



Commerce City

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

Meeting Minutes - Final

City Council

Monday, January 4, 2021

6:00 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

**Agenda Updated 1/4/2021 to include Oil and Gas Monthly Update under Presentations
Regular Meeting via Zoom
Per Ordinance 2291 the City Manager is authorized to conduct this meeting via Zoom**

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 January 4, 2021, at 6:00 PM.

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

Present: 8 - Mayor Benjamin Huseman, Council Member Oscar Madera, Council Member Jennifer Allen-Thomas, Council Member Susan Noble, Council Member Jose Guardiola, Council Member Craig Hurst, Council Member Meghan Grimes and Council Member Robyn Smith

Excused: 1 - Mayor Pro Tem Nicole Frank

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Citizen Communication

[21-02](#)

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 January 4.

Ronna Sanchez spoke on ordinance 2312.

Steve Strock spoke on a vicious dog attack that they experienced.

Steve Douglas spoke on the draft letter to the Colorado Department of Public Health & Environment regarding Suncor Refinery's permit renewal application.

4. Presentations

[Pres 21-14](#)

COVID-19 Update

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

[Pres 21-24](#)

Oil and Gas Monthly Update

Domenic Martinelli, environmental planner, provided the oil and gas monthly update.

5. Consent Agenda

Council Member Noble requested to pull Ordinance 2308 and Resolution 2021-02 from the consent agenda.

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

Aye: 8 - Mayor Huseman, Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

Excused: 1 - Mayor Pro Tem Frank

[Min 21-02](#)

Minutes of December 21, 2020

[V-89-21](#)

AN ORDINANCE VACATING A PORTION OF PEORIA STREET RIGHT-OF-WAY SOUTH OF 104TH AVENUE IN THE TURNBERRY SUBDIVISION, COMMERCE CITY, COLORADO.

[Ord 2308](#)

AN ORDINANCE AMENDING SECTION 2-4201 OF THE COMMERCE CITY REVISED MUNICIPAL CODE RELATING TO THE AUTHORITY OF CITY PERSONNEL TO EXECUTE CONTRACTS

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

Aye: 8 - Mayor Huseman, Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

Excused: 1 - Mayor Pro Tem Frank

[Ord 2310](#)

AN ORDINANCE AMENDING THE 2021 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY APPROPRIATING \$225,268 FROM THE GENERAL FUND TO ADDRESS HOMELESSNESS THROUGH INTERGOVERNMENTAL AND OTHER EFFORTS AND THE RECRUITMENT OF A COMMUNITY NAVIGATOR AND AUTHORIZATION OF THE EXPENDITURE THEREOF

[Res 2021-01](#)

RESOLUTION AUTHORIZING GRANT OF EASEMENT TO COMCAST OF COLORADO IX, LLC FOR BROADBAND COMMUNICATIONS SYSTEM

[Res 2021-02](#)

RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT FOR LANDLORD/TENANT LEGAL SERVICES PILOT PROGRAM

A motion was made by Council Member Noble, seconded by Council Member Guardiola, that this resolution be continued to the February 1 meeting and direct staff to provide a presentation and a video with outside partners for information on the program. VOICE VOTE:

Aye: 6 - Mayor Huseman, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst and Council Member Grimes

Nay: 2 - Council Member Madera and Council Member Smith

Excused: 1 - Mayor Pro Tem Frank

6. Public Hearings

[Z-616-95-21](#)

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY REMOVING ZONING CONDITIONS ON APPROXIMATELY 28 ACRES FOR THE PROPERTY AT 9940 HAVANA ST TO REMAIN I-2 (MEDIUM INTENSITY INDUSTRIAL) AND TO REZONE APPROXIMATELY 1.87 ACRES OF THE PROPERTY AT 9940 HAVANA ST NORTH OF THE O'BRIEN CANAL FROM I-2 (MEDIUM INTENSITY INDUSTRIAL) TO PUBLIC ZONE.

Mayor Huseman opened the public hearing.

Stacy Wasinger, city planner, presented the case.

Brad Cooney, applicant's representative, provided the applicant's presentation.

Britt Palmberg, with Rick Engineering representing Cass Transportation, spoke on concerns related to the drainage of the subject property.

Mayor Huseman closed the public hearing.

