



Commerce City

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

Meeting Minutes - Draft

City Council

Monday, September 20, 2021

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

This regular meeting will be held in person in the City Council Chambers (location above). There will be no general public physical access except for public hearing testimony. General public access is provided through Channel 8 and c3gov.com/video.

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 September 20, 2021, at 6:00 PM.

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

Present: 8 - Mayor Benjamin Huseman, Mayor Pro Tem Nicole Frank, Council Member Oscar Madera, Council Member Susan Noble, Council Member Jose Guardiola, Council Member Craig Hurst, Council Member Meghan Grimes and Council Member Robyn Smith

Excused: 1 - Council Member Jennifer Allen-Thomas

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Citizen Communication

[21-141](#) 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 September 20.

No public comments were received.

4. Noticed Council Business

[21-142](#) Sponsorship Funding Request - Battle of the Badges Hockey Game

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Madera, to approve the sponsorship funding request for the Battle of the Badges. VOTE: 8 - Aye, 1 - Excused (Allen-Thomas).

[21-143](#) RMA Five-Year Review Report and Site Specific Advisory Board Comments

Council Member Noble introduced the item into the record.

[21-137](#) RTD Letter - Reinstating 104X Bus Service

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Hurst, to approve the letter being sent to RTD requesting the reinstatement of the 104X bus route and affixing the Mayor's signature thereon. VOTE: 8 - Aye, 1 - Excused (Allen-Thomas)

5. Executive Session

[21-127](#) An executive session pursuant to C.R.S. 24-6-402(4)(b) for the purposes of receiving legal advice concerning potential affirmative litigation.

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Madera, 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. VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

Excused: 1 - Council Member Allen-Thomas

6. Presentations

[Pres 21-91](#) Environmental Planning & Policy Monthly Update
- Oil and Gas Update

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

7. Consent Agenda

Council Member Noble requested that Min 21-193 and Resolution 2021-73 be removed from the consent agenda.

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

Aye: 8 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

Excused: 1 - Council Member Allen-Thomas

[Min 21-192](#) Minutes of the October 12, 2020 Special Meeting

[Min 21-193](#) Minutes of the December 21, 2021 Regular Meeting

Council Member Noble stated they requested the item be pulled to correct a clerical error in the title to December 21, 2020.

A motion was made by Council Member Madera, seconded by Mayor Pro Tem Frank, that the minutes be approved as amended. VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

Excused: 1 - Council Member Allen-Thomas

[Min 21-194](#) Minutes of the January 26, 2021 Special Meeting

[Min 21-195](#) Minutes of the February 20, 2021 Special Meeting

[Min 21-196](#) Minutes of the February 22, 2021 Special Meeting

[Min 21-180](#) Minutes of the July 12, 2021 Special Meeting

[Min 21-197](#) Minutes of the July 19, 2021 Regular Meeting

[Min 21-198](#) Minutes of the August 2, 2021 Regular Meeting

- [Min 21-179](#) Minutes of the August 9, 2021 Special Meeting
- [Min 21-199](#) Minutes of the August 16, 2021 Regular Meeting
- [Ord 2341](#) AN ORDINANCE REPEALING AND REPLACING ARTICLE II OF CHAPTER 3 AND AMENDING CHAPTER 1, CHAPTER 6, AND CHAPTER 9 OF THE COMMERCE CITY REVISED MUNICIPAL CODE RELATING TO ADMINISTRATIVE PROCESSES FOR CIVIL INFRACTIONS, NUISANCES, AND BUSINESS LICENSING
- [Ord 2345](#) AN ORDINANCE AMENDING THE 2021 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT FUNDS FOR \$189,600 FOR THE IMPLEMENTATION OF AUTOMATED TRAFFIC SIGNAL PERFORMANCE MEASURES (ATSPM) AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF
- [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.
- [Res 2021-71](#) A RESOLUTION AUTHORIZING EXECUTION OF INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF COMMERCE CITY AND THE COLORADO DEPARTMENT OF TRANSPORTATION FOR PEDESTRIAN IMPROVEMENTS TO COLORADO BOULEVARD FROM E. 68TH AVENUE TO E. 70TH AVENUE
- [Res 2021-73](#) A RESOLUTION AUTHORIZING EXECUTION OF INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF COMMERCE CITY AND ADAMS COUNTY REGARDING COST-SHARING FOR PRELIMINARY ENGINEERING DESIGN AND ENVIRONMENTAL ANALYSIS FOR I-270 CORRIDOR PROJECT
- Council Member Noble stated they requested to pull the resolution to receive more information on the public engagement process.*
- A motion was made by Council Member Hurst, seconded by Council Member Grimes, that this resolution be adopted. VOTE:**
- Aye:** 8 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith
- Excused:** 1 - Council Member Allen-Thomas

