



Commerce City

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

Meeting Minutes - Final

City Council

Monday, July 18, 2022

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. Zoom Registration: https://c3gov.zoom.us/webinar/register/WN_VxNkXjS4TuOJyv_y6X0Cw_g

Regular Meeting. Times given are estimates only.

Revised as of 12:00 PM on July 18, 2022

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 18, 2022 at 6:00 PM.

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

Present: 8 - Mayor Benjamin Huseman, Mayor Pro Tem Jennifer Allen-Thomas, Council Member Oscar Madera, Council Member Rick Davis, Council Member Susan Noble, Council Member Craig Hurst, Council Member Meghan Grimes and Council Member Sean Ford

Excused: 1 - Council Member Kristi Douglas

Times given are estimates only

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Executive Session

[22-131](#)

An executive session regarding the City Attorney recruitment pursuant to C.R.S. 24-6-402(4)(f and g) for the purpose of reviewing and discussing applications and materials related to candidates for the position of City Attorney which are documents protected by the mandatory nondisclosure provision of the Colorado Open Records Act.

A motion was made by Council Member Grimes, seconded by Mayor Pro Tem Allen-Thomas, to enter into executive session pursuant to C.R.S. 24-6-402(4)(f and g) for the purpose of reviewing and discussing applications and materials related to candidates for the position of City Attorney which are documents protected by the mandatory nondisclosure provision of the Colorado Open Records Act. VOICE VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Ford

Excused: 1 - Council Member Douglas

4. City Attorney Candidate Finalists

[22-129](#) Selection of City Attorney Candidate Finalists

This Administrative Business was discussed and closed

[22-130](#) Determination of City Attorney Finalists Interview Schedule

5. Citizen Communication

[22-134](#) Citizen Communication - City Council will conduct this meeting in person at the Commerce City Civic Center, 7887 E 60th Ave, Commerce City, CO 80022. 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 in person, via Zoom, or in advance through mail or email. 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 via Zoom or submit written comments is noon on Monday, July 18.

Hannah Mariotti spoke on incorporating green spaces in development in Commerce City.

Anita Mercado spoke on fireworks in Commerce City.

Beverly Benzel spoke on fireworks in Commerce City.

6. Noticed Council Business

[22-128](#) Reunion Elementary School 4th Annual "Yeti Classic" Golf Tournament Sponsorship Request

*A motion was made by Council Member Hurst, seconded by Mayor Pro tem Allen-Thomas, to support the Yeti Classic Golf Tournament in the amount of \$2500.
VOTE: 8 - Aye, 1 - Excused (Douglas)*

[22-132](#) City Council request to determine the appropriateness of a public hearing process pursuant to Land Development Code Sec. 21-3241(4)(d) for Plan West requests approval of the Urban Collection at Settlers Crossing Subdivision Final Plat, a plat creating 108 new residential lots and 12

tracts. The plat contains approximately 11 acres located at the northeast corner of Settlers Lane and E. 96th Avenue, currently zoned PUD (Planned Unit Development District).

A motion was made by Council Member Noble, seconded by Mayor Pro Tem Allen-Thomas, to refer for public hearing administrative case S-801-21. VOTE: 4 - Aye (Allen-Thomas, Huseman, Hurst, Noble), 4 - Nay, 1 - Excused (Douglas)

[22-133](#)

Sand Creek Greenway Foundation Annual Event Sponsorship Request

A motion was made by Council Member Noble, seconded by Council Member Hurst, to approve a sponsorship request in the amount of \$1250 for the Sand Creek Greenway foundation annual event. VOTE: 8 - Aye, 1 - Excused (Douglas)

7. Proclamations and Recognitions

[22-117](#)

Memorial Day Award Winners

Travis Huntington, Community Relations Manager, introduced the Memorial Day Parade award winners.

8. Presentations

[Pres 22-66](#)

Environmental Planning Policy and Oil and Gas Monthly Update

Dr. Rosemarie Russo, Environmental Planner, gave the monthly environmental planning policy and oil and gas update.

[Pres 22-372](#)

Presentation on Changes to the Land Development Code Regarding PUDs

Jim Tolbert, Community Development Director, presented on the reason for and the proposed changes to the planned unit development (PUD) process.

9. Consent Agenda

Council Member Madera requested that Resolution 2022-73 be removed from the consent agenda.

Mayor Pro Tem Allen-Thomas requested that Resolution 2022-63 be removed from the consent agenda.