A motion was made by Council Member Hurst, seconded by Council Member Madera, to accept the findings and recommendations of the Planning Commission on case # Z-616-95-21. VOTE: 8 - Aye, 1 - Excused (Frank)

A motion was made by Council Member Hurst, seconded by Council Member Madera, that this ordinance be introduced by council as seated and approved on first reading. VOTE:

Aye: 8 - Mayor Huseman, Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

Excused: 1 - Mayor Pro Tem Frank

7. Ordinances on 1st Reading

[Ord 2314](#)

AN ORDINANCE AMENDING THE 2021 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE GREATER OUTDOORS COLORADO IMPLEMENTATION GRANT FUNDS IN THE AMOUNT OF \$1,991,889 FOR THE SUPPORT OF THE PROGRAMS, PLACES AND PATHWAYS PROJECTS, "GO WILD" AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

A motion was made by Council Member Hurst, seconded by Council Member Madera, that this ordinance be introduced by council as seated and approved on first reading. VOTE:

Aye: 8 - Mayor Huseman, Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

Excused: 1 - Mayor Pro Tem Frank

8. Ordinances on 2nd Reading

[Ord 2312](#)

AN ORDINANCE AMENDING CHAPTER 4 OF THE COMMERCE CITY REVISED MUNICIPAL CODE, COMMONLY KNOWN AS THE ANIMAL CODE TO REMOVE BREED SPECIFIC REGULATIONS AND ADDRESS DANGEROUS AND VICIOUS ANIMALS, TO AMEND ANIMAL DISTURBANCE REGULATIONS, TO AMEND PROCEDURES RELATING TO ANIMAL IMPOUNDMENT AND DISPOSITION, AND TO AMEND OTHER PROVISIONS RELATING TO THE REGULATION OF ANIMALS IN THE CITY OF COMMERCE CITY

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

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

Nay: 1 - Council Member Noble

Excused: 1 - Mayor Pro Tem Frank

[Ord 2315](#)

AN ORDINANCE AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE AND FURTHER AMENDING THE MODEL TRAFFIC CODE TO REGULATE THE PARKING OF VEHICLES IN RESIDENTIAL AREAS AND ABANDONMENT AND TOWING OF VEHICLES

A motion was made by Council Member Hurst, seconded by Council Member Allen-Thomas, that this ordinance be approved on second & final reading. VOTE:

Aye: 8 - Mayor Huseman, Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

Excused: 1 - Mayor Pro Tem Frank

[Z-966-21](#)

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY REZONING THE PROPERTY AT 7190 COLORADO BOULEVARD FROM PUBLIC TO PLANNED UNIT DEVELOPMENT AND APPROVING A PUD ZONE DOCUMENT

A motion was made by Council Member Madera, seconded by Council Member Allen-Thomas, that this ordinance be approved on second & final reading. VOTE:

Aye: 7 - Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

Excused: 1 - Mayor Pro Tem Frank

Abstained: 1 - Mayor Huseman

9. Administrative Council Business

A motion was made by Council Member Noble, seconded by Council Member Allen-Thomas, to direct staff to schedule an executive session regarding the Denver International Airport. VOTE: 7 - Aye, 1 - Nay (Hurst), 1 - Excused (Frank)

21-01

Colorado Department of Public Health & Environment Suncor
Commerce City Refinery Title V Permit Letter

A motion was made by Council Member Grimes, seconded by Council Member Madera, to strike language related to transparency from the letter.

Council Member Grimes amended their motion to adjust the language in the letter to add communication and strike language related to transparency. Council Member Madera agreed to the amendment. VOTE: 3 - Aye (Grimes, Hurst, Madera), 5 - Nay (Allen-Thomas, Guardiola, Huseman, Noble, Smith), 1 - Excused (Frank)

A motion was made by Council Member Noble, seconded by Council Member Allen-Thomas, to approve the letter as written. Vote: 7 - Aye, 1 - Nay (Grimes), 1 - Excused (Frank)

A motion was made by Mayor Huseman, seconded by Council Member Allen-Thomas, to have the letter signed by all council members that chose to do so. VOTE: 7 - Aye, 1 - Nay (Grimes), 1 - Excused (Frank)

21-03

Great Outdoors Colorado Resilient Communities Grant Support Letter

A motion was made by Council Member Madera, seconded by Council Member Allen-Thomas, to authorize the mayor to sign the grant support letter. VOTE: 8 - Aye, 1 - Excused (Frank)

10. Council Reports

Interim 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. Adjourn

The meeting adjourned at 9:14 p.m.

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

Dylan A. Gibson, City Clerk