



FROM THE CITY MANAGER'S OFFICE

For the week of March 14, 2016

Inside the city

Information on latest happenings, items of interest.

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

Council follow-up

Resolution of action items or requests from previous meetings.

Update on illegal dumping

The neighborhood services division was informed of possible illegal dumping along 106th and 107th avenues near Havana Street that was potentially causing drainage problems. Building Official Buckley spoke with the complainant who stated an unknown business on East 107th Place has been discharging water daily from water trucks onto the street. Staff monitored the site for a number of days and observed a directional boring business at 10360 East 107th Place discharging large volumes of discolored water from a truck into their parking lot, where it flowed into the street. Discharging water from an unknown source is a violation of Municipal Code Chapter 10, Article III "Regulation of Discharges and Connections to Storm Sewer System," Section 10-3002. Staff will make contact with the business, provide verbal instruction to immediately cease this type of operation and provide them with a complete copy of Chapter 10, Article III to allow compliance. A Notice of Violation will be issued should activity continue.

Development Report

Attached please find the monthly development report.

Legislative report

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

City Council Work Schedule

Attached please find the current city council meeting schedule.



City Development Report

February 2016

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
Development Plan for Dion's Restaurant	15150 East 104th Avenue
South Adams Fire Protection District - new headquarters building	NEC of East 60th Avenue & future Syracuse Street
Mid-Rail Real Estate, LLC - new industrial building	SWC of East 86th Avenue and Ulster Street
Development Plan Approved	Approximate Location or Address
120th & Buckley LLC - PUD Permit for Villages at Buffalo Run East Filing #6	112th East of Chambers Rd
Northwood Village Associates - PUD Permit for Villages at Buffalo Run East Filing #7	Approximately 116th & High Plains Parkway
RDS Village Retail - PUD Development Permit for commercial development	15330 E 120th Place (NEC of 120th & Chambers Rd)
George T. Sanders Company - PUD Permit for a new warehouse/office building	Marty Farms – East 96 th Avenue and Yosemite Street
Grading Permit Issued	Approximate Location or Address
Lokal Homes - Villages at Buffalo Run Phases 3 and 4	East 120 th Avenue and Chambers Road
Submitted for Building Review	Approximate Location or Address
George T. Sanders – 78,844 s.f. new distribution warehouse	8755 East 95 th Place
Gray Fox Investments – 5989 s.f. tenant finish marijuana facility	9690 Dallas Steet Units I & J
Building Permit Issued	Approximate Location or Address
Tenant finish for 1375 s.f. retail marijuana space	5433 Quebec Street
Interior tenant finish for 6252 s.f. marijuana manufacturing space	9690 Dallas Street Units A & B
Marijuana grow/retail facility - 9636 s.f.	5275 Quebec Street, #105
Temporary Certificates of Occupancy Issued	Approximate Location or Address
Collision repair business 22,414 s.f. interior finish	6691 Colorado Boulevard
Certificates of Occupancy Issued	Approximate Location or Address
7-Eleven – 3000 s.f. convenience store	12241 East 104 th Avenue #105
7-Eleven – 3178 s.f. fuel canopy	12241 East 104 th Avenue
Bradley - 4900 s.f. commercial tenant finish	6795 East 49 th Avenue
ADCOM Public Facilities Leasing – 2351 s.f. office tenant finish	7321 Birch Street

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.

MEMO

To: Mayor & Members of Council

From: Michelle Halstead, director of communications & government affairs

Subject: 2016 General Assembly Week 6 Legislative Report

Date: March 14, 2016

Halfway done with the legislative session, nearly 550 bills have been introduced in the General Assembly and 89 have been postponed indefinitely.

Next week all eyes will be on the March revenue forecast that will tell lawmakers if they are on track with the upcoming budget package scheduled to be introduced by the end of March. More immediately, they will know if the current fiscal year's budget is still in balance with three months before the next state fiscal year begins. The continued slowdown in the energy industry may continue to be a drag on the state budget.

Transportation funding continues to be a significant topic. The bulk of the conversation about Colorado's transportation funding future will occur outside the statehouse in the form of initiated ballot measures. Inside the capitol, legislators and lobbyists continue to debate and discuss proposals to give TABOR relief to the state (with a guarantee of transportation funding) by turning the hospital provider fee into an enterprise, as well as trying to find revenue to issue bonds for a declared list of projects.

Commerce City is [tracking 69 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. Updates on council's specific legislative priorities are listed below. City positions are consistent with city council's [approved legislative principles](#) and are noted in parentheses.

Thanks to the [Colorado Municipal League](#), [Axiom Strategies](#) and other cited media sources for providing legislative information.

