

Exhibit F

TRANSCRIPT OF PROCEEDINGS

COMMERCE CITY

CITY COUNCIL

SPECIAL MEETING (EXCERPT)

July 12, 2021

1 MAYOR HUSEMAN: Okay, thank you.
2 Live Spanish translation services are being provided
3 for tonight's Council meeting by telephone. Please
4 dial 720-386-9023 and use Code 104091 star for those
5 translation services. This time, I will call the
6 special meeting to order and ask the City Clerk to call
7 the roll.

8 ATTORNEY SHEESLEY: Mr. Mayor, in the absence
9 of the City Clerk, I'll be calling the roll this
10 evening.

11 MAYOR HUSEMAN: Thank you, Mr. Attorney.

12 ATTORNEY SHEESLEY: Okay. Mayor Huseman?

13 MAYOR HUSEMAN: Present.

14 ATTORNEY SHEESLEY: Mayor Pro-Tem Frank?

15 MAYOR PRO-TEM FRANK: Present.

16 ATTORNEY SHEESLEY: Councilmember Noble?

17 COUNCILMEMBER NOBLE: Present.

18 ATTORNEY SHEESLEY: Councilmember Madera?

19 COUNCILMEMBER MADERA: Present.

20 ATTORNEY SHEESLEY: Councilmember

21 Allen-Thomas?

22 COUNCILMEMBER ALAN-THOMAS: Present.

23 ATTORNEY SHEESLEY: Councilmember Guardiola?

24 COUNCILMEMBER GUARDIOLA: Present.

25 ATTORNEY SHEESLEY: Councilmember Grimes?

1 COUNCILMEMBER GRIMES: Present.

2 ATTORNEY SHEESLEY: Councilmember Hurst?
3 Councilmember Smith?

4 COUNCILMEMBER SMITH: Present.

5 ATTORNEY SHEESLEY: Mayor, you have a quorum.

6 MAYOR HUSEMAN: Thank you. At this time, I'm
7 looking for a motion and a second to excuse those
8 Members not present. Mayor Pro-Tem?

9 MAYOR PRO-TEM FRANK: Motion to excuse those
10 Members not present.

11 MAYOR HUSEMAN: Councilmember Allen-Thomas?

12 COUNCILMEMBER ALLEN-THOMAS: Second the
13 motion.

14 MAYOR HUSEMAN: Have a motion and a second to
15 excuse those Members not present. Is there any
16 discussion? Seeing no request for a discussion, we will
17 do a voice vote. All those in favor, signify by saying
18 aye.

19 COUNCILMEMBERS: Aye.

20 MAYOR HUSEMAN: Any opposed say nay. Motion
21 carries unanimously. We have two items of business for
22 this special meeting.

23 The first is referral of an Administrative
24 Subdivision Application. Would like to invite Robert
25 Sheesley, City Attorney, to introduce the presentation.

1 ATTORNEY SHEESLEY: Thank you, Mayor Huseman
2 and Members of Council. There's no presentation this
3 evening. This item was brought up, I believe, as a
4 request to the Mayor for the special meeting.

5 There is a pending Final Plat Application
6 from Oakwood Homes for the Reunion Ridge, filing one
7 Amendment 4 that would typically be approved
8 administratively. There are some circumstances where
9 that can be referred to the Planning Commission and the
10 City Council.

11 One of those is the City Council requesting
12 that it be so referred. And that's the question before
13 you tonight. It is not a question of the merits of the
14 Application or any of the Subdivision Approval Criteria
15 that you would be weighing the Application against in
16 the future.

17 I want to caution everyone, because this
18 would be a quasi-judicial proceeding, to not express
19 opinions on the matter or show any form of bias. And
20 also, we need to make sure this doesn't turn into a
21 hearing on the merits of the case, itself.

22 So, the question is really, should Counsel
23 refer this to Planning Commission and Council to be
24 decided, which would, I believe, put it to Planning
25 Commission in August, if notice can be achieved, and

1 then City Council probably the second meeting of August
2 is when that would be done. It would be a resolution
3 approval, so one reading.

4 So, Mr. Rogers could fill in with any
5 additional information on the Land Development Code
6 side of it. But your discussion tonight is simply
7 about that one item. And I really want to caution you
8 not to discuss the merits at all.

9 MAYOR HUSEMAN: Thank you, Mr. Sheesley. As
10 Mr. Sheesley stated, this was my request to have this
11 brought up before the Council and referred to the
12 Planning Commission and to the City Council for public
13 hearings.

14 In the first quarter 2019, the Planning
15 Commission and the City Council heard Case
16 Z-781-02-04-05-06-10-17-19 which amended the existing
17 Reunion Planned Unit Development. At that time the
18 Amendment was passed, the tract in question was
19 designated as mixed use.

20 There's nothing in this new Amendment that is
21 mixed use. The Amendment would only allow for
22 compressed homes with smaller-than-normal lot sizes for
23 a single-family home with the majority of them being
24 less than 3,000 square feet.

