



Commerce City

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

Meeting Minutes - Final

City Council

Monday, February 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

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 February 1, 2021, at 6:01 PM.

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

Council Member Grimes arrived at 6:02 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

[21-14](#)

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 February 1.

Iona LongSoldier spoke on Resolution 2021-02.

Bruke Beu spoke on the Mile High Grey Hound Park.

Ronna Sanchez spoke on oil and gas activity in Commerce City.

Vicki Kettler spoke on oil and gas activity in Commerce City.

Derek Seifried spoke on oil and gas activity in Commerce City.

Richard Thompson spoke on Ordinance 2318.

Steve Douglas spoke on ice dams, Resolution 2021-06, Ordinance 2318, and oil and gas activity in Commerce City,.

Kristi Douglas spoke on oil and gas activity in Commerce City.

4. Presentations

[Pres 21-54](#)

COVID-19 Update

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

[Pres 21-43](#)

Oil and Gas Monthly Update

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

5. Consent Agenda

Mayor Huseman requested to pull Resolution 2021-09 from the consent agenda.

**A motion was made by Council Member Craig Hurst, seconded by Council Member Jennifer Allen-Thomas, to approve the consent agenda as amended.
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 21-16](#)

Minutes of January 4, 2021

[Ord 2314](#)

AN ORDINANCE AMENDING THE 2021 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE GREATER OUTDOORS COLORADO IMPLEMENTATION GRANT FUNDS IN THE AMOUNT OF \$1,991,889 FOR THE SUPPORT OF THE PROGRAMS, PLACES AND PATHWAYS PROJECTS, "GO WILD" AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Res 2021-03](#)

RESOLUTION APPROVING CITY 2020 HIGHWAY USER TAX FUND (HUTF) REPORT

[Res 2021-04](#)

RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY

[Res 2021-08](#)

RESOLUTION AMENDING THE COMMERCE CITY LIQUOR LICENSING AUTHORITY RULES OF PROCEDURE TO ESTABLISH POLICIES FOR THE CONDUCT OF PUBLIC HEARINGS BY ELECTRONIC MEANS

[Res 2021-09](#)

RESOLUTION APPROVING FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COMMERCE CITY AND THE REGIONAL TRANSPORTATION DISTRICT ("RTD") REGARDING ARTWORK FOR THE NORTH METRO RAIL LINE

A motion was made by Mayor Huseman, seconded by Council Member Madera, that this resolution be adopted. 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

6. Resolutions

[Res 2021-06](#)

RESOLUTION RECOMMENDING A MAYORAL APPOINTMENT TO THE BOARD OF THE COMMERCE CITY URBAN RENEWAL AUTHORITY

A motion was made by Council Member Hurst, seconded by Council Member Allen-Thomas, that this resolution be adopted. VOICE VOTE: 8 - Aye, 1 - Nay (Grimes)

[Res 2021-02](#)RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT
FOR LANDLORD/TENANT LEGAL SERVICES PILOT PROGRAM

Roger Tinklenberg, Interim City Manager, introduced the presentation.

*Lizzy Ullman, from Colorado Legal Services, provided an overview of the
Landlord/Tenant program.*

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

7. Ordinances on 1st Reading[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

**A motion was made by Mayor Pro Tem Frank, seconded by Council Member
Hurst, 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 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

Robert Sheesley, City Attorney, gave the presentation.

*A motion was made by Council Member Grimes, seconded by Council Member
Guardiola, to amend subsection (c)(3), to replace 6:00 pm to be 6:00 pm or sunset,
whichever is later. VOTE: 9 - Aye*

**A motion was made by Council Member Grimes, seconded by Mayor Pro Tem
Frank, that this ordinance be introduced by council as seated and approved on
first reading as amended. 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 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.