A motion was made by Council Member Grimes, seconded by Mayor Pro Tem Allen-Thomas, to approve the Consent Agenda as amended. ROLL CALL VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Ford

Excused: 1 - Council Member Douglas

[Min 22-197](#)

Minutes of the June 20, 2022 Regular Meeting

- [Min 22-182](#) Minutes of the June 27, 2022 Special Meeting
- [Min 22-183](#) Minutes of the June 29, 2022 Special Meeting
- [AN-265-22](#) SECOND AND FINAL READING OF AN ORDINANCE ANNEXING THE PROPERTY GENERALLY LOCATED AT 7001 COLORADO BOULEVARD, ADAMS COUNTY, COLORADO (PIN: 0182501100015) TO THE CITY OF COMMERCE CITY, COLORADO IN CASE AN-265-22 KNOWN AS THE 7001 COLORADO BLVD ANNEXATION
- [Ord 2396](#) SECOND AND FINAL READING OF AN ORDINANCE VACATING RIGHT-OF-WAY ALONG COLORADO BOULEVARD CONSISTING OF THE NORTHWEST SIDE OF THE REALIGNED COLORADO BOULEVARD SOUTH OF THE BURLINGTON DITCH AT EAST 72ND AVENUE, COMMERCE CITY, COLORADO.
- [Ord 2399](#) SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF LOCAL AFFAIRS GRANT IN THE AMOUNT OF \$13,000 FOR DEFENSE COUNCIL FIRST APPEARANCE AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF
- [Ord 2400](#) SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE TONY GRAMPSAS YOUTH SERVICES (TGYS) GRANT FUNDS IN THE AMOUNT OF \$79,739 FOR THE SUPPORT OF ACTIVITIES AND CLASSES TO COMMUNITY YOUTH AND THE AUTHORIZATION OF THE EXPENDITURES THEREOF.
- [Ord 2403](#) SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$13,000 FOR DRIVING UNDER THE INFLUENCE (DUI) ENFORCEMENT EFFORTS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.
- [Ord 2404](#) SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF HUMAN SERVICES GRANT IN THE AMOUNT OF \$79,449 FOR SUPPORT LICENSED FACILITIES THAT SERVE CHILDREN THEREOF.
- [Res 2022-63](#) A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING WITH ADAMS COUNTY AND SURROUNDING

MUNICIPALITIES REGARDING HOMELESSNESS

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Noble, that this Resolution be continued and to have a study session to discuss the subject matter within the next month. VOTE:

Aye: 6 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Davis, Council Member Noble, Council Member Hurst and Council Member Ford

Nay: 2 - Council Member Madera and Council Member Grimes

Excused: 1 - Council Member Douglas

[Res 2022-67](#)

A RESOLUTION EXTENDING THE WAIVER OF DEVELOPMENT-RELATED AND OTHER CITY FEES FOR CERTAIN NON-PROFIT ORGANIZATIONS AND AUTHORIZING THE REBATE OF USE TAX COLLECTED FOR CERTAIN NEW DEVELOPMENT BY OR FOR CERTAIN NON-PROFIT ORGANIZATIONS IN THE CITY OF COMMERCE CITY

[Res 2022-70](#)

A RESOLUTION REPEALING AND REPLACING RESOLUTION 2020-77 ESTABLISHING THE DIVERSITY AND INCLUSION COMMISSION, RESOLUTION 2021-32 RENAMING TO BE THE DIVERSITY, EQUITY AND INCLUSION COMMISSION, AND RESOLUTION 2021-48 AMENDING THE MEMBERSHIP OF THE DIVERSITY, EQUITY AND INCLUSION COMMISSION TO SPECIFY TERM LIMITS FOR THE DIVERSITY, EQUITY AND INCLUSION COMMISSION

[Res 2022-71](#)

A RESOLUTION ESTABLISHING TERMS AND TERM LIMITS FOR COMMISSIONERS OF THE COMMERCE CITY HOUSING AUTHORITY BOARD

[Res 2022-73](#)

A RESOLUTION APPOINTING SUBSTITUTE JUDGES FOR THE MUNICIPAL COURT OF THE CITY OF COMMERCE CITY

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 Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Ford

Excused: 1 - Council Member Douglas

10. Administrative Appeal[Order 22-01](#)

Order Approving Findings on Appeal of Ruling of Administrative Land Use Case by Clayton Properties Group II, LLC (doing business as Oakwood Homes) of the denial by the decision of the Community Development Director.

A motion was made by Council Member Noble, seconded by Council Member Madera, that this Order be approved. VOTE:

Aye: 7 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst and Council Member Ford

Nay: 1 - Council Member Grimes

Excused: 1 - Council Member Douglas

11. Ordinances on 1st Reading

Council Member Davis left the meeting.

