



Commerce City

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

Meeting Minutes - Draft

City Council

Monday, July 19, 2021

7:05 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 Urban Renewal Authority meeting, before or after the posted time

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 July 19, 2021, at 7:23 PM.

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

Present: 6 - Mayor Benjamin Huseman, Council Member Oscar Madera, Council Member Susan Noble, Council Member Craig Hurst, Council Member Meghan Grimes and Council Member Robyn Smith

Excused: 3 - Mayor Pro Tem Nicole Frank, Council Member Jennifer Allen-Thomas and Council Member Jose Guardiola

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Citizen Communication

[21-108](#)

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 July 19.

Steve Douglas spoke on the Northern Infrastructure General Improvement District.

4. Presentations

[Pres 21-398](#)

COVID-19 Update

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

[Pres 21-295](#)

Environmental Planning & Policy Monthly Update

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

5. Consent Agenda

A motion was made by Council Member Hurst, seconded by Council Member Madera, to approve the consent agenda as presented. ROLL CALL VOTE:

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

Excused: 3 - Mayor Pro Tem Frank, Council Member Allen-Thomas and Council Member Guardiola

[Ord 2331](#)

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 \$500,000 FOR THE DESIGN AND CONSTRUCTION OF THE 112TH AVENUE BRIDGE OVER THE FULTON DITCH AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

- [Ord 2332](#) AN ORDINANCE AMENDING THE 2021 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE DEFENSE COUNSEL FIRST APPEARANCE GRANT OF \$15,000 FOR THE DEFENSE COUNSEL FIRST APPEARANCE PROGRAM AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.
- [Ord 2334](#) AN ORDINANCE AMENDING THE 2021 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF \$431,414 AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.
- [Ord 2336](#) AN ORDINANCE AMENDING THE 2021 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY APPROPRIATING \$57,500 FROM THE GENERAL FUND FUND BALANCE TO PROVIDE FUNDING TO SUPPORT TO COMMERCE CITY SCHOOLS AND AUTHORIZATION OF THE EXPENDITURE THEREOF.
- [Res 2021-34](#) RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR THE NOVEMBER 2, 2021 COORDINATED MAIL BALLOT ELECTION
- [Res 2021-53](#) RESOLUTION AUTHORIZING EXECUTION OF INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF COMMERCE CITY AND THE COLORADO DEPARTMENT OF TRANSPORTATION FOR AUTOMATED TRAFFIC SIGNAL PERFORMANCE MEASURES PROJECT
- [Res 2021-57](#) RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY

6. Public Hearings

[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.

Mayor Huseman opened the public hearing.

Andrew Baker, city planner, gave the staff presentation.

No public comment was received.

Mayor Huseman closed the public hearing.

A motion was made by Council Member Grimes, seconded by Council Member Madera, to accept the findings and recommendations of the Planning Commission on case # Z-761-03-21. VOICE VOTE: 6 - Aye, 3 - Excused (Allen-Thomas, Guardiola, Frank)

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

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

Excused: 3 - Mayor Pro Tem Frank, Council Member Allen-Thomas and Council Member Guardiola

[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.

Mayor Huseman opened the public hearing.

Steve Timms, planning manager, gave the staff presentation.

No public comment was received.

Mayor Huseman closed the public hearing.

A motion was made by Council Member Madera, seconded by Council Member Grimes, to accept the findings and recommendations of the Planning Commission on case # Z-941-17-19-21. VOICE VOTE: 6 - Aye, 3 - Excused (Allen-Thomas, Guardiola, Frank)

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

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

Excused: 3 - Mayor Pro Tem Frank, Council Member Allen-Thomas and Council Member Guardiola

[CU-129-21](#)

Public Service Company of Colorado is requesting approval of a Conditional Use Permit, which allows for the replacement of approximately one mile of existing 10" high-pressure natural gas pipeline from the existing alignment corridor from Brighton Blvd to approximately E 104th Ave and Interstate 76, zoned ROW, I-3, PUD, and R-1.

Mayor Huseman opened the public hearing.

Domenic Martinelli, environmental planner, gave the staff presentation.

