



Commerce City

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

Meeting Minutes - Final

City Council

Monday, November 16, 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 2271 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 November 16, 2020, at 6:00 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

[20-100](#)

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 November 16.

Max Daffron spoke on recent crime incidents in the Turnberry Neighborhood.

Steve Douglas spoke on the proposed purchase of a floor at the South Platte Crossing building.

4. Presentations

[Pres 20-444](#)

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 20-397](#)

Public Health Order 20-36

Chief Nichols provided an update on the recently issued public health order 20-36.

5. Consent Agenda

Council Member Noble requested to pull the Minutes of September 21, 2020, Resolution 2020-90, and Resolution 2020-96 from the consent agenda.

A motion was made by Council Member Allen-Thomas, seconded by Council Member Hurst, 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 20-167](#)

Minutes of September 21, 2020

Council Member Noble stated they requested to pull the minutes to correct a clerical error that was missing a seconder for Mayor Huseman's motion to establish a council economic development subcommittee.

A motion was made by Council Member Noble, seconded by Council Member Madera, that the minutes be approved as amended to correct a clerical error to add Council Member Allen-Thomas as the seconder to Mayor Huseman's motion to establish a council economic development subcommittee. VOICE VOTE: Unanimous, all present affirmed.

[Min 20-180](#)

Minutes of November 2, 2020

[Ord 2300](#)

AN ORDINANCE ENACTING A NEW ARTICLE IV IN CHAPTER 9 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ESTABLISH A TEMPORARY MAXIMUM FEE THAT CAN BE CHARGED FOR THIRD-PARTY FOOD DELIVERY SERVICES IN THE CITY OF COMMERCE CITY, COLORADO

[Res 2020-88](#)

RESOLUTION AUTHORIZING INTERGOVERNMENTAL AGREEMENT BETWEEN ADAMS COUNTY AND COMMERCE CITY REGARDING COST-SHARING FOR DAHLIA STREET IMPROVEMENT PROJECT

[Res 2020-90](#)

RESOLUTION AUTHORIZING GRANT OF EASEMENT TO SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT FOR SANITARY SEWER OR WATER PIPELINES

Council Member Noble stated they pulled the resolution in order to have a roll call vote taken on the resolution.

A motion was made by Council Member Hurst, seconded by Council Member Allen-Thomas, that this resolution be adopted. VOICE VOTE: Unanimous, all present affirmed.

[Res 2020-93](#)

RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY

[Res 2020-94](#)

RESOLUTION AMENDING THE CITY OF COMMERCE CITY PROCUREMENT POLICY

[Res 2020-96](#)

RESOLUTION ADOPTING THE ADAMS COUNTY HAZARD MITIGATION PLAN

Council Member Noble stated they requested to pull Resolution 2020-96 from the consent agenda to continue it to a study session to receive more information on the proposed hazard mitigation plan.

A motion was made by Mayor Huseman, seconded by Council Member Noble, to continue resolution 2020-96 to a study session so council and the public could receive more information on the proposed plan prior to taking a vote. VOICE VOTE: Unanimous, all present affirmed.

6. Public Hearings

[Res 2020-81](#)

RESOLUTION MAKING FINDINGS OF FACT BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY AND ITS CONCLUSION RELATIVE TO ELIGIBILITY OF ANNEXATION TO THE CITY OF COMMERCE CITY OF THE PROPERTY WITH PIN NO. 172109400015 AND 172109400016 GENERALLY LOCATED AT 10550 BRIGHTON ROAD, HENDERSON, COLORADO IN AN-257-20

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Hurst, that this resolution be adopted. VOICE VOTE: Unanimous, all present affirmed.

[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

Mayor Huseman opened the public hearings on Cases # AN-257-20 and Z-965-20 concurrently.

Andrew Baker, city planner, presented on the cases. Mr. Baker provided an overview of the eligibility of the property to be annexed, the applicants request to annex and rezone the property for 48 single-family homes which was under review, maps and photos of the proposed property, the history of the property, an overview of the proposed development, the neighborhood meeting that took place on July 8, and Planning Commission's recommendation for approval.

Dan Sheldon, applicant, came before council to state their interest in the proposed annexation and zoning of the property.

No public testimony was received.

Mayor Huseman closed the public hearings.

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Hurst, to accept the findings and recommendations of the Planning Commission on case # AN-257-20 and case # Z-965-20. VOTE: Unanimous, all present affirmed.

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

[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

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. 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

7. Ordinances on 1st Reading

[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.

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

[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.

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. 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

[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

A motion was made by Council Member Hurst, 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 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

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

[Ord 2307](#)

AN EMERGENCY ORDINANCE OF THE CITY OF COMMERCE CITY, COLORADO AMENDING SECTION 21-3210 OF THE LAND DEVELOPMENT CODE TO PERMIT PHASED APPROVALS FOR CERTAIN BUILDING PERMIT APPLICATIONS PENDING FULL CONSTRUCTION PLAN SUBMITTAL OR PLAT OR ZONING AMENDMENTS

City Attorney Robert Sheesley and Community Development Director Jason Rogers presented on the emergency ordinance.

A motion was made by Council Member Guardiola, seconded by Council Member Allen-Thomas, to amend Council Member Grimes' motion to include language that the ordinance was to sunset 90 days after passage. VOTE: 8 - Aye, 1 - Nay (Grimes)

A motion was made by Council Member Grimes, seconded by Council Member Hurst, that this ordinance be approved as an emergency ordinance with the addition of the following language to Section 5(c) "the applicant shall provide financial assurance for the removal and remediation of the property if future permit approvals are not granted." 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. Administrative Council Business

[20-94](#)

South Platte Crossing Follow-Up

A motion was made by Council Member Grimes, seconded by Council Member Allen-Thomas, to authorize the City Manager to terminate the purchase agreement. VOTE: 4 - Aye (Allen-Thomas, Grimes, Guardiola, Noble), 5 - Nay (Frank, Hurst, Huseman, Madera, Smith). Motion failed.

[20-102](#)

Ratification of Tolling Agreement

A motion was made by Council Member Hurst, seconded by Council Member Madera, to ratify the tolling agreement as recommended. VOTE: Unanimous, all present affirmed.

[20-103](#)

Engagement of Bankruptcy Special Counsel

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Madera, to authorize the City Attorney to retain bankruptcy counsel as recommended. VOTE: Unanimous, all present affirmed.

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.

Council recessed at 9:49 PM to convene the Northern Infrastructure General Improvement District meeting prior to the executive session.

10. Executive Session[20-92](#)

An executive session of the City Council, with its staff and attorneys, pursuant to C.R.S. 24-6-402(4)(b) to receive legal advice relative to pending and potential litigation.

A motion was made by Council Member Hurst, seconded by Council Member Madera, to extend the meeting time of the city council meeting by thirty minutes. VOTE: Unanimous, all present affirmed.

A motion was made by Council Member Hurst, seconded by Council Member Madera, to enter into an executive session of the City Council, with its staff and attorneys, pursuant to C.R.S. 24-6-402(4)(b) to receive legal advice relative to pending and potential litigation. VOICE VOTE: Unanimous, all present affirmed.

11. Adjourn

The meeting adjourned at 11:01 PM.

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

Respectfully submitted by:

Dylan A. Gibson, City Clerk