



Commerce City

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

Meeting Minutes - Final

City Council

Monday, August 16, 2021

6:45 PM Council Chambers, 7887 E. 60th Ave Commerce City, CO
80022. The meeting will be live on Channel 8 and
c3gov.com/video

Or Immediately following the URA meeting, before or after the posted time. This regular meeting will be held in person in the City Council Chambers (location above). There will be no general public physical access to this meeting. Revised as of 8/12/2021.

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 16, 2021, at 6:18 PM.

Present: 9 - Mayor Benjamin Huseman, Mayor Pro Tem Nicole Frank, Council Member Oscar Madera, Mayor Pro Tem Jennifer Allen-Thomas, Council Member Susan Noble, Council Member Jose Guardiola, Council Member Craig Hurst, Council Member Meghan Grimes and Council Member Robyn Smith

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Citizen Communication

[21-124](#)

Citizen Communication - City Council will conduct this meeting virtually via Zoom as the Civic Center remains closed out of precaution for COVID-19. 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 via Zoom or in advance using the online form or mail. 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 to comment and to submit written comments is noon on August 16.

A motion was made by Council Member Madera, seconded by Mayor Pro Tem Frank, to allow citizen communication to take place at 6:20 pm. VOTE: 9 - Aye

Steve Douglas spoke on road conditions on Green Parkway and school bus safety.

4. Presentations

[Pres 21-375](#)

Latino Engagement Task Force Report

LET and Cultivando members gave an update on the Latino Engagement Task Force.

[Pres 21-443](#)

COVID-19 Update

City Manager Tinklenberg provided council an update on the city's response to the COVID-19 pandemic.

[Pres 21-422](#)

2021 Q2 Work Plan Update

Jason Rogers, deputy city manager, presented the 2021 second quarter work plan updates.

[Pres 21-306](#)

Comprehensive Plan Update

Jamie Rice, city planner, presented an update on the comprehensive plan update process.

5. Consent Agenda

Council Member Noble requested that Resolution 2021-58 be pulled from the consent agenda.

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Hurst, to approve the consent agenda as amended. ROLL CALL VOTE:

Aye: 9 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Mayor Pro Tem Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

[21-115](#)

Colorado Independent Congressional Redistricting Commission Letter

[Ord 2335](#)

AN ORDINANCE AMENDING THE 2021 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO, BY APPROPRIATING PORTIONS OF THE UNENCUMBERED FUND BALANCES OF THE GENERAL FUND AND FACILITIES FUND, TRANSFERRING TO DESIGNATED FUNDS PORTIONS OF THE UNENCUMBERED FUND BALANCE IN THE GENERAL FUND, AND REAFFIRMING CERTAIN PRIOR APPROPRIATIONS, FOR A TOTAL AMOUNT OF \$2,688,924 AND AUTHORIZING THE EXPENDITURE THEREOF.

- [Ord 2338](#) AN ORDINANCE AMENDING THE 2021 BUDGET OF THE CITY OF COMMERCE CITY BY THE RECOGNITION OF THE FIRST TRANCHE OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDING IN THE AMOUNT OF \$5,262,512.50 AND THE APPROPRIATION OF SUCH FUNDS AS REVENUE REPLACEMENT FOR GOVERNMENT OPERATIONS AS AUTHORIZED BY LAW
- [Ord 2339](#) AN ORDINANCE AMENDING THE 2021 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) GRANT FUNDS FOR \$760,000 FOR THE CONSTRUCT A REPLACEMENT OF THE POTOMAC ST/O'BRIAN CANAL BRIDGE AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.
- [Ord 2340](#) AN ORDINANCE AMENDING THE 2021 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT (LEAF PROGRAM) IN THE AMOUNT OF \$10,000 FOR (DUI) ENFORCEMENT EFFORTS AND THE AUTHORIZATION OF THE EXPENDITURES THEREOF.
- [Ord 2342](#) AN ORDINANCE REPEALING AND REENACTING SECTION 5-4500 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADOPT THE 2020 NATIONAL ELECTRICAL CODE, AND AMENDING THE CITY'S PREVIOUSLY ADOPTED RESIDENTIAL CODE TO INCORPORATE APPLICABLE STANDARDS OF THE 2020 NATIONAL ELECTRIC CODE
- [Ord 2343](#) AN ORDINANCE AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING THE AUTHORITY OF CERTAIN PERSONS DESIGNATED AS PEACE OFFICERS TO ENFORCE VIOLATIONS OF THE CHARTER AND ORDINANCES OF THE CITY OF COMMERCE CITY
- [Res 2021-56](#) A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION FOR RIGHT-OF-WAY ACQUISITION COST-SHARING FOR US85 AND 120TH AVENUE INTERCHANGE PROJECT
- [Res 2021-58](#) A RESOLUTION ESTABLISHING A BLUE RIBBON ECONOMIC DEVELOPMENT PANEL
- A motion was made by Council Member Noble, seconded by Council Member Hurst, that this resolution be adopted. VOTE:**

Aye: 9 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Mayor Pro Tem Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

[Res 2021-59](#) A RESOLUTION AMENDING COUNCIL POLICY #CP-16 TO MODIFY THE CITY COUNCIL AGENDA REGARDING NOTICED COUNCIL BUSINESS ITEMS

[Res 2021-60](#) A RESOLUTION FINDING SUBSTANTIAL COMPLIANCE OF ANNEXATION PETITION IN CASE AN-259 (CAN-AM ANNEXATION) AND SETTING A PUBLIC HEARING TO DETERMINE ELIGIBILITY FOR SUCH ANNEXATION

[Res 2021-65](#) A RESOLUTION APPROVING A QUITCLAIM DEED IN FAVOR OF LGI HOMES - COLORADO, LLC TO RETURN DEDICATED PROPERTY IN PORTIONS OF THE PROPERTY IN SECOND CREEK FARM FILING NO. 1, FIRST AMENDMENT

[Res 2021-70](#) A RESOLUTION AUTHORIZING AND SUPPORTING THE MAIN STREET PROJECT IN THE CITY OF COMMERCE CITY, COLORADO

[Res 2021-74](#) A RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY

[Z-761-03-21](#) AN ORDINANCE APPROVING THE BUCKLEY CROSSING PUD AMENDMENT #1 AMENDING RESIDENTIAL DENSITIES AND MODIFYING PERMITTED LAND USES LOCATED ON THE PROPERTY AT THE SOUTHEAST CORNER OF E. 120TH AVE. AND HIGH PLAINS PARKWAY. IN COMMERCE CITY, COLORADO.