[Ord 2407](#)

FIRST READING OF AN ORDINANCE AMENDING THE 2022 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 \$422,541 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: 7 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Ford

Excused: 2 - Council Member Davis and Council Member Douglas

[Ord 2408](#)

FIRST READING OF AN ORDINANCE AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE TO SPECIFY TERM LIMITS OF BOARD AND COMMISSION MEMBERS OF THE DERBY REVIEW BOARD, YOUTH COMMISSION, CITIZEN PUBLIC SAFETY ADVISORY BOARD, SENIOR COMMISSION, AND VETERANS COMMISSION

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

Aye: 7 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Ford

Excused: 2 - Council Member Davis and Council Member Douglas

[Ord 2409](#)

FIRST READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE DRCOG SAFER MAIN STREET PROGRAM GRANT IN THE AMOUNT OF \$2,720,000 AND THE EXPENDITURE

THEREOF

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

Aye: 7 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Ford

Excused: 2 - Council Member Davis and Council Member Douglas

[Ord 2410](#)

FIRST READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE POOLS SPECIAL INITIATIVE 2022 GRANT IN THE AMOUNT OF \$12,500 AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF

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

Aye: 7 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Ford

Excused: 2 - Council Member Davis and Council Member Douglas

[Ord 2412](#)

FIRST READING OF AN ORDINANCE AMENDING SECTION 2-2003 "TIME OF ADJOURNMENT" OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO AUTOMATICALLY CAUSE ALL REGULAR AND SPECIAL MEETINGS AND STUDY SESSIONS TO AUTOMATICALLY ADJOURN AT 10:30 P.M. UNLESS OTHERWISE EXTENDED

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 Pro Tem Allen-Thomas, Council Member Madera, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Ford

Nay: 1 - Mayor Huseman

Excused: 2 - Council Member Davis and Council Member Douglas

12. Ordinances on 2nd Reading

[Ord 2360](#)

SECOND AND FINAL READING OF AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND BUFFALO RIDGE METROPOLITAN DISTRICT FOR THE 120TH AVENUE ROAD IMPROVEMENT PROJECT AND AUTHORIZATION OF THE EXPENDITURES THEREOF

Jenna Lowery, Executive Management Analyst, provide an update to the IGA.

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

Aye: 7 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Ford

Excused: 2 - Council Member Davis and Council Member Douglas

Z-984-22

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY ZONING THE PROPERTY ANNEXED AS 7001 COLORADO BOULEVARD ANNEXATION FROM ADCO ADAMS COUNTY A-1 TO COMMERCE CITY R-3 (MULTI-FAMILY RESIDENTIAL)

Mayor Huseman reopened the public hearing.

Marcus Pachner, applicant, was present to answer questions from the Council.

Chris Churches, CUP, was present to answer questions from the Council.

Mayor Huseman closed the public hearing.

A motion was made by Council Member Madera, seconded by Council Member Grimes, that this Zoning Ordinance be continued to the August 15th meeting. VOTE:

Aye: 5 - Mayor Huseman, Council Member Madera, Council Member Hurst, Council Member Grimes and Council Member Ford

Nay: 2 - Mayor Pro Tem Allen-Thomas and Council Member Noble

Excused: 2 - Council Member Davis and Council Member Douglas

13. Administrative Council Business

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Grimes, to direct the City Attorney to draft an ordinance that will repeal the permission of fireworks use in the City of Commerce City and ban all fireworks. VOTE: 6 - Aye, 1 - Nay (Hurst), 2 - Excused (Davis, Douglas)

A motion was made by Council Member Grimes, seconded by Council Member Hurst, to direct staff to draft an ordinance that would award \$2500 to all Adams 14, 27J, and Charter schools that have not already received financial support from the City. VOTE: 7 - Aye, 2 - Excused (Davis, Douglas)

A motion was made by Council Member Grimes, seconded by Council Member Noble, to increase the scope of work for the environmental consultants to include a greenhouse gas inventory for the City of Commerce City. VOTE: 7 - Aye, 2 - Excused (Davis, Douglas)

14. 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.

15. Executive Session

22-122

An executive session of the City Council and staff and consultants pursuant to C.R.S. 24-6-402(4)(F) for the purpose of discussion of the mid-year evaluation of the City Manager.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Noble, to enter into an executive session pursuant to C.R.S. 24-6-402(4) (F) for the purpose of discussion of the mid-year evaluation of the City Manager. Motion Failed. VOTE:

Aye: 1 - Mayor Pro Tem Allen-Thomas

Nay: 6 - Mayor Huseman, Council Member Madera, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Ford

Excused: 2 - Council Member Davis and Council Member Douglas

22-135

An executive Session pursuant to CRS 24-6-402(4)(b) and (e) of the Open Meetings Law for the purpose of receiving legal advice from counsel on the unauthorized disclosure of confidential documents.

A motion was made by Council Member Grimes, seconded by Council Member Madera, to enter into an executive Session pursuant to CRS 24-6-402(4)(b) and (e) of the Open Meetings Law for the purpose of receiving legal advice from counsel on the unauthorized disclosure of confidential documents. VOTE:

Aye: 7 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Ford

Excused: 2 - Council Member Davis and Council Member Douglas

16. Adjourn

The meeting adjourned at 9:43 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

Any citizen requesting accommodations, with respect to rights under the Americans with Disabilities Act, to attend or participate in any public meeting, and/or to obtain this notice in alternate formats, is asked to please contact the City Clerk at 303-227-8791 as soon as possible before the meeting.