SPECIFIC LEGISLATIVE PRIORITIES

- **Owner-Occupied, Multifamily Housing.** Nothing has been introduced to date. The city is conceptually supportive of a bill yet to be introduced which would remove the sunset on HB 14-1017, extending a state low-income housing tax credit that is operated through the Colorado Housing and Finance Authority (CHFA).

MEMO CONTINUED

- **Urban Renewal and Tax Increment Financing.** Staff expects a bill to be introduced that Resolving TABOR conflicts and clarifies the mediation process from HB15-1348 in the next month.
- **Photo Red Light Cameras.** HB16-1143, which bans the use of photo red light cameras was postponed indefinitely last week. HB 16-1231, which allows the city to operate its existing camera system and expand if desire will be heard in Senate committee next week.

OTHER ITEMS OF INTEREST

- **HB 16-1311, Court Orders Requiring Monetary Amounts (Oppose)**

In 2014, the legislature adopted HB 14-1061 that prevented the courts from jailing indigent defendants for failure to pay fines and court costs if it could be shown that the defendant was indigent or the jail sentence would have a detrimental effect on the dependents of the defendant. HB 16-1311 is a follow up to that legislation and would shift the burden to the court to determine that the defendant is not indigent and that defendant's dependents would not be harmed by the jail sentence - even in cases that the defendant admits that he or she had the ability to pay but nonetheless failed to do so. There are several issues with the new legislation. First, the bill would prohibit the court from advising and accepting a guilty plea when the defendant is in custody. Second, the legislation prohibits the use of bench warrants if someone fails to appear at their court date to either pay a fine or explain why they cannot afford it. Once a municipal court is aware that a defendant cannot pay a fine, they often give alternative sentences like community service.

- **HB 16-1309, Right to Counsel (Oppose)**

HB 16-1309 was introduced at the request of the American Civil Liberties Union (ACLU). It is the ACLU's intent that a person in custody be provided with defense counsel at the first appearance. Currently, in municipal courts, at the first appearance the court advises a defendant that they have a right to an attorney and if the defendant asks for one they may apply for a court appointed attorney if they cannot afford one. CML staff is still evaluating the full impact to municipalities. As a policy, the League is not opposed to providing counsel at the first appearance, but believes there should be funding along with the mandate as well as guidelines to make sure the process is workable.

- **HB 16-1355, Well Location (Support)**

This bill is aptly titled as "concerning the ability of local governments to exercise land use authority over oil and gas facilities in a manner analogous to the siting of other industrial



MEMO CONTINUED

facilities." The bill would amend the county and municipal land use statutes to clarify that local land use authority extends to the siting of oil and gas facilities. This is an authority that municipalities - particularly home rule municipalities - have considered theirs already, but some in the industry have argued that local authority is preempted and the exclusive province of the State Oil and Gas Conservation Commission.

- **SB 16-136, Broadband (Oppose)**

SB 16-136 would place new limitations on municipalities' use of their own property for emplacement of telecommunications equipment and beef up SB 05-152, to make it more difficult for local governments to take opt-out questions to their voters. SB 152 is the industry sponsored 2005 law designed to protect industry from competition by requiring an election before local governments can do much of anything about substandard or nonexistent local broadband service.

SB 16-136 would require a new, special advance notice to the community about a SB 152 election, and development of a detailed business plan before a question may be submitted to voters. This sort of change to SB 152 has been on the industry's wish list for some time, once it became apparent that the election requirement alone was not enough to deter public entities from moving ahead on local broadband projects. Such a business plan would enable industry to object and call for a new election if any deviation from the plan later occurred, saying that that was not what voters specifically approved. Notably, local governments build all sorts of capital projects all the time without being micromanaged by bills from the General Assembly requiring business plans and such. Why are local broadband projects so different, and why is local government's capacity in this particular area so in doubt?

