



Commerce City

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

Meeting Minutes - Draft

City Council

Monday, March 1, 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 February 26, 2021 at 3:00 pm

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 1, 2021, at 6:00 PM.

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

Council Member Hurst joined the meeting at 6:03 PM.

Present: 9 - Mayor Benjamin Huseman, Mayor Pro Tem Nicole Frank, 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

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Citizen Communication

[21-27](#)

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 1.

Ronna Sanchez spoke on the February 11, 2021 special meeting.

Lisa Gudmondson spoke on the February 11, 2021 special meeting, Ordinance 2266, and oil and gas development in the City.

Steve Douglas spoke on Resolution 2021-07.

Kristi Douglas spoke on oil and gas development in the City.

Renee Millard Chacon spoke on pollution and environmental impacts of oil and gas development on BIPOC populations in the City.

4. Presentations

[Pres 21-126](#)

COVID-19 Update

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

[Pres 21-44](#)

Oil and Gas Monthly Update

Domenic Martinelli, environmental planner, provided the oil and gas monthly update.

5. Consent Agenda

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

Aye: 9 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

[Min 21-28](#)

Minutes of February 1, 2021

This minutes was approved

[Min 21-37](#)

Minutes of February 11, 2021

This minutes was approved

[Ord 2317](#)

AN ORDINANCE AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE TO ENACT A NEW SECTION 2-4203 RELATING TO THE AUTHORITY OF CITY PERSONNEL TO ESTABLISH RULES

This ordinance was approved on second & final reading

[Ord 2318](#)

AN ORDINANCE AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE TO REGULATE THE PARKING AND ABANDONMENT OF LARGE VEHICLES, RECREATIONAL VEHICLES AND UTILITY TRAILERS AND TO ESTABLISH MINIMUM FINES

This ordinance was approved on second & final reading

[Ord 2319](#)

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 IN THE AMOUNT OF \$22,880 FOR COSTS ASSOCIATED WITH ECONOMIC DEVELOPMENT INCENTIVES AND AUTHORIZATION OF THE EXPENDITURE THEREOF.

This ordinance was approved on second & final reading

[Res 2021-05](#)

RESOLUTION APPROVING IRONDALE PROPERTY ACQUISITION AND AUTHORIZING AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH URBAN DRAINAGE AND FLOOD CONTROL DISTRICT REGARDING THE PURCHASE OF IRONDALE GULCH DRAINAGE PROPERTIES

This resolution was adopted

[Res 2021-13](#)

RESOLUTION AUTHORIZING GRANT OF EASEMENT TO SOUTH ADAMS COUNTY WATER & SANITATION DISTRICT

This resolution was adopted

[Res 2021-14](#)

RESOLUTION AUTHORIZING AMENDMENT TO AGREEMENT FOR THE LEASE OF 7450 HIGHWAY 2 TO THE COMMERCE CITY HISTORIC SOCIETY

This resolution was adopted

6. Public Hearings

[Z-774-04-21](#)

AN ORDINANCE APPROVING THE SECOND CREEK FARM PUD ZONE DOCUMENT, 1ST AMENDMENT, AND AMENDING ORDINANCE Z-774-04 TO MODIFY THE RESIDENTIAL UNIT CAP, MODIFYING THE LIMITS ON SINGLE FAMILY AND MULTIFAMILY DEVELOPMENT, MODIFYING THE PLANNING AREA BOUNDARIES, SIZES, LOCATIONS, AND LAND USES, AND MODIFYING THE LAND USES, BULK STANDARDS, AND OIL AND GAS STANDARDS, AND OTHER MATTERS, FOR THE PROPERTY BOUNDED GENERALLY BY E 96TH AVENUE TO THE NORTH, TOWER ROAD TO THE EAST, THE SECOND CREEK FLOODPLAIN TO THE SOUTH, AND TELLURIDE STREET TO THE WEST, ZONED PUD (PLANNED UNIT DEVELOPMENT DISTRICT), IN COMMERCE CITY, COLORADO.

Domenic Martinelli, environmental planner, gave the staff presentation.

David Foster gave the applicant's presentation.

Steve Douglas spoke on case # Z-744-04-21.

