



# Commerce City

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

## Meeting Minutes

### City Council

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Monday, January 7, 2019

6:00 PM

Council Chambers

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#### Regular Meeting

#### 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 Ford on January 7, 2019, at 6:00 PM.*

*A motion was made by Council Member Douglas, seconded by Mayor Pro Tem Teter, to excuse Council Member Elliot and Council Member Huseman. VOTE: 7 - Aye, 2 - Excused (Elliott, Huseman)*

**Present:** 7 - Mayor Sean Ford , Mayor Pro Tem Rick A. Teter, Council Member Steven J. Douglas, Council Member Jose Guardiola, Council Member Nicole Frank, Council Member Oscar Madera and Council Member Steve Davis

**Excused:** 2 - Council Member Crystal Elliott and Council Member Benjamin Huseman

#### 2. Pledge of Allegiance

*The Pledge of Allegiance was recited.*

#### 3. Audience Introduction

*The audience introduced themselves.*

#### 4. Proclamations and Recognitions

##### [19-02](#)

Recognizing the Police Department for Outstanding Participation in "America's Night Out Against Crime" (National Night Out). The Police Department ranked #1 in the State of Colorado and #24 in the Nation.

*Chief Nichols recognized the police department for ranking #1 in the State of Colorado and ranking #24 nationally.*

##### [Pres 19-01](#)

New Sergeant Swearing In

*Chief Nichols swore in Damian Thompson, Meagan Cordova and Derek Aragon as sergeants in the police department.*

## 5. Citizen Communication

*Kendall Cordova, representing the Boys & Girls Club of Metro Denver, presented the club's annual report.*

## 6. Consent Agenda

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

**Aye:** 7 - Mayor Ford, Mayor Pro Tem Teter, Council Member Douglas, Council Member Guardiola, Council Member Frank, Council Member Madera and Council Member Davis

**Excused:** 2 - Council Member Elliott and Council Member Huseman

[Min 19-01](#) Minutes of December 17, 2018

[Min 19-02](#) Minutes of October 29, 2018

[Res 2019-05](#) RESOLUTION CONSENTING TO THE DISSOLUTION OF HIGH PLAINS WATER AND SANITATION METROPOLITAN DISTRICT

## 7. Public Hearings

[CU-002-87-19](#) CASE # CU-002-87-19: PHILLIPS 66 PIPELINE LLC IS REQUESTING AN AMENDMENT TO THEIR APPROVED CONDITIONAL USE PERMIT (CUP) IN ORDER TO CONSTRUCT ONE ADDITIONAL ABOVE GROUND STORAGE TANK FOR THE PROPERTY LOCATED AT 3960 E. 56TH AVENUE, ZONED I-3

*Mayor Ford opened the public hearing.*

*Planning Manager Steve Timms presented the case for an amendment to the existing conditional use permit. Mr. Timms provided an overview of the surrounding properties, a history of the site, a summary of the request to build an additional storage tank, the proposed improvements to the site, and the regulatory and safety requirements the applicant has to meet, and the findings of the planning commission.*

*There was no public comment.*

*Mayor Ford closed the public hearing.*

*A motion was made by Mayor Pro Tem Teter, seconded by Council Member Frank, to accept the findings and recommendations of the planning commission. VOTE: 7 - Aye, 2 - Excused (Elliott, Huseman)*

**A motion was made by Mayor Pro Tem Teter, seconded by Council Member Madera, that this conditional use permit be adopted. VOTE:**

**Aye:** 6 - Mayor Ford, Mayor Pro Tem Teter, Council Member Guardiola, Council Member Frank, Council Member Madera and Council Member Davis

**Nay:** 1 - Council Member Douglas

**Excused:** 2 - Council Member Elliott and Council Member Huseman

[CU-116-19](#)

BASF IS REQUESTING APPROVAL OF A CONDITIONAL USE PERMIT IN ORDER TO BRING A NON-CONFORMING ADHESIVE MANUFACTURING OPERATION INTO COMPLIANCE WITH THE LAND DEVELOPMENT CODE AS A CONFORMING ADHESIVE MANUFACTURING OPERATION. THE SUBJECT PROPERTY IS LOCATED AT 10601 FULTON STREET AND IS CURRENTLY ZONED I-3

*City Planner Brad Callendar presented the case. Mr. Callendar provided an overview of current operations at the facility, current site conditions, and a summary of the applicants request to turn the property into a legal conforming adhesive manufacturing plant to expand parking at the facility.*

*Council Member Douglas asked for clarification on the timeline to construct the storage tank and the warehouse expansion due to its proximity to neighboring residential areas of Belle Creek and the flammability of the product. Mr. Callendar stated there is no definitive timeline for the warehouse expansion but it was added to prevent the applicant from applying for an additional conditional use permit in the future.*

*Bill Hack, representing BASF, clarified the warehouse expansion would house product that was less flammable than most of their product. Mr. Hack clarified the timeframe to construct the tank would begin immediately after council approval and the warehouse would be in the near future.*

*Council Member Davis asked for the safety record of the facility. Mr. Hack explained that one incident happened prior to him taking over management of the facility and none have happened since.*

*There was no public comment.*

*Mayor Ford closed the public hearing.*

*A motion was made by Mayor Pro Tem Teter, seconded by Council Member Madera, to accept the findings and recommendations of the planning commission. VOTE: 7 - Aye, 2 - Excused (Elliott, Huseman)*

