



Commerce City

7887 E. 60th Ave.
Commerce City, CO 80022
c3gov.com

Meeting Minutes - Final

City Council

Monday, August 15, 2022

6:00 PM Council Chambers, 7887 E. 60th Ave Commerce City, CO 80022. The meeting will be live on Channel 8 and c3gov.com/video. Zoom Registration: https://c3gov.zoom.us/webinar/register/WN_V6jEFabxTzGAeZ
HqKsAe6w

Regular Meeting. Times given are estimates only.

Updated 8/15/2022 @12:00 PM

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 Huseman on August 15, 2022 at 6:01 PM.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Grimes, to excuse those members not present. VOTE: 8 - Aye, 1 - Excused (Madera)

Present: 8 - Mayor Benjamin Huseman, Mayor Pro Tem Jennifer Allen-Thomas, Council Member Rick Davis, Council Member Susan Noble, Council Member Craig Hurst, Council Member Meghan Grimes, Council Member Sean Ford and Council Member Kristi Douglas

Excused: 1 - Council Member Oscar Madera

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Executive Session

[22-145](#)

An executive session of the City Council pursuant to C.R.S. 24-6-402(4) (f) for the purposes of discussing the employment status of the City Manager and appointment thereof.

A motion was made by Council Member Grimes, seconded by Mayor Pro Tem Allen-Thomas, to accept the resignation of City Manager Tinklenberg. VOTE: 8 - Aye, 1 - Excused (Madera)

A motion was made by Council Member Grimes, Seconded by Mayor Pro Tem Allen-Thomas, to accept the severance agreement for City Manager. VOTE: 8 - Aye, 1 - Excused (Madera)

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Grimes, to continue the appointment of Cathy Blakeman as acting city manager through September 30th. VOTE: 8 - Aye, 1 - Excused (Madera)

A motion was made by Council Member Grimes, seconded by Mayor Pro Tem

Allen-Thomas, to enter into an executive session pursuant to C.R.S. 24-6-402(4) (f) for the purposes of discussing the employment status of the City Manager and appointment thereof. VOTE:

Aye: 7 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Noble, Council Member Hurst, Council Member Grimes, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Madera

Abstained: 1 - Council Member Davis

4. Citizen Communication

[22-151](#)

Citizen Communication - City Council will conduct this meeting in person at the Commerce City Civic Center, 7887 E 60th Ave, Commerce City, CO 80022. There will be the opportunity for public comment at the meeting during citizen communication and/or for each agenda item. Comments may be consolidated under the Citizen Comment part of the meeting. The public can submit their comments live during the meeting in person, via Zoom, or in advance through mail or email. Visit c3gov.com/council and click on "Meeting agendas" for the full meeting agenda and "Virtual Meeting and Public Comment Instructions" for instructions on how to submit live verbal and written comments. The deadline to register via Zoom or submit written comments is noon on Monday, August 15.

Craig Kim spoke on their metro districts financial audit.

Joy Bishop spoke on conditions at Conter Estates.

5. Proclamations and Recognitions

[22-148](#)

GFOA Awards for Outstanding Achievement in Popular Financial Reporting, Certificate of Achievement for Excellence in Financial Reporting and Distinguished Budget Presentation

Sheryl Carstens, Finance Director, introduced the awards that the Finance Department received.

[Proc 22-31](#)

Proclamation Declaring August 26th, 2022 as Women's Equality Day in Commerce City, Colorado

Kelly LaRu, Diversity, Equity, and Inclusion Commissioner, read the proclamation.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Grimes, that this Proclamation be approved. VOICE VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Madera

[Proc 22-32](#)

Proclamation Recognizing September 15th, 2022 to October 15th, 2022 as National Hispanic Heritage Month in Commerce City, Colorado

City Clerk Gibson read the proclamation.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Grimes, that this Proclamation be approved. VOICE VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Madera

[Proc 22-34](#)

Proclamation Declaring September 16th, 2022 as National Stepfamily Day in Commerce City

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Grimes, that this Proclamation be approved. VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Madera

6. Presentations

[Pres 22-453](#)

ULI TAP Report Presentation

Jim Tolbert, Community Development Director, introduced the presentation.

Rodney Milton, Executive Director for the Colorado Urban Land Institute, presented a technical advisory panel (TAP) report on commerce City's 72nd Ave Station Area.

[Pres 22-457](#)

South Adams County Fire Protection District Update

Chief Vincel, South Adams County Fire Protection District, presented updates regarding the District and the dedication of Engine 26 to Detective Curt Holland.