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

8. Ordinances on 2nd Reading

[Z-616-95-21](#)

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY REMOVING ZONING CONDITIONS ON APPROXIMATELY 28 ACRES FOR THE PROPERTY AT 9940 HAVANA ST TO REMAIN I-2 (MEDIUM INTENSITY INDUSTRIAL) AND TO REZONE APPROXIMATELY 1.87 ACRES OF THE PROPERTY AT 9940 HAVANA ST NORTH OF THE O'BRIEN CANAL FROM I-2 (MEDIUM INTENSITY INDUSTRIAL) TO PUBLIC ZONE.

A motion was made by Council Member Hurst, seconded by Council Member Madera, that this ordinance be approved on second & final 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

9. Administrative Council Business

A motion was made by Mayor Pro Tem Frank , seconded by Council Member Hurst, to authorize City staff to affix the mayor signature on a letter to the E-470 Board of Directors. VOTE: 9 - Aye

A motion was made by Council Member Allen-Thomas, seconded by Council Member Noble, to direct staff to draft an ordinance that would require the establishment of a home owner association for new residential development projects in the City. VOTE: 5 - Aye, 4 - Nay (Frank, Hurst, Madera, Smith)

A motion was made by Mayor Huseman, seconded by Council Member Guardiola, that council approve a proclamation that February be recognized as Black History Month in Commerce City. VOTE: 9 - Aye

A motion was made by Mayor Huseman, seconded by Council Member Madera, authorizing the mayor to affix his signature to the U.S. Conference of Mayor's sign on letter denouncing anti-Semitism. VOTE: 9 - Aye

A motion was made by Mayor Huseman, seconded by Council Member Guardiola, to direct staff to explore the purchase and installation of a minimum of 10 solar powered fixed speed radar signs and return to Council by March 15th. VOTE: 9 - Aye

A motion was made by Mayor Huseman, seconded by Council Member Hurst, to direct staff to draft a resolution to amend the Fees and Fines Schedule to remove the \$25 appeal fee on a Notice of Violation and bring back to Council. VOTE: 9 - Aye

A motion was made by Mayor Huseman, seconded by Council Member Allen-Thomas, to have the committee that makes recommendations on naming City facilities explore renaming Buffalo Run Golf Course to pay tribute to Detective Holland. VOTE: 9 - Aye

[21-10](#)

Ratification of Adams County Five-Star Recovery Partner Program Letter of Support

A motion was made by Council Member Noble, seconded by Mayor Pro Tem Frank, to ratify the letter of support for the Adams County Five-Star Recovery Partner Program and the Mayor's signature thereon. VOTE: 9 - Aye

[21-13](#)

Energy Service Area Consolidation Letter

A motion was made by Mayor Pro Tem Frank, and seconded by Council Member Grimes, to allow Council Member Madera to abstain from voting. Vote: 8 - Aye, 1 - Abstention (Madera)

A motion was made by Council Member Allen-Thomas, seconded by Council Member Grimes, to approve the Energy Service Consolidation Letter and affix the Mayor's signature thereon. VOTE: 8 - Aye, 1 - Abstention (Madera)

[21-16](#)

112th Avenue Project Update & Authorization of Amendment to Cost Share Agreement to Address Payment of Parking Lot Land Costs

Roger Tinklenberg, Interim City Manager, led the discussion.

A motion was made by Council Member Hurst, seconded by Council Member Madera, to authorize the Interim City Manager to negotiate and execute an amendment to the 112th Avenue Cost Share Agreement to provide for the City's payment of land costs for the parking lot expansion in the amount of \$143,800. VOTE: 9 - Aye

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

[21-05](#)

An executive session pursuant to C.R.S. 24-6-402(4)(b and e) for the purposes of: receiving legal advice and determining positions that may be subject to negotiation regarding the Denver International Airport; and receiving legal advice concerning potential litigation on another matter.

A motion was made by Council Member Grimes, seconded by Council Member Allen-Thomas, to enter into an executive session pursuant to C.R.S. 24-6-402(4) (b and e) for the purposes of: receiving legal advice and determining positions that may be subject to negotiation regarding the Denver International Airport; and receiving legal advice concerning potential litigation on another matter. VOICE VOTE: Unanimous, all present affirmed.

12. Adjourn

The meeting adjourned at 10:25 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