Xcel Energy presented on the project and answered questions from Council.

No public comment was received.

Mayor Huseman closed the public hearing.

A motion was made by Council Member Grimes, seconded by Council Member Madera, to accept the findings and recommendations of the Planning Commission on case # CU-129-21. VOICE VOTE: 6 - Aye, 3 - Excused (Allen-Thomas, Guardiola, Frank)

A motion was made by Council Member Grimes, seconded by Council Member Madera, that this conditional use permit be adopted. VOTE:

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

Excused: 3 - Mayor Pro Tem Frank, Council Member Allen-Thomas and Council Member Guardiola

[Res 2021-44](#)

RESOLUTION FOR THE CDBG PROGRAM APPROVING 2021-2025 FIVE-YEAR CONSOLIDATED PLAN AND 2021 ANNUAL ACTION PLAN

Mayor Huseman opened the public hearing.

Cheryl Steinberg, CDBG coordinator, introduced the staff presentation.

No public comment was received.

Mayor Huseman closed the public hearing.

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

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

Excused: 3 - Mayor Pro Tem Frank, Council Member Allen-Thomas and Council Member Guardiola

[Res 2021-55](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO APPROVING IN ACCORDANCE WITH SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, THE ISSUANCE OF BONDS BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF LA PAZ TO FINANCE A PROJECT FOR CAMPUS PARTNERS 1

Mayor Huseman opened the public hearing.

Robert Sheesley, city attorney, introduced the applicant's counsel.

Holly Horsley answered questions on behalf of La Paz County.

No public comment was received.

Mayor Huseman closed the public hearing.

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

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

Excused: 3 - Mayor Pro Tem Frank, Council Member Allen-Thomas and Council Member Guardiola

7. Resolutions

[Res 2021-54](#)

RESOLUTION APPROVING FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN AND AMONG THE CITY OF COMMERCE CITY AND CANAL AVENUE METROPOLITAN DISTRICT REGARDING THE SERVICE PLAN FOR THE DISTRICT

A motion was made by Council Member Hurst, seconded by Council Member Grimes, that this resolution be adopted. VOICE VOTE:

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

Excused: 3 - Mayor Pro Tem Frank, Council Member Allen-Thomas and Council Member Guardiola

8. Ordinances on 1st Reading

[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.

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

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

Excused: 3 - Mayor Pro Tem Frank, Council Member Allen-Thomas and Council Member Guardiola

[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

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

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

Excused: 3 - Mayor Pro Tem Frank, Council Member Allen-Thomas and Council Member Guardiola

[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.

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

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

Excused: 3 - Mayor Pro Tem Frank, Council Member Allen-Thomas and Council Member Guardiola

[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.

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

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

Excused: 3 - Mayor Pro Tem Frank, Council Member Allen-Thomas and Council Member Guardiola

9. Administrative Council Business

A motion was made by Mayor Huseman, seconded by Council Member Madera, to modify the agenda to move Administrative Business Items after Citizen Communication. VOTE: 6 - Aye, 3 - Excused (Allen-Thomas, Guardiola, Frank)

[21-105](#)

Letter of Support for the Denver International Airport 2021 RAISE Grant

A motion was made by Council Member Madera, seconded by Council Member Smith, to ratify the letter of support and to affix the Mayor's signature thereon. VOTE: 6 - Aye, 3 - Excused (Allen-Thomas, Guardiola, Frank)

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

Excused: 3 - Mayor Pro Tem Frank, Council Member Allen-Thomas and Council Member Guardiola

[21-106](#)

Blue Ribbon Economic Development

A motion was made by Council Member Noble, seconded by Council Member Madera, to direct staff to draft a resolution to create a blue ribbon economic development panel. VOTE: 6 - Aye, 3 - Excused (Allen-Thomas, Guardiola, Frank)

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

Excused: 3 - Mayor Pro Tem Frank, Council Member Allen-Thomas and Council Member Guardiola

[21-107](#)

Republic Services Performance

Council discussed the current contract and services provided by Republic Services.

Representatives from Republic Services answered questions from Council.

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. Adjourn

The meeting adjourned at 11:19 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