



Commerce City

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

Meeting Minutes - Final

City Council

Monday, December 21, 2020

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

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 December 21, 2020, at 6:00 PM.

Present: 9 - Mayor Benjamin Huseman, Mayor Pro Tem Nicole Frank, Council Member Oscar Madera, Mayor Pro Tem 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

[20-109](#)

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 December 21.

Steve Douglas spoke on the Suncor SEP process update and the proposed inclusion of land in the Nexus North at DIA metropolitan district.

4. Presentations

[Pres 20-505](#)

COVID-19 Update

Interim City Manager Tinklenberg and Interim Deputy City Manager Blakeman provided an update on the city's response during the COVID-19 crisis.

[Pres 20-519](#)

Suncor SEP Process Update

Domenic Martinelli, environmental planner, presented on the Suncor SEP process.

5. Consent Agenda

Council Member Noble requested to pull Resolution 2020-100 from the consent agenda.

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

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

[Min 20-192](#)

Minutes of November 16, 2020

[Min 20-201](#)

Minutes of November 23, 2020

[Min 20-202](#)

Minutes of December 7, 2020

[Ord AN-257-20](#)

AN ORDINANCE ANNEXING CERTAIN UNINCORPORATED TERRITORY KNOWN AS PLATTE PLACE ANNEXATION, GENERALLY LOCATED AT 10550 BRIGHTON ROAD, HENDERSON, CO (PINS: 72109400015 & 72109400016), TO THE CITY OF COMMERCE CITY, COLORADO

[Z-965-20](#)

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY ZONING THE PROPERTY ANNEXED AS PLATTE PLACE FROM ADAMS COUNTY R-1-C TO COMMERCE CITY R-1 AND APPROVING A ZONE DOCUMENT

[Ord 2301](#)

AN ORDINANCE AMENDING THE 2020 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE BULLETPROOF VEST PARTNERSHIP GRANT FUNDS IN THE AMOUNT OF \$14,400 FOR THE BULLETPROOF VEST PROGRAM IN THE POLICE DEPARTMENT AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 2302](#)

AN ORDINANCE AMENDING THE 2020 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT (LEAF PROGRAM) IN THE AMOUNT OF \$9,995 FOR (DUI) ENFORCEMENT EFFORTS AND THE AUTHORIZATION OF THE EXPENDITURES THEREOF.

[Ord 2303](#)

AN ORDINANCE AMENDING THE 2020 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 THROUGH THE CARES ACT PHASE 3A FUNDING IN THE AMOUNT OF \$220,453 AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF

[Ord 2305](#)

AN ORDINANCE AMENDING THE 2020 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY TRANSFERRING \$584,271 FROM THE GENERAL FUND TO THE CIPP FUND FOR COSTS ASSOCIATED WITH THE EAST 108TH AVENUE, NORTH ONE-HALF EAST OF HAVANA STREET PAVING PROJECT AND AUTHORIZATION OF THE EXPENDITURE THEREOF

[Ord 2309](#)

AN ORDINANCE AMENDING THE 2021 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$5,000 FOR CLICK IT OR TICKET AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Res 2020-99](#)

RESOLUTION APPROVING EXTENSION OF GREATER OUTDOORS COLORADO GRANT AGREEMENT AND AUTHORIZING COOPERATIVE AGREEMENT FOR GENERATION WILD NORTHEAST METRO COALITION

[Res 2020-100](#)

RESOLUTION REGARDING POSTING LOCATIONS FOR ORDINANCES AND PUBLIC MEETINGS

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

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

[Res 2020-101](#) RESOLUTION CANCELLING CITY COUNCIL MEETINGS THAT FALL ON OFFICIALLY SCHEDULED CITY HOLIDAYS

[Res 2020-104](#) RESOLUTION AUTHORIZING INTERGOVERNMENTAL AGREEMENT WITH URBAN DRAINAGE AND FLOOD CONTROL DISTRICT REGARDING COST-SHARING FOR PURCHASE OF IRONDALE GULCH DRAINAGE PROPERTIES

6. Public Hearings

[V-89-21](#) AN ORDINANCE VACATING A PORTION OF PEORIA STREET RIGHT-OF-WAY SOUTH OF 104TH AVENUE IN THE TURNBERRY SUBDIVISION, COMMERCE CITY, COLORADO.

Mayor Huseman opened the public hearings for Case # V-89-21 and Resolution 2020-92 concurrently.

Steve Timms, Planning Manager, presented on case # V-89-21 and Resolution 2020-92.

John Prestwich provided the applicant's presentation.

No public testimony was received.

Mayor Huseman closed the public hearing.