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



City Council Work Schedule				
Date	Item	Description	Dept.	Time
March 21, 2016				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
PRESENTATION	Pres 16-10	Joint meeting with City Council and South Adams County Water and Sanitation District/Revised Development Fee Comparison Study Results	CD	1:00
CONSENT	Res 2016-27	A RESOLUTION AMENDING COUNCIL POLICY #CP-5 REGARDING COUNCIL EXPENDITURES FOR AUTHORIZED EVENTS AND TRAVEL	CA	0:05
	Res 2016-28	Contract Award Chambers Multi-use Trail and Bridge	PW	n/a
	Res 2016-29	A RESOLUTION AMENDING COUNCIL POLICY #CP-19 REGARDING USE OF DISCRETIONARY FUNDS BY CITY COUNCIL	CA	n/a
	Res 2016-45	Amendment to Resolution 2015-98 Approving Business Incentives for Peter DeFries Corp. (Dion's Pizza).	ED	n/a
	Res 2016-47	Contract - Interim City Attorney	CA	n/a
	Ord 2082	Amend 2016 Budget to transfer parks impact fee funds for purchase of 6023 Forest Dr property Fastracked (1st reading March 7)	PR&G	n/a
	Z-706-99-01-02-06-14-16	BCX Development; amend the Burlington Northern/Catellus PUD for the Turnberry Development; E. 112th Avenue and Potomac Street Fastracked (1st reading March 7)	CD	n/a
PUB HEARING	Z-930-16	RTD is requesting annex and zone to Commerce City Public the property located West of the canal between E. 70th Avenue and E. 72nd Avenue. (2nd reading April 4) to be Fastracked	CD	0:10
	AN-236-16	RTD is requesting annexation zoning to Commerce City Public located at 72nd Avenue and Colorado Boulevard (2nd reading April 4) to be Fastracked	CD	0:10
RESOLUTION	Res 2016-24	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 located at west of the canal between E 70th Ave and E 72nd Ave	CD	0:10
	Res 2016-26	Resolution approving Economic Development incentives for Project True North (possible continuation to 21st)	ED	0:20
	Res 2016-42	Public Art Selection: Paradise Island Pool at Pioneer Park	COMM	0:40
	Res 2016-12	Resolution of the City of Commerce City, Colorado Establishing the Parks, Recreation and Golf Advisory Committee	PR&G	0:10
ADMIN BUSINESS				0:15
EXECUTIVE SESSION	16-16	Executive session pursuant to C.R.S. 24-6-402(4)(a) and (e) for the purpose of instructing negotiators concerning property acquisition for Highway 2 improvements	PW	0:30
EXECUTIVE SESSION	16-17	An executive session pursuant to C.R.S. 24-6-402(4)(f)(l) for the purpose of reviewing the City Manager's performance evaluation (possible continuation)	CMO	1:00
		Total Meeting Time		5:30

City Council Work Schedule				
Date	Item	Description	Dept.	Time
March 28, 2016				
STUDY SESSION		Reports	CMO	0:15
DISCUSSION	Pres 16-65	New Recreation Center Design Update	CMO	1:00
	Pres 16-137	Body Worn Camera Program Presentation	PD	0:45
	Pres 16-155	Quality Community Foundation Grant Recommendations	FD	0:30
		Total Meeting Time		2:30
April 4, 2016				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
PROC & RECOGNITION	Proc 16-08	Proclamation declaring April as Child Abuse Prevention Month	COMM	0:05
	Proc 16-09	Proclamation for National Crime Victim Rights Week	PD	0:05
CONSENT	Ord 2078	Yearly LDC Housekeeping Amendments (1st reading March 7)	CD	0:05
	Ord 2081	Amendment to 1041 Regulations (1st reading March 7)	CD	n/a
	Ord 2083	Citizens Advisory Board Ordinance (1st reading March 14)	PD	n/a
	Res 2016-43	RESOLUTION SETTING THE MISSION AND GOALS OF THE CITIZENS PUBLIC SAFETY ADVISORY BOARD	PD	n/a
	Ord 2085	Grant Recognition - TGYS - \$4,465.00 (1st reading March 7)	FD	n/a
	Z-929-16	Mid-Rail Real Estate, LLC; Rezone from AG, I-2, & I--2 with conditions to I-2 for the property located at the northwest corner and southwest corner of E 84th Ave & Ulster St (1st reading March 7)	CD	n/a
	Z-700-01-03-16	120th & Buckley Associates, LTD; amendment to the Villages at Buffalo Run East PUD; at the southwest corner of 120th Avenue and Buckley Road. (1st reading March 7)	CD	n/a
	Z-930-16	RTD is requesting annex and zone to Commerce City Public the property located West of the canal between E. 70th Avenue and E. 72nd Avenue Fastracked (1st reading March 21)	CD	n/a
	AN-236-16	RTD is requesting annexation zoning to Commerce City Public located at 72nd Avenue and Colorado Boulevard Fastracked (1st reading March 21)	CD	n/a
	Res 2016-07	Award of Contract: Network & VoIP Upgrade	IT	n/a
	Res 2016-30	Approval of Contract for Construction Services for Highway 2 Widening Project	PW	n/a
	Res 2016-37	Body Worn Camera Program Vendor Recommendation Resolution	PD	n/a
	Res 2016-46	IGA with CDOT for the 72nd Avenue & Colorado Boulevard Station Area Improvements Project	PW	n/a
PUB HEARING				
RESOLUTION				
ORD 1ST READING				
PRESENTATION				
ADMIN BUSINESS				0:15
		Total Meeting Time		1:30
April 11, 2016				
STUDY SESSION		Reports	CMO	0:15
DISCUSSION	Pres 16-40	Aerotropolis Presentation	CD	1:00
	Pres16-80	Building code update presentation	CD	1:00
	Pres 16-82	Noxious Weed Management Plan changes	CD	0:30
		Total Meeting Time		2:45

