



Commerce City

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

Meeting Minutes - Final

City Council

Monday, October 4, 2021

6:45 PM This meeting will be conducted electronically via Zoom. There will be no physical meeting. Public access to this meeting can be found in the agenda below. The meeting will also be live on Channel 8 and c3gov.com/video

Or Immediately following the URA meeting, before or after the posted time.
Per Resolution 2021-91 the City Manager is authorized to conduct this meeting via Zoom
Revised as of 1:40 PM on 10/4/2021

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 October 4, 2021, at 7:04 PM.

A motion was made by Council Member Noble, seconded by Council Member Allen-Thomas, to excuse members not present. VOTE: 6 - Aye, 3 - Excused (Frank, Grimes, Hurst)

Present: 6 - Mayor Benjamin Huseman, Council Member Oscar Madera, Council Member Jennifer Allen-Thomas, Council Member Susan Noble, Council Member Jose Guardiola and Council Member Robyn Smith

Excused: 3 - Mayor Pro Tem Nicole Frank, Council Member Craig Hurst and Council Member Meghan Grimes

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Citizen Communication

City Attorney Sheesley provide context and recommendations regarding the CANAM annexation.

A motion was made by Council Member Madera, seconded by Council Member Smith, to amend the agenda to consider a motion on the scheduled public hearing due to procedural concerns. VOTE: 6 - Aye

A motion was made by Council Member Madera, seconded by Council Member Allen-Thomas, to return the zoning application to the first Planning Commission meeting in December to consider the applicants modified proposal and return Resolution 2021-61, Ordinance AN-259-21, and Ordinance Z-964-21 to the City Council after that with republication of notice. VOTE: 3 - Aye (Allen-Thomas, Madera, Noble), 3 - Nay, 3 - Excused (Frank, Grimes, Hurst)

[21-144](#)

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 October 4th.

Ronna Sanchez spoke on the oil and gas monthly update.

Steve Douglas spoke on Reunion consolidated agreement.

Kristi Douglas spoke on Reunion consolidated agreement.

4. Proclamations

[Proc 21-12](#)

Proclamation Declaring October 2021 as Code Enforcement Month in Commerce City

A motion was made by Council Member Allen-Thomas, seconded by Council Member Guardiola, that this proclamation be approved. VOTE:

Aye: 6 - Mayor Huseman, Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola and Council Member Smith

Excused: 3 - Mayor Pro Tem Frank, Council Member Hurst and Council Member Grimes

5. Noticed Council Business

[21-148](#)

Suspension of Administrative Subdivision Approvals Temporarily

A motion was made by Council Member Noble, seconded by Council Member Smith, to request that starting tonight until April 4, 2022 residential final plats be reviewed using a public hearing under 1-3241(2)(b) of the Land Development Code and the City Council to direct staff to present an ordinance on October 18th to make only residential final plats subject to Council approve through April 4, 2022. VOTE: 5 - Aye, 1 - Nay (Madera), 3 - Excused (Frank, Grimes, Hurst)

6. Presentations

A motion was made by Council Member Noble, seconded by Council Member Allen-Thomas, to amend the agenda to move the Reunion Consolidated Development Agreement presentation to a later study session. VOTE: 2 - Aye (Allen-Thomas, Noble), 4 - Nay, 3 - Excused (Frank, Grimes, Hurst). MOTION FAILED

[Pres 21-92](#)

Environmental Planning & Policy Monthly Update

Domenic Martinelli, Environmental Planner, provided the environmental planning & policy monthly update.

[Pres 21-307](#)

Comprehensive Plan Update

Jamie Rice, City Planner, presented on the Comprehensive Plan update.

[Pres 21-514](#)

Reunion Consolidated Development Agreement

Roger Tinklenber, City Manager, presented on background, purpose of the extension, capital infrastructure projects, existing funding sources, financial strategy, agreeable terms and conditions, terms requiring direction/feedback, and Council direction.

A motion was made by Council Member Noble, seconded by Council Member Allen-Thomas, to continue the discussion until October 18th. VOTE: 6 - Aye, 3 - Excused (Frank, Grimes, Hurst)

7. Consent Agenda

A motion was made by Council Member Allen-Thomas, seconded by Council Member Noble, to approve the consent agenda as presented. ROLL CALL VOTE:

Aye: 6 - Mayor Huseman, Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola and Council Member Smith

Excused: 3 - Mayor Pro Tem Frank, Council Member Hurst and Council Member Grimes

[Min 21-224](#)

Minutes of the September 13, 2021 Special Meeting

[Res 2021-72](#)

A RESOLUTION AUTHORIZING INTERGOVERNMENTAL AGREEMENT WITH URBAN DRAINAGE AND FLOOD CONTROL DISTRICT REGARDING FUNDING OF MAJOR DRAINAGEWAY PLANNING FOR BUFFALO RUN TRIBUTARY

[Res 2021-92](#)

A RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY

[Res 2021-94](#)

A RESOLUTION OF SUPPORT FOR 27J SCHOOLS MILL LEVY OVERRIDE (ISSUE 5A) AND BOND (ISSUE 5B) BALLOT MEASURES FOR THE 2021 NOVEMBER ELECTION

8. Public Hearings

Mayor Huseman opened the joint public hearing.

