



Commerce City

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

Meeting Minutes - Draft

City Council

Monday, March 15, 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

Revised as of 3/15/2021

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 March 15, 2021, at 6:01 PM.

A motion was made by Council Member Allen-Thomas, seconded by Council Member Guardiola, 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. Executive Session

[21-20](#)

An executive session pursuant to C.R.S. 24-6-402(4)(b) for the purposes of receiving legal advice concerning potential litigation. The City Council may take public action following the executive session.

A motion was made by Council Member Madera, seconded by Council Member Allen-Thomas, 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 litigation.

VOICE VOTE: 8 - Aye, 1 - Excused (Frank)

4. Citizen Communication

[21-37](#)

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 March 15.

The following spoke on Ordinance 2266:

*Weston Roberts
Shaina Oliver
Ronna Sanchez
Kristen Catlin
David Foster
Dan McCleskey
James Hayes
Adam Veltri
Vicki Kettler
Emmett Hopley
Ryan Seastrom
Luke Coats
David Ramsden-Wood
Jack Hamlin
Bresee Carlson
Nita Lynch
Josh Burke
Barbara Mills-Bria
Sara Kettler
Clayton Nash
Lisa Gudmundson
Ronald Bruce
Andrew Forkes-Gudmundson
Brenda Bozeman
Kristi Douglas
Ean Tafoya
Ryan Zorn*

Steve Douglas spoke on Ordinance 2323, 2324, 2266, and Resolution 2021-18.

Nathan Worker spoke on Resolution 2021-18.

Craig Simmonds spoke on Resolution 2021-18.

Miles Graham spoke on Resolution 2021-18.

5. Presentations

[Pres 21-160](#) COVID-19 Update

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

6. Consent Agenda

A motion was made by Council Member Grimes, seconded by Council Member Allen-Thomas, to approve the consent agenda as presented. 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 21-48](#) Minutes of March 1, 2021

[Min 21-49](#) Minutes of the March 8, 2021 Special Meeting

[Ord 2320](#) AN ORDINANCE AMENDING ORDINANCE 2300 TO EXTEND THE TEMPORARY RESTRICTIONS ON FEES THAT CAN BE CHARGED FOR THIRD-PARTY FOOD DELIVERY SERVICES IN THE CITY OF COMMERCE CITY, COLORADO

[Res 2021-10](#) RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR LICENSING, LAND USE AND PERMITTING ENTERPRISE MANAGEMENT SOFTWARE SOLUTION TO CENTRALSQUARE TECHNOLOGIES, LLC

[Res 2021-15](#) RESOLUTION APPROVING CONVEYANCE OF DEED OF CONSERVATION EASEMENT FROM ADAMS COUNTY TO THE CITY OF COMMERCE CITY

[Res 2021-17](#) RESOLUTION AUTHORIZING EXECUTION OF INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF COMMERCE CITY AND THE COLORADO DEPARTMENT OF TRANSPORTATION FOR 88TH AVENUE WIDENING PROJECT

[Res 2021-19](#) RESOLUTION AUTHORIZING INCREASED EXPENDITURES UNDER SIERRA LANDSCAPING AND MAINTENANCE CONTRACT AND RATIFYING AMENDMENTS TO CONTRACT

[Res 2021-20](#) A RESOLUTION APPROVING AMENDMENTS TO SECTION 5.2 OF THE CITY OF COMMERCE CITY EMPLOYEE POLICIES REGARDING GENERAL LEAVE

7. Resolutions

[Res 2021-11](#)

RESOLUTION AUTHORIZING THE SUBMISSION OF THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR THE 2019 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR

A motion was made by Council Member Noble, seconded by Council Member Guardiola, that this resolution be adopted. VOICE 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

[Res 2021-18](#)

RESOLUTION AUTHORIZING GRANT OF PERMANENT EASEMENTS, CONSTRUCTION LEASE, AND EASEMENT HOLDER'S CONSENT TO METRO WASTEWATER RECLAMATION DISTRICT FOR THE CONSTRUCTION AND OPERATION OF THE SECOND CREEK INTERCEPTOR PROJECT