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

**Aye:** 7 - Mayor Ford, Mayor Pro Tem Teter, Council Member Douglas, Council Member Guardiola, Council Member Frank, Council Member Madera and Council Member Davis

**Excused:** 2 - Council Member Elliott and Council Member Huseman

## 8. Resolutions

[Res 2019-01](#)

RESOLUTION ADOPTING THE STRATEGIC C3 HOUSING PLAN,  
CONSISTING OF THE CITY OF COMMERCE CITY 2018 HOUSING  
NEEDS ASSESSMENT, THE COMMERCE CITY BALANCED  
HOUSING PLAN, AND THE COMMERCE CITY HOUSING AUTHORITY  
AFFORDABLE HOUSING IMPLEMENTATION PLAN

*Community Development Director Chris Cramer introduced the presentation for the C3 housing plans. Mr. Cramer provided a background of the project, stakeholder meetings, and city council updates. The main components of the housing needs assessments including balanced housing plans and the affordable housing implementation plans.*

*Housing Coordinator Tracy Jones presented the affordable housing portion of the overall plan. Ms. Jones highlighted the recommendations in the plan such as identified target areas like affordable housing developments, special needs housing that cover seniors, veterans, and homeless populations, increase in the capacity of the housing authority in areas of downpayment assistance for residents, and developing partnerships with housing assistance organizations in the community and metropolitan area.*

*Bruce Thomas, chairman of the housing authority, spoke on his excitement for the city's participation in the housing study.*

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

**Aye:** 7 - Mayor Ford, Mayor Pro Tem Teter, Council Member Douglas, Council Member Guardiola, Council Member Frank, Council Member Madera and Council Member Davis

**Excused:** 2 - Council Member Elliott and Council Member Huseman

## 9. Administrative Council Business

*City Manager McBroom asked council if they still intended to have a special meeting for the purpose of discussing development project announcements on January 14, 2019. Mr. McBroom stated a special meeting would still be needed for an executive session related to the oil and gas taskforce creation.*

*A motion was made by Council Member Frank, seconded by Council Member Davis, to cancel the special meeting scheduled for January 14, 2019, for the purpose of discussing development project announcements. VOTE: 7 - Aye, 2 - Excused (Elliott, Huseman)*

*A motion was made by Council Member Frank, seconded by Council Member Madera, to call a special meeting on January 14, 2019, for the purpose of holding an executive session related to the oil and gas taskforce creation. VOTE: 7 - Aye, 2 - Excused (Elliott, Huseman)*

*Council Member Douglas asked staff to look into parking enforcement complaints that a resident submitted to the police department. Mr. Douglas also asked for staff to look into the condition of the road on 112th Avenue between Chambers Road and Tower Road.*

*Council Member Madera asked staff to notify CDOT that the traffic lights on Highway 85 and 70th avenue are not working.*

*Council Member Davis asked staff to monitor speeding along 120th Avenue eastbound between Chambers and Buckley Road.*

### 19-03

#### E-470 Hazardous Material Route Evaluation Letter

*Deputy City Manager Smith presented a letter in support of the creation of a transportation corridor for hazardous materials along E-470, to the council for approval.*

*A motion was made by Mayor Pro Tem Teter, seconded by Council Member Douglas, to approve the letter. VOTE: 7 - Aye, 2 - Excused (Elliott, Huseman).*

### Pres 19-18

#### Oil and Gas Monthly Update

*Community Development Director Chris Cramer provided an update on oil and gas development applications in the city, Colorado Oil and Gas Conservation Commission activity within the city, and general oil and gas updates that pertain to the city.*

## 10. Reports

*City Manager McBroom highlighted items presented in his weekly report provided to council earlier.*

*The mayor and council reported on their attendance at various meetings and events.*

*A motion was made by Council Member Guardiola, seconded by Council Member Madera, to honor Sergeant Major Robertson during the Commerce City Memorial Day Parade. VOTE: 7 - Aye, 2 - Excused (Elliott, Huseman)*

## 11. Executive Session

[19-04](#)

An executive session pursuant to C.R.S. 24-6-402(4)(b) and (e) for the purpose of determining positions and instructing negotiators relative to a potential disposal of City ROW, and receiving legal advice relating to the same.

*No executive session held. Deputy City Manager Roger Tinklenberg gave a brief presentation of the subject property.*

*A motion was made by Council Member Guardiola, seconded by Council Member Davis, to direct staff to pursue vacating the right-of-way. VOTE: 7 - Aye, 2 - Excused (Elliott, Huseman)*

[19-05](#)

An executive session pursuant to C.R.S. 24-6-402(4)(b) and (e) for the purpose of determining positions and instructing negotiators relative to a potential one-year Extension of Waste Management Contract, and receiving legal advice relating to the same.

*No executive session held. Deputy City Manager Roger Tinklenberg gave a brief presentation of the waste management contract.*

*A motion was made by Council Member Madera, seconded by Council Member Guardiola, to direct staff to send the city's waste management services contract out to bid. VOTE: 7 - Aye, 2 - Excused (Elliott, Huseman)*

## 12. Adjourn

*The meeting adjourned at 8:44 p.m.*

*Respectfully submitted by:*

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*Dylan A. Gibson, Deputy City Clerk*