7. Consent Agenda

A motion was made by Council Member Grimes, seconded by Council Member Ford, to approve the Consent Agenda as presented. ROLL CALL VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Madera

[Min 22-208](#)

Minutes of the July 18, 2022 Regular Meeting

[Min 22-224](#)

Minutes of the August 1, 2022 Regular Meeting

- [Min 22-225](#) Minutes of the August 8, 2022 Special Meeting
- [Ord 2407](#) SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF \$422,541 AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF
- [Ord 2408](#) SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE TO SPECIFY TERM LIMITS OF BOARD AND COMMISSION MEMBERS OF THE DERBY REVIEW BOARD, YOUTH COMMISSION, CITIZEN PUBLIC SAFETY ADVISORY BOARD, SENIOR COMMISSION, AND VETERANS COMMISSION
- [Ord 2409](#) SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE DRCOG SAFER MAIN STREET PROGRAM GRANT IN THE AMOUNT OF \$2,720,000 AND THE EXPENDITURE THEREOF
- [Ord 2410](#) SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE POOLS SPECIAL INITIATIVE 2022 GRANT IN THE AMOUNT OF \$12,500 AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF
- [Res 2022-75](#) A RESOLUTION GRANTING A UTILITY EASEMENT TO UNITED POWER, INC. FOR CONSTRUCTION, OPERATION, MAINTENANCE, REPLACEMENT, ENLARGEMENT, RECONSTRUCTION, IMPROVEMENT, INSPECTION, REPAIRS AND REMOVAL OF UTILITY, ELECTRICAL AND COMMUNICATIONS FACILITIES AND ALL FIXTURES AND DEVICES APPURTENANCES THERETO ON CITY PROPERTY GENERALLY LOCATED AT US-76 AND PEORIA STREET
- [Res 2022-77](#) A RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR DESIGN AND PRECONSTRUCTION SERVICES FOR THE 96TH AVENUE WIDENING PROJECT TO HUITT-ZOLLARS, INC.
- [Res 2022-85](#) A RESOLUTION VACATING AN EASEMENT AT APPROXIMATELY 7001 COLORADO BOULEVARD
- [Res 2022-86](#) A RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY

8. Public Hearings

[Res 2022-03](#)

A RESOLUTION APPROVING THE AVILLA SETTLERS CROSSING SUBDIVISION GENERALLY LOCATED SOUTH OF E. 100TH AVENUE AND EAST OF TOWER ROAD

Mayor Huseman reopened the public hearing.

Harry Brennan, City Planner, provided the staff presentation to Council. Harry provided an overview of the case summary including the proposed plat and incorporated updates.

Charlie Smith, legal council for the applicant, requested this public hearing be continued for another month.

A motion was made by Council Member Grimes, seconded by Mayor Pro Tem Allen-Thomas, to refer this case back to the Planning Commission for another hearing prior to the City Council's next hearing. Motion Failed. VOTE: 4 - Aye (Allen-Thomas, Douglas, Grimes, Noble), 4 - Nay, 1 - Excused (Madera)

A motion was made by Council Member Grimes, seconded by Council Member Hurst, that this Resolution be continued to the September 19, 2022 regular meeting. VOTE:

Aye: 5 - Mayor Huseman, Council Member Davis, Council Member Hurst, Council Member Grimes and Council Member Ford

Nay: 3 - Mayor Pro Tem Allen-Thomas, Council Member Noble and Council Member Douglas

Excused: 1 - Council Member Madera

[Z-984-22](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY ZONING THE PROPERTY ANNEXED AS 7001 COLORADO BOULEVARD ANNEXATION FROM ADCO ADAMS COUNTY A-1 TO COMMERCE CITY R-3 (MULTI-FAMILY RESIDENTIAL)

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Douglas, to continue Ordinance Z-984-22 to the September 19, 2022 regular meeting. Motion Failed. VOTE: 4 - Aye (Allen-Thomas, Douglas, Huseman, Noble), 4 - Nay, 1 - Excused (Madera)

Mayor Huseman reopened the public hearing.

Scott McFadden, applicant, was present to take questions from Council.

Mayor Huseman closed the public hearing.

A motion was made by Council Member Grimes, seconded by Council Member Hurst,

to amend Ordinance Z-984-22 Section 3 to add, "as may be amended" to the end of the first sentence. VOTE: 5 - Aye, 2 - Nay (Allen-Thomas, Douglas), 2 - Excused (Madera, Noble)

A motion was made by Council Member Grimes, seconded by Council Member Hurst, that this Zoning Ordinances be approved on second & final reading as amended. VOTE:

Aye: 6 - Mayor Huseman, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Ford

Nay: 2 - Mayor Pro Tem Allen-Thomas and Council Member Douglas

Excused: 1 - Council Member Madera

The public hearings will be conducted hybrid in-person and via Zoom. There will be an opportunity to testify live during the meeting or in advance via email or regular mail. Visit c3gov.com/council and click on "Virtual Meeting and Public Comment Instructions" for instructions on how to register or submit comments. The deadline to register to comment and to submit written comments is noon on Monday, August 15. Please contact the City Clerk to request paper copies of materials.