- [Res 2021-79](#) A RESOLUTION AMENDING THE DIRECTORY OF CITY FEES AND CHARGES
- [Res 2021-89](#) A RESOLUTION APPROVING SELECTION OF PLANTE & MORAN PLLC TO PROVIDE ANNUAL AUDIT SERVICES
- [Res 2021-90](#) A JOINT RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR THE CONSTRUCTION OF THIRD CREEK WEST REGIONAL IMPROVEMENTS AND ESTABLISHING REIMBURSEMENT TERMS

8. Public Hearings

- [Res 2021-76](#) A RESOLUTION APPROVING THE REUNION RIDGE FILING #1, AMENDMENT #4 SUBDIVISION
- Mayor Pro Tem Frank opened the public hearing.*
- Jason Rogers, Deputy City Manager, introduced the case.*
- Jennifer Jones, Principal Planner, gave the staff presentation.*
- Michelle Burger, representing the applicant, introduced the applicant presentation.*
- Terry Lucero spoke on the impacts the development would have on the 27J School District.*
- Rene Bullock, representing the Chamber of Commerce, spoke in support of the case.*
- Mayor Pro Tem Frank closed the public hearing.*
- A motion was made by Council Member Hurst, seconded by Council Member Grimes, to accept the findings and recommendations of the Planning Commission on case # S-716-18-20-20-21. VOTE: 7 - Aye, 1 - Recused (Huseman), 1 - Excused (Allen-Thomas)*
- A motion was made by Council Member Grimes, seconded by Council Member Hurst, that this resolution be adopted. VOICE VOTE:**
- Aye:** 7 - Mayor Pro Tem Frank, Council Member Madera, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith
- Excused:** 1 - Council Member Allen-Thomas
- Recused:** 1 - Mayor Huseman

9. Resolutions

[Res 2021-88](#)

A RESOLUTION REPEALING AND REPLACING RESOLUTION 2021-38 ESTABLISHING ENVIRONMENTAL POLICY ADVISORY COMMITTEE

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

Aye: 8 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

Excused: 1 - Council Member Allen-Thomas

[Res 2021-91](#)

A RESOLUTION TEMPORARILY SUSPENDING RESOLUTION 2021-63 TO REQUIRE THE CONDUCT OF PUBLIC MEETINGS BY ELECTRONIC MEANS IN THE ABSENCE OF A DECLARED EMERGENCY THROUGH NOVEMBER 30, 2021

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

Aye: 8 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

Excused: 1 - Council Member Allen-Thomas

10. Ordinances on 1st Reading

[Ord 2348](#)

AN ORDINANCE AMENDING VARIOUS SECTIONS OF ARTICLE IV OF CHAPTER 5 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ADD PROJECT TYPES AND CONSTRUCTION THRESHOLDS ELIGIBLE FOR BUILDING PERMIT EXEMPTIONS AND TO ADD TECHNICAL FOOTNOTES IN AMENDED INTERNATIONAL CODES PREVIOUSLY ADOPTED BY REFERENCE

Brian Foley, Chief Building Official, presented on the proposed changes to the city's municipal code.

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

Aye: 8 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

Excused: 1 - Council Member Allen-Thomas

[Ord 2351](#)

AN ORDINANCE AMENDING THE 2021 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$16,800 FOR DRIVING UNDER THE INFLUENCE (DUI) ENFORCEMENT EFFORTS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF

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

Aye: 8 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

Excused: 1 - Council Member Allen-Thomas

[Ord 2352](#)

AN ORDINANCE AMENDING THE 2021 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE STATE OF COLORADO PEACE OFFICER STANDARDS AND TRAINING (POST) GRANT FUNDS IN THE AMOUNT OF \$3,603 FOR THE SUPPORT OF LAW ENFORCEMENT TRAINING EQUIPMENT AND THE 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, Mayor Pro Tem Frank, Council Member Madera, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

Excused: 1 - Council Member Allen-Thomas

[Ord 2353](#)

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 \$960,000 FOR THE MONACO PARK RENOVATION PROJECT AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF

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

Aye: 8 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

Excused: 1 - Council Member Allen-Thomas

11. Administrative Council Business

A motion was made by Council Member Guardiola, seconded by Council Member Madera, to have the City Clerk draft and present to Council a proclamation recognizing Tom Deaguero for outstanding service to the community and having a day dedicated to him. VOTE 8 - Aye, 1 - Excused (Allen-Thomas)

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

A motion was made by Council Member Noble, seconded by Council Member, to have staff draft a second letter to the redistricting committee expressing the desire to keep the Commerce City growth boundary included in the same proposed congressional district. VOTE: 8 - Aye, 1 - Excused (Allen-Thomas)

[21-131](#)

Removal of Quality Community Foundation Director

A motion was made by Council Member Hurst, seconded by Council Member Grimes, to move this topic to a future study session. VOTE: 8 - Aye, 1 - Excused (Allen-Thomas)

12. 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.

13. Adjourn

The meeting adjourned at 10:27 PM.

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

Dylan A. Gibson, City Clerk