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Madera, to accept the findings and recommendations of the Planning Commission on case # Z-774-04-21. VOICE VOTE: Unanimous, all present affirmed.

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

Aye: 9 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

[CU-120-21](#)

CU-120-21: Conditional Use Permit and Development Plan for Crystal Packaging, Inc. at 9155 Boston Street for operations including existing/modified tank farm exceeding 48,000 gallon aboveground capacity; chemical manufacturing/blending; storage and processing of hazardous materials; petroleum product manufacturing; and an existing/modified rail spur.

Stacy Wasinger, city planner, gave the staff presentation.

Scott Vincent gave the applicant presentation.

Steve Douglas spoke on conditional use permit CU-120-21.

A motion was made by Council Member Grimes, seconded by Council Member Madera, accept the findings and recommendations of the Planning Commission on case CU-120-21. VOICE VOTE: Unanimous, all present affirmed.

A motion was made by Council Member Grimes, seconded by Council Member Allen-Thomas, to find that the criteria for approval of a development plan are satisfied and to approve the Development Plan associated with Case CU-120-21, as shown in the packet. VOICE VOTE: Unanimous, all present affirmed.

A motion was made by Council Member Hurst, seconded by Council Member Grimes, that this conditional use permit be adopted. VOICE VOTE: Unanimous, all present affirmed.

7. Resolutions

[Res 2021-07](#)

RESOLUTION APPROVING SELECTION OF LOTUS ENGINEERING & SUSTAINABILITY TO PROVIDE ENVIRONMENTAL CONSULTING SERVICES TO THE CITY

Domenic Martinelli, environmental planner, gave the presentation.

Julia Newman, representing Lotus Engineering, provided information on Lotus' responsibilities as part of the agreement.

A motion was made by Council Member Noble, seconded by Council Member Madera, that this resolution be adopted. VOICE VOTE: Unanimous, all present affirmed.

8. Ordinances on 1st Reading

[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

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

Aye: 9 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

[Ord 2321](#)

AN ORDINANCE AMENDING ORDINANCE 2298 PROVIDING FOR THE AUTHORIZATION OF TEMPORARY OUTDOOR SERVICE AREAS FOR RESTAURANTS AND BARS IN THE CITY OF COMMERCE CITY, COLORADO

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

Aye: 9 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

[Ord 2322](#)

AN ORDINANCE AMENDING THE 2021 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE DEFENSE COUNSEL FIRST APPEARANCE GRANT OF \$10,000 FOR THE DEFENSE COUNSEL FIRST APPEARANCE PROGRAM AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

Aye: 9 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

[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 Noble, seconded by Council Member Grimes, that this ordinance be introduced by council as seated and approved on first reading. VOTE:

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

Nay: 3 - Mayor Huseman, Mayor Pro Tem Frank and Council Member Allen-Thomas

9. Administrative Council Business

[21-30](#)

FIFA Cup Letter of Support

A motion was made by Council Member Hurst, seconded by Council Member Madera, to ratify the FIFA Cup Letter of Support and to affix the Mayor's signature thereon.

VOICE VOTE: Unanimous, all present affirmed.

10. 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.

11. Executive Session

[21-23](#)

An executive session (1) pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice, and (2) pursuant to C.R.S. 24-6-402(4)(e) for the purpose of developing strategy for negotiations and instructing negotiators on the annexation of the property generally located at 104th Avenue and Brighton Road.

A motion was made by Mayor Huseman, seconded by Council Member Guardiola, to direct staff to draft a proclamation declaring March as Women's History Month in Commerce City and to affix the Mayor's signature thereon. VOICE VOTE: Unanimous, all present affirmed.

A motion was made by Council Member Grimes, seconded by Council Member Hurst, to enter into an executive session (1) pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice, and (2) pursuant to C.R.S. 24-6-402(4)(e) for the purpose of developing strategy for negotiations and instructing negotiators on the annexation of the property generally located at 104th Avenue and Brighton Road. VOICE VOTE: Unanimous, all present affirmed.

12. Adjourn

The meeting adjourned at 10:19 PM.

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

Dylan A. Gibson, City Clerk