[Z-941-17-19-21](#) AN ORDINANCE APPROVING THE MILE HIGH GREYHOUND PARK PUD ZONE DOCUMENT - AMENDMENT 1 AMENDING THE COMMERCIAL AND INSTITUTIONAL USES ON PARCELS A AND B LOCATED ON THE PROPERTY BOUND BY E. 64TH AVE. TO THE NORTH, E. 62ND AVE. TO THE SOUTH, ELM ST. TO THE EAST, AND HIGHWAYS 2 & 85 TO THE WEST, IN COMMERCE CITY, COLORADO.

6. Public Hearings

Mayor Huseman opened the joint public hearing.

John Bourjaily, management analyst, presented on the changes made after negotiations with the applicant.

No public comments were received by the deadline.

Mayor Huseman closed the public hearing.

A motion was made by Council Member Hurst, seconded by Council Member Grimes, to approve Resolution 2021-51 and 2021-52. VOTE: 8 - Aye, 1 - Nay (Huseman)

[Res 2021-51](#)

RESOLUTION APPROVING THE AMENDED AND RESTATED SERVICE PLAN FOR BUCKLEY CROSSING METROPOLITAN DISTRICT AND THE RELATED INTERGOVERNMENTAL AGREEMENT

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Hurst, that this resolution be adopted. VOTE:

Aye: 7 - Mayor Pro Tem Frank, Council Member Madera, Mayor Pro Tem Allen-Thomas, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

Nay: 2 - Mayor Huseman and Council Member Noble

[Res 2021-52](#)

RESOLUTION APPROVING THE SERVICE PLAN FOR BUCKLEY CROSSING METROPOLITAN DISTRICT NO. 2 AND THE RELATED INTERGOVERNMENTAL AGREEMENT

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Hurst, that this resolution be adopted. VOTE:

Aye: 7 - Mayor Pro Tem Frank, Council Member Madera, Mayor Pro Tem Allen-Thomas, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

Nay: 2 - Mayor Huseman and Council Member Noble

7. Resolutions

[Res 2021-69](#)

A RESOLUTION ADOPTING THE REVISED COMMERCE CITY STORM DRAINAGE AND TECHNICAL CRITERIA MANUAL

Brent Soderlin, city engineer, introduced the presentation.

Chris Hodyl, development review manager, and Andrew Earles, with Wright Water Engineering, presented on the purpose and need, overall purpose, outreach process, changes from previous manual, floodplain rules and regulations, stormwater detention & water quality policy, stormwater quality & constrictions, variance process, 2021 retention policy criteria, and 2021 pumped drainage policy criteria.

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Allen-Thomas, that this resolution be adopted. VOTE:

Aye: 9 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Mayor Pro Tem Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

8. Ordinances on 1st Reading

[Ord 2347](#)

AN ORDINANCE AMENDING THE 2021 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY TRANSFERRING \$350,000 FROM THE GENERAL FUND TO THE FACILITIES FUND FOR COSTS ASSOCIATED WITH THE FACILITY ASSESSMENT PRIORITY ONE PROJECTS AND DESIGN WORK RELATED TO THE ADA AUDIT AND AUTHORIZATION OF THE EXPENDITURES THEREOF.

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

Aye: 9 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Mayor Pro Tem Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

9. Administrative Council Business - 9:30 PM

A motion was made by Council Member Noble, seconded by Council Member Allen-Thomas, to reconsider the motion on Resolutions 2021-51 and 2021-52. VOTE: 7 - Aye, 2 - Nay (Grimes, Madera)

Council discussed a complaint letter submitted to the City regarding Council Member Noble and Guardiola.

A motion was made by Council Member Grimes, seconded by Council Member Madera, to take a five minute recess. VOTE: 9 - Aye

[21-126](#)**Ciders & Sliders (Ralston House) - Request for Sponsorship**

A motion was made by Council Member Madera, seconded by Council Member Guardiola, to approve the request for sponsorship. VOTE 9 - Aye

[21-112](#)**Municipal Judge Recruitment**

A motion was made by Council Member Madera, seconded by Council Member Grimes, to begin the municipal judge requirement process as outlined by staff. VOTE: 9 - Aye

10. Council Reports

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

11. Executive Session

A motion was made by Council Member Hurst, seconded by Mayor Pro Tem Frank, to enter into an executive session pursuant to C.R.S. 24-6-402(4)(b) for the purposes of receiving legal advice concerning potential affirmative litigation; and C.R.S. 24-6-402(4)(f), regarding mid-year performance goal assessments for the City Attorney. VOTE: 9 - Aye

[21-109](#)

An executive session pursuant to C.R.S. 24-6-402(4)(b) for the purposes of receiving legal advice concerning potential affirmative litigation.

[21-119](#)

An executive session, pursuant to C.R.S. 24-6-402(4)(f), regarding mid-year performance goal assessments for the City Attorney.

12. Adjourn

The meeting adjourned at 10:55 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