A motion was made by Council Member Madera, seconded by Council Member Allen-Thomas, that this resolution be adopted. VOICE 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

8. Ordinances on 1st Reading

[Ord 2323](#)

AN ORDINANCE AMENDING THE 2021 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT FUNDS IN THE AMOUNT OF \$92,500 FOR THE TURNBERRY PARK SKATE SPOT PROJECT AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

A motion was made by Council Member Madera, seconded by Council Member Guardiola, 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

[Ord 2324](#)

AN ORDINANCE AMENDING THE 2021 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY APPROPRIATING \$301,900 FROM THE GENERAL FUND TO COVER EXPENSES RELATED TO THE ENVIRONMENTAL CONSULTING SERVICES CONTRACT AND AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

[Ord 2268](#)

AN ORDINANCE AMENDING SECTIONS 3-2304 AND 6-2012, CONSOLIDATING SECTIONS 6-2012 AND 6-2013, AND REPEALING AND SAVING SECTION 6-2013 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO MODIFY RESPONSIBILITIES AND STANDARDS FOR THE MAINTENANCE OF WEEDS AND GRASSES AND INCREASING PENALTIES FOR NONCOMPLIANCE

A motion was made by Council Member Noble, seconded by Mayor Huseman, to amend the agenda to continue Ordinance 2268 to the first meeting in April. VOTE: 2 - Aye, 6 - Nay (Allen-Thomas, Grimes, Guardiola, Hurst, Madera, Smith), 1 - Excused (Frank). Motion Failed

Tricia Mason, Community Development Manager, gave the presentation.

A motion was made by Council Member Madera, seconded by Council Member Guardiola, 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

9. Ordinances on 2nd Reading

[Ord 2325](#)

AN ORDINANCE AMENDING THE 2021 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY APPROPRIATING PORTIONS OF THE UNENCUMBERED FUND BALANCE OF THE GENERAL FUND IN THE AMOUNT OF \$139,185 FOR SHARED COSTS ASSOCIATED WITH AEROTROPOLIS REGIONAL COMMITTEE MARKETING STRATEGY DEVELOPMENT - PHASE III AND AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

Aye: 6 - Council Member Madera, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

Nay: 2 - Mayor Huseman and Council Member Allen-Thomas

Excused: 1 - Mayor Pro Tem Frank

[Ord 2266](#)

AN ORDINANCE RELATING TO THE REGULATION AND ENFORCEMENT OF OIL AND GAS DEVELOPMENT BY AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE, INCLUDING SECTION 3-2304 AND ARTICLES III, V, VI, AND XI OF THE COMMERCE CITY LAND DEVELOPMENT CODE, REPEALING AND RESERVING SECTION 21-3216 OF THE LAND DEVELOPMENT CODE, ENACTING A NEW SECTION 21-3235 OF THE LAND DEVELOPMENT CODE, APPROVING AND IMPLEMENTING A BEST MANAGEMENT PRACTICES DOCUMENT, AND ESTABLISHING RELATED PENALTIES AND PROCEDURES

A motion was made by Council Member Noble, seconded by Council Member Guardiola, to amend Ordinance 2266 in Exhibit D and Exhibit F, by striking subsection 21-3235(5) and substituting a new subsection 21-5266(6) as shown in the document titled "Noble Amendment 1 (Second Reading) – Setbacks." VOTE: 3 - Aye (Allen-Thomas, Guardiola, Noble), 5 - Nay (Madera, Hurst, Grimes, Smith, Huseman), 1 - Excused (Frank). Motion failed.

A motion was made by Council Member Noble, seconded by Council Member Allen-Thomas, to amend Ordinance 2266 in Exhibit G, by increasing the plat restriction for habitable structures from plugged and abandoned wells to 150 feet as shown in the document titled "Noble Amendment 2 (Second Reading) – Setback from Plugged and Abandoned Wells." VOTE: 4 - Aye (Allen-Thomas, Guardiola, Huseman, Noble), 4 - Nay (Madera, Hurst, Grimes, Smith), 1 - Excused (Frank). Motion failed.