City Council Work Schedule				
Date	Item	Description	Dept.	Time
April 18, 2016				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
EXECUTIVE SESSION	16-15	An executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of instructing negotiators regarding water transactions and potential contracts	CD	1:00
PROC & RECOGNITION	Proc 16-02	Tree City USA Recognition/Arbor Day	PR&G	0:05
	Rec 16-01	Recognition of citizen commendations from Commerce City Police Department	PD	0:20
	Rec 16-11	Recognition of Commerce City Nominees for Adams County Mayors and Commissioners Youth Awards	PR&G	0:10
CONSENT	Res 2016-02	Approval of Contract for Construction of Tower Road	PW	0:05
PUB HEARING				
RESOLUTION	Res 2016-26	Resolution approving Economic Development incentives for Project True North (possible continuation from 21st)	ED	0:20
ORD 1ST READING				
PRESENTATION	Pres 16-156	Quality Community Foundation Grant Award Presentation	FD	0:15
	Pres 16-217	Health Home Grant	COMM	0:20
	Pres 16-219	Presentation from Urban Land Conservancy	CD	0:15
ADMIN BUSINESS				0:15
			Total Meeting Time	4:05
April 25, 2016				
STUDY SESSION		Reports	CMO	0:15
DISCUSSION	Pres 16-66	New Recreation Center Design Update	CMO	1:00
	Pres 16-221	Federal Advocacy Debrief & Next Steps	COMM	0:20
	Pres 16-228	RTD North Metro Line Enhancements	PW	0:15
	Pres 16-229	Interim Use of Buckley Road during Tower Road Widening Construction	PW	0:15
			Total Meeting Time	2:05
May 2, 2016				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
EXECUTIVE SESSION	16-03	An executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of instructing negotiators regarding DIA noise mitigation property acquisition	CD	0:45
PROC & RECOGNITION				
CONSENT	Res 2016-03	Award of Contract - Pena Boulevard at Tower Road On-ramp Design	PW	n/a
PUB HEARING				
RESOLUTION				
ORD 1ST READING	Ord 2079	Building code update Ordinance (2nd reading June 6)	CD	1:00
	Ord 2080	Noxious Weed Management Plan changes (adding violation penalties) (2nd reading June 6)	CD	0:20
	AN-233-15-16	Legal Description Change (2nd reading June 6)	CD	0:05
PRESENTATION	Pres 16-95	Capital Program Update	CMO	0:30
	Pres 16-96	2016 1st Quarter Work Plan Update	CMO	0:30
	Pres 16-218	Community Enterprise Mission and Community Work	COMM	0:20
ADMIN BUSINESS				0:15
			Total Meeting Time	4:50
May 9, 2016				
STUDY SESSION		Reports	CMO	0:15
DISCUSSION	Pres 16-05	Backyard Chicken Update	CD	0:45
	Pres 16-06	Derby Yearly Update	CD	0:45
	Pres 16-81	Commerce City Clean (3C's) project update	CD	0:30
	Pres 16-180	Trails and GRASP© update	PR&G	0:45
	Pres 16-230	2016 Pavement Maintenance Overview	PW	0:30
			Total Meeting Time	3:30

City Council Work Schedule				
Date	Item	Description	Dept.	Time
May 16, 2016				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
PROC & RECOGNITION	Proc 16-05	Public Works Week Proclamation	COMM	0:05
	Proc 16-06	Kids to Parks Day Proclamation	PR&G	0:05
	Proc 16-07	Proclamation recognizing Malcolm Castellaw's service to Commerce City	FD	0:05
CONSENT				0:05
PUB HEARING				
RESOLUTION				
ORD 1ST READING				
PRESENTATION	Pres 16-131	Senior Advisory Committee Bi-Annual Presentation	PR&G	0:20
ADMIN BUSINESS				0:15
		Total Meeting Time		1:55
May 23, 2016				
STUDY SESSION		Reports	CMO	0:15
DISCUSSION	Pres 16-67	New Recreation Center Design Update	CMO	1:00
	Pres 16-43	2016 HEAL Workplan	COMM	0:45
	Pres 16-108	Weed Management and Mowing Plan Presentation	PW	0:30
	Pres 16-171	Mosquito Control Program	PW	0:15
		Total Meeting Time		2:45
May 30, 2016		HOLIDAY/5TH MONDAY - NO MEETING		