9. Resolutions

[Res 2022-84](#)

A RESOLUTION AUTHORIZING THE ASSIGNMENT OF THE CITY'S PRIVATE ACTIVITY BOND ALLOCATION FOR 2022 TO THE HOUSING AUTHORITY OF THE CITY OF COMMERCE CITY, COLORADO; PROVIDING DETAILS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE

A motion was made by Council Member Hurst, seconded by Council Member Grimes, that this Resolution be adopted. VOTE:

Aye: 7 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Ford

Nay: 1 - Council Member Douglas

Excused: 1 - Council Member Madera

10. Ordinances on 1st Reading

[Ord 2411](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING SECTIONS 21-3320 AND 21-3340 OF THE LAND DEVELOPMENT CODE RELATING TO STANDARDS FOR ANNEXATION AGREEMENTS

Nathan Chavez, City Planner, presented on the proposed Land Development Code updates for the annexation process.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Grimes, that this Ordinance be introduced by council as seated and approved on first reading. VOTE:

Aye: 7 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Davis, Council Member Hurst, Council Member Grimes, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Madera

Abstained: 1 - Council Member Noble

[Ord 2420](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING SECTIONS 21-5200 AND 21-11200 OF, AND ADDING SECTION 21-5263 TO, THE LAND DEVELOPMENT CODE RELATING TO ALLOWING LIMITED COMMERCIAL USES IN CERTAIN R-3 (MULTI-FAMILY RESIDENTIAL) DISTRICTS NEAR TRANSIT STATIONS

A motion was made by Council Member Hurst, seconded by Council Member Grimes, that this Ordinance be approved as an emergency ordinance. VOTE:

Aye: 7 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Ford

Nay: 1 - Council Member Douglas

Excused: 1 - Council Member Madera

11. Ordinances on 2nd Reading

[Ord 2402](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO, BY APPROPRIATING PORTIONS OF THE UNENCUMBERED FUND BALANCES OF THE GENERAL FUND, CAPITAL EXPENDITURES FUND AND FACILITY SERVICES FUND AND TRANSFERRING TO DESIGNATED FUNDS PORTIONS OF THE UNENCUMBERED FUND BALANCE IN THE GENERAL FUND, FOR A TOTAL AMOUNT OF \$12,659,472 AND AUTHORIZING THE EXPENDITURE THEREOF.

A motion was made by Council Member Grimes, seconded by Council Member Hurst, that this Ordinance be approved on second & final reading. VOTE:

[Ord 2412](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING SECTION 2-2003 "TIME OF ADJOURNMENT" OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO AUTOMATICALLY CAUSE ALL REGULAR AND SPECIAL MEETINGS AND STUDY SESSIONS TO AUTOMATICALLY ADJOURN AT 10:30 P.M. UNLESS OTHERWISE EXTENDED

A motion was made by Council Member Grimes, seconded by Council Member Ford, that this Ordinance be approved on second & final reading. VOTE:

Aye: 7 - Mayor Pro Tem Allen-Thomas, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes, Council Member Ford and Council Member Douglas

Nay: 1 - Mayor Huseman

Excused: 1 - Council Member Madera

12. Administrative Council Business

A motion was made by Council Member Ford, seconded by Council Member Hurst, to direct staff to enforce the laws regarding unregistered vehicles in the City's rights of way and direct them to engage immediately with another towing operation to ensure that these vehicles are removed from the City post haste. VOTE: 8 - Aye, 1 - Excused (Madera)

13. Council Reports

Acting City Manager Blakeman highlighted items presented in their weekly report provided to council earlier. The mayor and council reported on their attendance at various meetings and events.

A motion was made by Council Member Grimes, seconded by Council Member Davis, to extend the meeting by 15 minutes. VOTE: 8 - Aye, 1 - Excused (Madera)

14. Adjourn

The meeting adjourned at 10:44 PM.

In accord with the city charter, the city clerk read the title to all ordinances and resolutions adopted by Council at this meeting.

Jordan D. Roberts, Deputy City Clerk

Any citizen requesting accommodations, with respect to rights under the Americans with Disabilities Act, to attend or participate in any public meeting, and/or to obtain this notice in alternate formats, is asked to please contact the City Clerk at 303-227-8791 as soon as possible before the meeting.