A motion was made by Council Member Noble, seconded by Council Member Allen-Thomas, to amend Ordinance 2266 in Exhibit F, by adding language to Section 21-5266(15)(b)(ii) and (iii)(2) requiring prohibiting the reduction or early release of financial assurances as shown in the document titled "Noble Amendment 3 (Second Reading) – Financial Assurances Reductions or Releases." VOTE: 6 - Aye, 2 - Nay (Grimes, Hurst), 1 - Excused (Frank)

A motion was made by Council Member Hurst, seconded by Council Member Allen-Thomas, to extend the meeting by 30 minutes. VOTE: 8 - Aye, 1 - Excused (Frank)

A motion was made by Mayor Huseman, seconded by Council Member Madera, to amend Ordinance 2266 exhibit F section 21-5266 (6)(a) to insert "any of" before "the following existing conditions". VOTE: 8 - Aye, 1 - Excused (Frank).

A motion was made by Council Member Hurst, seconded Council Member Grimes, to amend Ordinance 2266 Exhibit G to the original Planning Commission's recommendation on setbacks. VOTE: 4 - Aye (Grimes, Hurst, Madera, Smith), 4 - Nay (Allen-Thomas, Guardiola, Huseman, Noble), 1 - Excused (Frank). Motion failed.

A motion was made by Council Member Grimes, seconded by Council Member Hurst, to amend Ordinance 2266 subsection 3(a) and (c) of Section 21-6280 of the Land Development Code as shown in the written comments submitted by David Foster. VOTE: 2 - Aye (Grimes, Hurst), 6 - Nay, 1 - Excused (Frank). Motion failed.

A motion was made by Council Member Madera, seconded by Council Member

Allen-Thomas, that this ordinance be approved on second & final reading as amended. VOTE:

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

Nay: 2 - Council Member Hurst and Council Member Grimes

Excused: 1 - Mayor Pro Tem Frank

10. Administrative Council Business

A motion was made by Council Member Hurst, seconded by Council Member Allen-Thomas, to extend the meeting by 30 minutes. VOTE: 8 - Aye, 1 - Excused (Frank)

A motion was made by Council Member Allen-Thomas, seconded by Council Member Noble, to direct the City Attorney to issue the notice required to file an action under the Resource Conservation and Recovery Act regarding the discharge of PFAS and PFOS, and other forever chemicals, into water supplies by the Suncor energy refinery. VOTE: 8 - Aye, 1 - Excused (Frank)

A motion was made by Mayor Huseman, seconded by Council Member Guardiola, to authorize the Mayor to testify in support of a Colorado State House bill on air quality monitoring on March 25th at the State capitol. VOTE: 8 - Aye, 1 - Excused (Frank)

A motion was made by Mayor Huseman, seconded by Council Member Noble, to authorize and direct special council to bring back legal advice to Council regarding air quality violations by the Suncor energy refinery. VOTE: 7 - Aye, 1 - Nay (Grimes), 1 - Excused (Frank)

[21-38](#)

Ratification of the Mayor's Signature on the Letter in Support of the American Dream and Promise Act

A motion was made by Council Member Hurst, seconded by Council Member Allen-Thomas, to ratify the letter of support for the American Dream and Promise Act and to affix the Mayor's signature thereon. VOTE: 8 - Aye, 1 - Excused (Frank)

11. 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.

12. Executive Session

A motion was made by Council Member Grimes to extend the meeting by one thirty minute increment. The motion failed due to a lack of a second.

[21-21](#)

An executive session of the City Council and City Attorney, pursuant to CRS 24-6-402(4)(f), for the purpose of discussion of the annual evaluation of the city attorney. The City Council may take public action following this executive session.

A motion was made by Council Member Madera, seconded by Council Member Guardiola, that this executive session be continued to a special meeting to take place on March 22, 2021. 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

13. Adjourn

The meeting adjourned at 11:27 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