	Pre-Design & RFP	Design	Const. Bid & Award	Construction	Acceptance	Closeout
New Rec Center Site & Roadway Infrastructure							
New Recreation Center	in Q3						
Tower Road Widening							
Outdoor Pool at Pioneer Park							
Fronterra Neighborhood Park							
Turnberry Neighborhood Park							
Villages at Buffalo Run East Neighborhood Park							
Existing Recreation Center Expansion	in Q3						

MEMMO

To: Mayor & Members of Council

From: Michelle Halstead, director of communications & government affairs

Subject: 2015 General Assembly Week 7 Legislative Report

Date: March 16, 2015

On Wednesday, lawmakers will receive the state's quarterly economic forecast report (including the amount of surplus revenue that will need to be refunded under TABOR), which will set the tone for the remaining weeks of the legislative session. Within a couple of weeks, the General Assembly will be wrapped up in consideration of the budget (the "Long Bill") – first in the Senate, followed by the House. Any changes made in either body will be sorted out in a conference committee that would consist of the members of the Joint Budget Committee. No major departures from the introduced version of the budget are expected.

Police reform remains a hot topic at the state capitol. Legislators on both sides of the aisle are looking closely at the issue, and at whether improvements to the relationship between law enforcement and communities need to be made. Legislation around racial profiling, special prosecutors, and other areas of law enforcement will likely be introduced in the coming days.

The Colorado Municipal League is playing an active role in opposing HB 15-1264, which applies certain rights to the homeless and allows them to bring suit against local governments and businesses should they believe they were harassed. The definition of harassment is expansive and CML believes this legislation will lead to a surge in frivolous lawsuits against municipalities. Scarce taxpayer resources that can actually do something about homeless issues might instead divert to unrestricted attorneys' fees. Municipalities are committed to finding permanent solutions for homelessness and believe this legislation will instead have damaging consequences.

To date, 500 bills have been introduced; the Commerce City is actively tracking approximately 77 bills for possible direct or indirect impacts on the city, its employees, businesses and residents.

Learn more about monitored legislation [online](#), including summaries and full text of the bill. Summaries of key bills, ordered by city council's priority areas, are listed below. The city's position, consistent with its [approved legislative principles](#), is in parentheses. Thanks to the [Colorado Municipal League](#), [Axiom Strategies](#) and other cited media sources for providing legislative information.



MEMO CONTINUED

SPECIFIC LEGISLATIVE PRIORITIES

- **Owner-Occupied, Multifamily Housing:** SB 15-177 was introduced Feb. 10 and will be heard in committee Wednesday, March 18, 2015. A council representative may testify or we can provide our position paper.
- **Urban Renewal & Tax Increment Financing:** SB 15-135 passed out of committee 6-1 on Feb. 10. The bill was up for second reading today in the senate. Municipalities with urban renewal authorities await the eventual introduction of legislation that will be sponsored by Speaker Hullinghorst.
- **Photo Red Light Cameras:** HB 15-1098 passed out of committee on an 8-5 vote and moved the bill to Appropriations Committee, where it has yet to be calendared.

OTHER BILLS OF INTEREST

- **SB 15-202, Water Conditioning Appliances (Recommend Oppose)**

SB 15-202 removes certain water conditioning appliances from the state definition of "plumbing," particularly those that are attached to a potable water system with a pipe of less than 2 inches in diameter. Therefore, the installation of these appliances would not require an inspection. Additionally, the installer would not need to be licensed or certified. CML is opposed to SB 15-202 because these appliances and the installers should continue to be regulated under the plumbing code. This is a health and safety issue as improper installation of water conditioners has led to contamination of residential water. Specifically, a family in Commerce City was awarded damages when an improperly installed water-softener system allowed sewage to back up into their drinking water. CML is working with the bill proponents to see if there is a possible compromise.

- **SB 15-212, Stormwater Management and Water Rights (Recommend Support)**

Modern stormwater management requires regional stormwater facilities designed to control and prevent destructive high flows by releasing or infiltrating stormwater gradually, within 72 hours for all but the most severe storms. Regional stormwater management facilities produce stream flow rates that are closer to the natural hydrograph than would occur without these facilities. Colorado has thousands of structures that detain water for stormwater management and also for water supply. All these structures capture precipitation during storms.



MEMO CONTINUED

Any requirement that regional stormwater management facilities bypass peak flood events on an instantaneous basis means that there will be no flood control management by these facilities. Historically, the Colorado State Engineer has recognized this reality and exempted from water rights administration both water supply and stormwater facilities, so long as the stormwater is not stored or detained for more than 72 hours. Hundreds of structures have been constructed and have operated successfully under the “72 Hour Rule.” Recently, however, the State Engineer has indicated that the 72 Hour Rule does not apply to regional stormwater management facilities (meaning any facility that manages flows from an area not developed as “a single development effort”).

