



Commerce City

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

Meeting Minutes - Draft

City Council

Monday, May 18, 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 May 18, 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. Citizen Communication

20-31

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 instructions on how to submit comments. The deadline to register to comment and to submit written comments is noon on Monday, May 18.

Jim Hayes, representing Oakwood Homes, spoke on Ordinance 2268.

Shaina Oliver spoke on air and water quality in Commerce City.

Kristi Douglas spoke on the oil and gas town hall held on May 7, 2020.

3. Presentations

[Pres 20-185](#)

City Manager's Financial Update

Deputy City Manager Smith provided an update to council on the financial impacts of the COVID-19 crisis.

[Pres 20-186](#)

COVID-19 Update

City Attorney Sheesley, Deputy City Managers Smith and Tinklenberg, and Chief of Police Nichols provided updates to council on the city's ongoing response to the COVID-19 crisis.

[Pres 20-174](#)

E-470 Hazardous Materials Routing Presentation

Derek Slack, representing E-470, and Jon Larson, representing SEH Inc, presented to council the hazardous materials route designation plan that will be considered by the E-470 Authority.

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Smith, to direct Council Member Hurst to vote yes at the E-470 Authority meeting in favor of the proposed designation of E-470 as a hazardous materials route. VOTE: 8 - Aye, 1 - Nay (Noble)

4. Consent Agenda

Council Member Noble requested to pull the Minutes of May 4, 2020 meeting from the consent agenda.

Mayor Huseman requested to pull Resolution 2020-10 from the consent agenda.

A motion was made by Council Member Grimes, seconded by Council Member Noble, 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 20-61](#)

Minutes of March 2, 2020

[Min 20-62](#)

Minutes of the March 13, 2020 Special Meeting

[Min 20-63](#)

Minutes of the March 16, 2020 Special Meeting

[Min 20-64](#)

Minutes of the March 23, 2020 Special Meeting

[Min 20-65](#)

Minutes of the April 6, 2020 Special Meeting

[Min 20-66](#)

Minutes of April 20, 2020

[Min 20-67](#)

Revised Minutes of May 4, 2020

Council Member Noble stated they pulled the minutes to continue them to the June 1 meeting so they could provide staff with proposed changes.

A motion was made by Council Member Noble, seconded by Council Member Guardiola, that the minutes be continued to the June 1, 2020 meeting. 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

[Res 2020-09](#)

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR 2020 ASPHALT MILL AND OVERLAY PROJECT TO ELITE SURFACE INFRASTRUCTURE - RME LTD. LLC

[Res 2020-10](#)

RESOLUTION AWARDED 2020 CONCRETE FLATWORK REPLACEMENT AND REPAIR PROJECT TO SILVA CONSTRUCTION, INC.

Mayor Huseman stated they requested to pull Resolution 2020-10 to include an installation of sidewalk at 15491 East 113th Avenue as part of the contract. City Engineer Brent Soderlin stated the project would be added as a change order to the contract.

A motion was made by Mayor Huseman, seconded by Council Member Hurst, that this resolution be adopted with the inclusion of the 15491 East 113th Avenue project as part of the contract. 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

[Res 2020-12](#)

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR PRELIMINARY AND FINAL DESIGN OF TWO BRIDGES LOCATED AT POTOMAC STREET AND O'BRIAN CANAL, AND PEORIA STREET AND BURLINGTON DITCH AWARD PROJECT TO ALFRED BENESCH & COMPANY

5. Public Hearings

[CU-108-15-20](#)

RCI Investments, LLC is requesting renewal of a Conditional Use Permit to continue operating a metal recycling business located at 9985 E. 104th Ave, zoned I-3.

Mayor Huseman opened the public hearing.

Jason Rogers, Director of Community Development, presented the case to council.

There was no public comment.

Mayor Huseman closed the public hearing.

A motion was made by Council Member Hurst, seconded by Council Member Madera, to accept the findings and recommendations of the planning commission. VOTE: 9 - Aye

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Guardiola, that the conditional use permit 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. Ordinances on 1st Reading

[Ord 2268](#)

AN ORDINANCE AMENDING SECTIONS 3-2304 AND 6-2012, CONSOLIDATING SECTIONS 6-2012 AND 6-2013, AND REPEALING AND SAVING SECTION 6-2013 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO MODIFY RESPONSIBILITIES AND STANDARDS FOR THE MAINTENANCE OF WEEDS AND GRASSES AND INCREASING PENALTIES FOR NONCOMPLIANCE

Jason Rogers, Director of Community Developed, provided an update to council on the outreach conducted with community stakeholders after the ordinance was continued at the May 4 meeting.

A motion was made by Mayor Pro Tem Frank, seconded by Council Member Madera, that this ordinance be continued to June 1, 2020. 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 2277](#)

AN ORDINANCE AMENDING THE 2020 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE NATIONAL LEAGUE OF CITIES' CENSUS RAPID RESPONSE GRANT PROGRAM IN THE AMOUNT OF \$9,400 AND 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 2278](#)

AN ORDINANCE AMENDING THE 2020 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO AUTO THEFT PREVENTION AUTHORITY GRANT PROGRAM IN THE AMOUNT OF \$200,000 AND AUTHORIZATION OF THE EXPENDITURE THEREOF AND A RELATED INTERGOVERNMENTAL AGREEMENT.

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 2280](#)

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 IN THE AMOUNT OF \$246,587 AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

7. Administrative Council Business

A motion was made by Mayor Pro Tem Frank , seconded by Council Member Hurst, to add the city manager's review first quarter update to the June 1, 2020 meeting agenda. Mayor Pro Tem Frank withdrew their motion.

A motion was made by Council Member Grimes, seconded by Mayor Pro Tem Frank, to reinstate study sessions virtually beginning on June 8 and phase in in-person meetings as staff is able. VOTE: 9 - Aye

A motion was made by Council Member Grimes, seconded by Council Member Hurst, to authorize the approval of the intergovernmental agreement with Adams County for the distribution of CARES Act funding as part of Ordinance 2276 ahead of its consideration on second reading at the June 1 meeting. VOTE: 9 - Aye

A motion was made by Mayor Huseman, seconded by Mayor Pro Tem Frank, to direct city staff to answer questions submitted by Mayor Huseman to staff related to the poisoning of prairie dogs at Second Creek Open Space and any subsequent questions that may arise from information received. Council Member Hurst requested the motion be amended to require wildlife management vendors to provide a schedule of wildlife management activities to be performed ahead of time. Mayor Huseman accepted the amendment. VOTE: 5 - Aye, 4 - Nay (Grimes, Guardiola, Madera, Noble)

[20-30](#)

Discussion on Future Board and Commission Meeting Schedules

Dylan Gibson, Interim City Clerk, provided an update to council on the board and commission special meetings since May 4, 2020.

8. Council Reports

Deputy City Manager Smith highlighted items presented in the City Manager's weekly report provided to council earlier. The mayor and council reported on their attendance at various meetings and events.

9. Adjourn

The meeting adjourned at 10:34 p.m.

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, Interim City Clerk