Andrew Baker, City Planner, gave the staff presentation.

David Foster, Applicant Counsel, introduced the applicants presentation.

Public Comment:

Spoke in opposition of CANAM annexation:

- Adam Kunda
- Marisa Kirby
- Mathew Paul
- Matias Fernandez
- Stephanie Fernandez
- Lisa DiMuccio
- William Cooper
- Nicole Babyak
- Anna Moriotti
- Lori Sprague
- Steve Douglas
- Mary Flores
- Kristi Douglas

Spoke in support of CANAM annexation:

- Holly Prather

A motion was made by Council Member Madera, seconded by Council Member Smith, to refer Resolution 2021-61, AN-259-21, and Z-964-21 back to the Planning Commission for further review. VOTE: 3 - Aye, 3 - Nay (Allen-Thomas, Guardiola, Noble), 3 - Excused (Frank, Grimes, Hurst)

A motion was made by Council Member Madera, seconded by Council Member Smith, to continue the public hearing until November 15, 2021. VOTE: 5 - Aye, 1 - Nay (Guardiola), 3 - Excused (Frank, Grimes, Hurst)

[Res 2021-61](#)

A RESOLUTION DETERMINING THE ELIGIBILITY OF CERTAIN UNINCORPORATED TERRITORY KNOWN AS THE CANAM ANNEXATION, GENERALLY LOCATED AT 9940 EAST 112TH AVENUE FOR ANNEXATION TO THE CITY OF COMMERCE CITY, COLORADO

[AN-259-21](#) AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY KNOWN AS THE CANAM ANNEXATION, GENERALLY LOCATED AT 9940 EAST 112TH AVENUE TO THE CITY OF COMMERCE CITY, COLORADO

[Z-964-21](#) AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO, BY ZONING THE PROPERTY ANNEXED AS THE CANAM ANNEXATION FROM ADCO (UNINCORPORATED ADAMS COUNTY) TO A PUD ZONE DISTRICT AND APPROVING A PUD ZONE DOCUMENT

9. Resolutions

[Res 2021-93](#) A RESOLUTION ADOPTING AN AMENDED DIRECTORY OF CITY FEES AND CHARGES TO ESTABLISH A DISCOUNTED ANNUAL RECREATION MEMBERSHIP FOR CERTAIN PERSONS WITH DISABILITIES AND QUALIFYING DISCOUNTED ACCESS FOR MEMBERSHIPS

A motion was made by Council Member Madera, seconded by Council Member Guardiola, that this resolution be adopted. VOTE:

Aye: 6 - Mayor Huseman, Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola and Council Member Smith

Excused: 3 - Mayor Pro Tem Frank, Council Member Hurst and Council Member Grimes

10. Administrative Council Business

A motion was made by Council Member Madera, seconded by Council Member Guardiola, to have staff draft an ordinance setting a minimum \$500 fine for illegal dumping. VOTE: 6 - Aye, 3 - Excused (Frank, Grimes, Hurst)

A motion was made by Council Member Noble, seconded by Council Member Guardiola, to have staff draft a letter to Governor Polis and a petition to the WQCC to reconsider the June 2020 vote on anti-degradation as it relates to SunCor. VOTE: 6 - Aye, 3 - Excused (Frank, Grimes, Hurst).

[21-145](#) Rocky Mountain Partnership - Appointment of Council Member

This item was tabled until October 18, 2021.

[21-147](#)

Ratify the Vote for Council Member Hurst to travel on behalf of Council to Washington DC on October 6-8, 2021

A motion was made by Council Member Madera, seconded by Council Member Guardiola, to ratify the vote taken over email regarding Council Member Hurst's travel on behalf of Council to Washington D.C. VOTE: 6 - Aye, 3 - Excused (Frank, Grimes, Hurst).

11. 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.

12. Executive Session

[21-150](#)

An executive session regarding the City Manager pursuant to C.R.S. 24-6-402(4)(f) for the purposes of discussing personnel matters relating to the City Manager's performance.

A motion was made by Council Member Madera, seconded by Council Member Guardiola, that this executive session be continued. VOTE:

Aye: 5 - Mayor Huseman, Council Member Madera, Council Member Allen-Thomas, Council Member Guardiola and Council Member Smith

Nay: 1 - Council Member Noble

Excused: 3 - Mayor Pro Tem Frank, Council Member Hurst and Council Member Grimes

13. Adjourn

The meeting adjourned at 11:13 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