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Grimes , to accept the findings and recommendations of the Planning Commission on case # V-89-21 and Resolution 2020-92. VOTE: 9 - Aye

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Grimes, 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, Mayor Pro Tem Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst, Council Member Grimes and Council Member Smith

[Res 2020-92](#) RESOLUTION APPROVING THE TURNBERRY FILING NO. 5 SUBDIVISION

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Grimes, that this resolution be adopted. VOICE VOTE:

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

[Z-966-21](#)

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY REZONING THE PROPERTY AT 7190 COLORADO BOULEVARD FROM PUBLIC TO PLANNED UNIT DEVELOPMENT AND APPROVING A PUD ZONE DOCUMENT

Mayor Huseman opened the public hearing.

Jenny Axmacher, Principle Planner, presented on case # Z-966-21.

Todd Lieberman provided the applicant's presentation.

No public testimony was received.

Mayor Huseman closed the public hearing.

Mayor Huseman left the meeting at 7:59 pm and returned at 8:02 pm.

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Grimes, to accept the findings and recommendations of the Planning Commission on case # Z-966-21. VOTE: 8 - Aye, 1 - Abstention (Huseman)

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

Abstained: 1 - Mayor Huseman

[Res 2020-95](#)

RESOLUTION APPROVING THE SECOND SUBSTANTIAL AMENDMENT TO THE 2019 ANNUAL ACTION PLAN

Mayor Huseman opened the public hearing.

Cheryl Steinberg, CDBG Coordinator, provided the presentation.

No public testimony was received.

Mayor Huseman closed the public hearing.

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

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

7. Ordinances on 2nd Reading

Ord 2313

AN ORDINANCE AMENDING THE 2021 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY TRANSFERRING \$1,259,000 FROM THE GENERAL FUND TO THE CIPP FUND FOR COSTS ASSOCIATED WITH THE SOUTH PLATTE CROSSING BUILDING PURCHASE AND REMODELING PROJECT AND AUTHORIZATION OF THE EXPENDITURE THEREOF.

A motion was made by Council Member Madera, seconded by Council Member Allen-Thomas, that this ordinance be approved on second & final reading.

VOTE:

Aye: 5 - Mayor Huseman, Council Member Madera, Mayor Pro Tem Allen-Thomas, Council Member Hurst and Council Member Smith

Nay: 4 - Mayor Pro Tem Frank, Council Member Noble, Council Member Guardiola and Council Member Grimes

8. Administrative Council Business

A motion was made by Council Member Noble, seconded by Council Member Allen-Thomas, to direct staff to draft a letter to the Colorado Department of Public Health and Environment expressing concerns about the impact that Suncor Refinery has on the health and safety of Commerce City residents and to be ready for council approval at the January 4, 2021 meeting. VOTE: 7 - Aye, 2 - Nay (Hurst, Grimes)

Mayor Pro Tem Frank left the meeting at 8:50 p.m.

A motion was made by Council Member Allen-Thomas, seconded by Council Member Madera, to direct staff to draft a policy regarding contractors entering private property and conducting construction without notice to the property owner. VOTE: 8 - Aye, 1 - Excused (Frank)

Mayor Pro Tem Frank returned to the meeting at 8:52 p.m.

A motion was made by Council Member Madera, seconded by Council Member Allen-Thomas, to direct staff to affix the mayor's signature on letters supporting the two Suncor SEP projects presented to council earlier in the meeting. VOTE: 9 - Aye

20-111

Request for Consent of the City Council to a Proposed Inclusion of Land in the Nexus North at DIA Metropolitan District

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Hurst, to grant the City Council's consent to the inclusion proposed in the December 1, 2020 letter of the Nexus North at DIA Metro District. VOTE: 9 - Aye

9. 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.

The city council recessed to convene the E-470 Commercial Area General Improvement District/E-470 Residential Area General Improvement District joint meeting and the subsequent Northern Infrastructure General Improvement District meeting prior to entering into executive session.

10. Executive Session

[20-93](#)

An Executive Session regarding the City Manager recruitment pursuant to C.R.S. 24-6-402(4)(e,f, and g) for the purpose of reviewing and discussing applications and materials related to candidates for the position of City Manager which are documents protected by the mandatory nondisclosure provision of the Colorado Open Records Act, and determining negotiation positions and instructing negotiators on matters that may be subject to negotiations concerning the contract for the City Manager.

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Hurst, to enter into an executive session regarding the City Manager recruitment pursuant to C.R.S. 24-6-402(4)(e,f, and g) for the purpose of reviewing and discussing applications and materials related to candidates for the position of City Manager which are documents protected by the mandatory nondisclosure provision of the Colorado Open Records Act, and determining negotiation positions and instructing negotiators on matters that may be subject to negotiations concerning the contract for the City Manager. VOTE:

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

11. Adjourn

The meeting adjourned at 10:55 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