25 In addition, in 2018, Oakwood decided, as a

1 result of 27J going to a four-day school week, that
2 they would pull out of the Capital Facility Fee
3 Foundation. And for every house that they have built
4 in the Reunion area since then, they have not
5 contributed towards that Foundation.

6 You may remember that back in last month, we
7 voted to approve pulling money out of the Capital
8 Facility Fee Foundation for the construction of the
9 Reunion Elementary School in Southlawn. That was about
10 \$4 million that we came out.

11 Since that decision, there's about \$1
12 million, \$965,565 roughly, that has not been paid into
13 the Capital Facility Fee Foundation that could have
14 gone towards construction of that school.

15 You may also remember the Superintendent of
16 27J stating that they only had the funds available
17 right now to build half the school, and it will be
18 incumbent on voters to pass a bond in November in order
19 to fund the additional second half of that school to be
20 constructed.

21 I think it's important that residents have an
22 opportunity to hear these cases in a public hearing and
23 provide their feedback on both of these issues.
24 Another thing that comes up, as you know, we are
25 continually being told that 104th Avenue is the best

1 corridor for economic development.

2 And so, here we have proposed development
3 that could have gone commercial that is going to be
4 residential. And that takes up that much more space off
5 104th Avenue, limiting our opportunities for economic
6 development opportunities.

7 Because of that, I make a motion that we
8 refer both this case to both the Planning Commission
9 and to the City Council for public hearings. Mayor
10 Pro-Tem?

11 MAYOR PRO-TEM FRANK: I'll second that.

12 MAYOR HUSEMAN: I have a motion and a second
13 to refer this Administrative Subdivision case to the
14 Planning Commission and to the City Council. Is there
15 any discussion? Councilmember Grimes?

16 COUNCILMEMBER GRIMES: Thank you, Mayor.
17 Mr. Sheesley, I don't know how much discussion we can
18 have around other financing mechanisms that are in
19 place outside of the CFFF tonight. Is that permissible
20 or no?

21 ATTORNEY SHEESLEY: I would recommend not
22 discussing the, the merits of the case, or having any
23 discussion around whether it should be referred or not,
24 which is really more of a timing issue and a
25 citizen-input issue. So, I, I would recommend against

1 having detailed discussion about those, those items.

2 COUNCILMEMBER GRIMES: Thank you. I would
3 ask that if we vote to move this forward to Planning
4 Commission that there's full transparency as far as
5 what financing mechanisms are in place, not just
6 through CFFF but also through Oakwood and their
7 Foundations.

8 And I think that if we're going to have this
9 discussion, we need to see all sides of it. And I
10 think that's fair for residents to see all of it.

11 But what I don't want to see is, you know, I
12 don't want to leave out the other pieces. And so, I'm
13 -- I can support moving the -- this forward, but would
14 ask that, in the presentation with the, the hearing,
15 that there's information included about the Oakwood
16 Foundations and how they contribute to the local
17 schools.

18 ATTORNEY SHEESLEY: So, if I may, Mayor and
19 Councilmember, there are discrete Subdivision Approval
20 Criteria. And they are the Applicant's burden to meet.

21 So, I expect the Applicant will come forward
22 with information about how each of those Criteria are
23 satisfied. And those will be the items that Council
24 will test the Application against.

25 COUNCILMEMBER GRIMES: Thank you for that.

1 Would 27J also be present and presenting at this
2 hearing?

3 ATTORNEY SHEESLEY: I -- they typically do
4 not attend any Development Application hearings. They
5 are referral entities. So, there will be information
6 in the record that Council receives, likely including
7 their comment on the Application.

8 COUNCILMEMBER GRIMES: For the sake of
9 hearing all sides equally, it seems prudent to invite
10 them to also participate. I'd welcome feedback from
11 Co-Councilmembers.

12 MAYOR HUSEMAN: I would think that they would
13 have the opportunity to speak during public comment
14 during a public hearing, as would anybody else within
15 the -- that has an interest in the subdivision case.

16 ATTORNEY SHEESLEY: That's correct, yes.
17 And I'm -- I, I anticipate referral agencies may be
18 contacted by the Applicant in this case, as well.

19 COUNCILMEMBER GRIMES: Thank you.

20 MAYOR HUSEMAN: Any other discussion? Seeing
21 no requests for a discussion, we will do a voice vote.
22 All those in favor signify by saying aye.

23 COUNCILMEMBERS: Aye.

24 MAYOR HUSEMAN: All those opposed, say nay.

25 COUNCILMEMBER: Nay.

1 MAYOR HUSEMAN: We are going to pass. It is
2 going to be 7-1.

3 (End of requested excerpt.)

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C E R T I F I C A T E

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I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action that pertains to this recording, and further that I am not financially or otherwise interested in the outcome of the action.

Date: 07-15-2021 /s/Victoria O'Connor, CET