Subjecting regional stormwater management facilities to water rights administration by the State Engineer will require that stormwater management agencies obtain a water court decree for a “plan for augmentation” for most, if not all, of these facilities. This is an adversarial, expensive, and time consuming process, with no guarantee of success. The State Engineer’s position threatens hundreds of existing and future regional stormwater management facilities for urbanized areas throughout the State since local governments will be required to divert budgeted funds away from construction of facilities to obtaining water court decrees that may be difficult - if not impossible - to obtain, particularly if augmentation water is scarce.

Stormwater management is critical to public health and the safety of property throughout Colorado. So long as storm or flood flows are stored only for that period of time determined necessary to meet public health and safety demands, and the water is not placed to any other intervening beneficial use, the construction and operation of stormwater control facilities should not be subjected to the water rights administration and adjudication processes.

Please contact Michelle Halstead at 303-289-3719 or mhalstead@c3gov.com with questions on these or any other legislative issues.





City Development Report

February 2015

The following list outlines projects that have hit one of six milestones in the development cycle during the prior month. The project names used in this report do not represent the official case name, but rather are edited to make them more descriptive for the purposes of this report.

Submitted for Development Review	Approximate Location or Address
Bobcat of the Rockies	7000 East 56 th Avenue
Development Plan Approved	Approximate Location or Address
Front Range Precast - concrete business	5901 Dexter Street
Grading Permit Issued	Approximate Location or Address
N/A	N/A
Submitted for Building Review	Approximate Location or Address
North Forest; office/medical tenant finish – 1,302 s.f.	13635 East 104 th Avenue, #500
Building Permit Issued	Approximate Location or Address
North Forest; office/medical tenant finish – 1,302 s.f.	13635 East 104 th Avenue, #600
King Soopers; remodel sales floor	15051 East 104 th Avenue
Temporary Certificates of Occupancy Issued	Approximate Location or Address
Titan Machinery; interior remodel – 18,879 s.f.	9600 East 104 th Avenue
Certificates of Occupancy Issued	Approximate Location or Address
Metro Wastewater; NSEC & SSEC facilities; 480 s.f.	6450 York Street
Excel Energy; warehouse renovation to office/storage space – 45,271 s.f.	9500 I-76 Service Road
Sports Clips; tenant finish – 1,185 s.f.	15175 East 104 th Avenue
North Forest Office; tenant finish – 1,302 s.f.	13635 E 104th Avenue, #300

Please keep in mind that receipt of permit or submission for review is not a guarantee that a project will be built. There are numerous reasons, unrelated to the city process, for a project to be delayed or canceled.

Please see definitions on following page.

DEFINITIONS

Development Plan Approval:

Development approval usually is an administrative review of a development plan that covers the final details for site design, landscaping, architecture, and public improvements to ensure compliance with the development and design standards and provisions of the city's Land Development Code. A development plan should provide the character and layout of the lot or lots including the exact location; the use of each building and area; architectural elevations of buildings indicating height, materials, and color; detailed landscape plan; streets, curb cuts, lighting; utilities, drainage, and other easements.

Building Permit:

A building permit is the formal approval of building plans by Commerce City's building and safety division indicating they meet the requirements of prescribed codes. It is an authorization to proceed with the construction or reconfiguration of a specific structure at a particular site, in accordance with the approved drawings and specifications.

Certificate of Occupancy (CO)/Temporary Certificate of Occupancy (TCO):

A Certificate of Occupancy (CO) is a document issued by Commerce City's Building & Safety Division certifying a building's compliance with applicable building codes and other laws, and indicating it to be in a condition suitable for occupancy. This certificate is necessary to be able to occupy the structure for everyday use.

A Temporary Certificate of Occupancy (TCO) grants the same rights as a certificate of occupancy, however, it is only for a temporary period of time. Temporary certificate of occupancies are generally sought after and acquired when a building is still under minor construction, but there are certain areas that are deemed to be habitable, and, upon issuance of TCO, can legally be occupied or sold.

Grading Permit:

A grading permit is required for any excavation, fill, or other earthwork, unless the project is exempted by the Land Development Code. A grading permit may or may not be a precursor to additional construction activity.

City Council Work Schedule				
Date	Item	Description	Dept.	Time
March 23, 2015				
STUDY SESSION		Reports	CMO	0:15
DISCUSSION	15-70	Council Retreat Update	CMO	0:30
	15-85	Noxious/Common Weeds	CD	0:30
	15-110	IGA - Brighton and Commerce City establishing a Shared Special Weapons and Tactics Team	PD	0:10
	15-113	Benefits for Variable Hour Employees (Part-Time)	HR	0:45
	15-147	Discussion on county taxation of marijuana	CA	0:15
		Total Meeting Time		2:25
March 30, 2015				
SPECIAL MEETING		Reports	CMO	0:15
EXECUTIVE SESSION	15-23	An executive session pursuant to C.R.S. 24-6-402(4)(f)(I) for the purpose of reviewing the Municipal Court Judge's performance evaluation	CMO	0:30
	15-21	An executive session pursuant to C.R.S. 24-6-402(4)(f)(I) for the purpose of reviewing the City Manager's performance evaluation	CMO	0:30
	15-22	An executive session pursuant to C.R.S. 24-6-402(4)(f)(I) for the purpose of reviewing the City Attorney's performance evaluation	CMO	0:30
		Total Meeting Time		1:45

City Council Work Schedule				
Date	Item	Description	Dept.	Time
April 6, 2015				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
EXECUTIVE SESSION		An executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of instructing negotiators regarding a potential realstate transaction	CMO	0:55
PROC & RECOGNITION	15-13	Recognition of Commerce City's Nominees for Adams County Mayors and Commissioners Youth Awards	PR&G	0:15
	Proc 15-06	Child Abuse Prevention Month	COMM	0:05
	Proc 15-08	Proclamation for Victims Rights Week	PD	
	Proc 15-09	Proclamation for Sex Assault Awareness Month	PD	
	Proc 15-11	Proclamation declaring April 9, 2015, as Stand Up for Transportation Day	COMM	0:10
CONSENT	AN-233-15	An ordinance approving Annexation AN-233-15 (1st reading March 16)	CD	0:05
	Z-915-15	Os Rosemary LLC; Rezone from I-1 to I-2; 8350 Rosemary St. (1st reading March 2)	CD	n/a
	Z-918-15	J. Connie McWhirt; Rezone from I-2 to R-2; 5360 Monaco St. (1st reading March 2)	CD	n/a
	Z-911-15	D&L Leasing; annexation zoning to Commerce City C-3 ;10655 E. 120th Court (1st reading March 16)	CD	n/a
	Ord 2004	Safe routes to school grant (1st reading Mar 2)	FD	n/a
	Ord 2049	Amending article iv of chapter 12 of the commerce city revised municipal code by the addition of section 12-6012 regulating marijuana cultivation and processing in residential structures (1st reading March 16)	CA	n/a
	Res 2015-18	Approval of a Quit Claim Deed with RTD	PW	n/a
	Res 2015-20	Approval of a Change Order with Huitt-Zollars, Inc. for Additional Design Services related to Tower Road Widening Project	PW	n/a
PUB HEARING				
RESOLUTION	Res 2015-19	Approval of IGA with City & County of Denver related to Pena Blvd. Maintenance	PW	0:10
ORD 1ST READING				
PRESENTATION				
ADMIN BUSINESS				0:15
EXECUTIVE SESSION	15-18	An executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of instructing negotiators concerning an Economic Development incentive	ED	1:00
		Total Meeting Time		3:55
April 6, 2015				
NIGID MEETING		Call to Order, Roll Call, Minutes	CMO	0:05
CONSENT	Ord NIGID 157	Lotis Short Inclusion Ordinance (1st reading March 16)	CD	0:05
		Total Meeting Time		0:10
April 13, 2015				
STUDY SESSION		Reports	CMO	0:15
DISCUSSION	15-80	Tower Road Lighting and Landscaping Review	PW	0:30
	15-112	Ice Cream Trucks	PD	0:30
	15-155	Re-appropriation discussion	FD	1:00
		Total Meeting Time		2:15
April 20, 2015				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
PROC & RECOGNITION				
CONSENT				
PUB HEARING				
RESOLUTION				
ORD 1ST READING				
PRESENTATION				
ADMIN BUSINESS				0:15
		Total Meeting Time		1:15

City Council Work Schedule				
Date	Item	Description	Dept.	Time
April 27, 2015		(Location - MSC)		
STUDY SESSION		Reports	CMO	0:15
DISCUSSION	15-141	Joint City Council and Housing Authority Board Meeting	CD	
	15-114	Buffalo Run Golf Course Presentation	PR&G	1:00
	15-115	Youth Sports Presentation	PR&G	1:00
		Total Meeting Time		2:15
May 4, 2015				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
PROC & RECOGNITION	15-04	Proclamation declaring May 10 - 16, 2015 as Commerce City Police Week	PD	0:10
	15-07	Kids Park Day	COMM	0:05
CONSENT				
PUB HEARING				
RESOLUTION				
ORD 1ST READING	2050	PROVIDE FOR THE LICENSING OF MEDICAL AND RECREATIONAL MARIJUANA BUSINESS (2 reading June 1st)	CA	0:15
PRESENTATION	15-87	Capital Program Update	CMO	0:30
	15-89	2015 1st Quarter Work Plan Update	CMO	0:30
ADMIN BUSINESS				0:15
		Total Meeting Time		2:45
May 11, 2015				
STUDY SESSION		Reports	CMO	0:15
DISCUSSION	15-131	2014 Comprehensive Plan Indicators Report	CD	0:30
	15-86	5 Year CIPP	CMO	1:00
		Total Meeting Time		1:45
May 18, 2015				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
PROC & RECOGNITION	15-03	Proclamation declaring May 17-23, 2015, as Commerce City Public Works Week	PW	0:10
CONSENT				
PUB HEARING				
RESOLUTION				
ORD 1ST READING				
PRESENTATION				
ADMIN BUSINESS				0:15
		Total Meeting Time		1:25
May 25, 2015	No Meeting - Memorial Day			