



# Commerce City

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

## Meeting Minutes - Final

### City Council

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Monday, July 20, 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](https://c3gov.com/video)

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#### 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 July 20, 2020, at 6:00 PM.*

*A motion was made by Mayor Pro Tem Frank, seconded by Council Member Grimes, to excuse Council Member Smith. VOTE: 8 - Aye, 1 - Excused (Smith)*

**Present:** 8 - 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 and Council Member Meghan Grimes

**Excused:** 1 - Council Member Robyn Smith

#### 2. Citizen Communication

20-49

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](https://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 July 20.

*Travis Smith spoke against the Tri-County Health Department facial covering order.*

*Brandon Fowler spoke in favor of the Tri-County Health Department facial covering order.*

*Dyer Lewis spoke on the independent investigation into the Mayor's conduct that was conducted in March and City Manager McBroom's resignation.*

*Steve Strock spoke on a vicious dog attacks and requested fines for vicious animal be increased.*

*Steve Douglas requested council pull all Extraction Oil & Gas permits, requested changes to the process for registering to speak during citizen communication at virtual meetings, and spoke on resolution 2020-52 and 2020-53.*

*Kristi Douglas spoke in favor of the Tri-County Health Department facial covering order, spoke against a resolution that was tabled at a previous council meeting to select a consultant for the city's comprehensive plan update, and against a resolution on a tax rebate agreement with metropolitan districts.*

### 3. Presentations

Pres 20-248

#### COVID-19 Update

*Kayla Lesperance, Tri-County Health Department's Public Health Industrial Hygienist, provided council an update on the department's facial covering order, data related to COVID-19 infections and deaths locally and nationally, and information related to the spread of COVID-19.*

*Interim City Manager Tinklenberg, Deputy City Manager Smith, City Attorney Sheesley, and Chief of Police Nichols provided updates on the city's response during the COVID-19 pandemic.*

### 4. Consent Agenda

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

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

**Excused:** 1 - Council Member Smith

[Res 2020-51](#)

RESOLUTION AUTHORIZING CITY MANAGER TO SIGN AIRCRAFT ACTIVITY COVENANT FOR CITY-OWNED PROPERTY LOCATED AT NORTHEAST CORNER OF E. 88TH AVE AND TOWER ROAD

## 5. Public Hearings

[Z-692-98-20](#)

AN ORDINANCE AMENDING ORDINANCE Z-692-98 TO REZONE 4.99 ACRES FROM AG (AGRICULTURAL) TO C-3 (REGIONAL COMMERCIAL DISTRICT) FOR THE PROPERTY LOCATED AT APPROXIMATELY 12500 EAST 104TH AVENUE, COMMERCE CITY, COLORADO AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

*Mayor Huseman opened the public hearing.*

*Brayan Marin, city planner, presented the case. Mr. Marin provided an overview of the site history, compliance with the city's comprehensive plan, the request to construct a concealed telecommunication tower, and the planning commission's recommendation to approve the item.*

*Norman Wright with LCC Telecom Services, representing the applicant, provided information on the tower's construction and appearance.*

*Steve Douglas spoke in favor of the rezoning.*

*Mayor Huseman closed the public hearing.*

*A motion was made by Mayor Pro Tem Frank, seconded by Council Member Madera, to accept the findings and recommendations of the planning commission on case # Z-692-98-20. VOTE: 8 - Aye, 1 - Excused (Smith)*

**A motion was made by Mayor Pro Tem Frank, seconded by Council Member Madera, to enter a finding that the requested zoning for the subject property contained in case Z-692-98-20 meets the criteria of the Land Development Code and, based upon such finding, introduce and approve ordinance Z-692-98-20 on first reading by council as seated. VOTE:**

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

**Excused:** 1 - Council Member Smith

[CU-124-20](#)

Stadium Auto Parts is requesting a Conditional Use Permit to develop a salvage yard located at 9750 E. 96th Avenue, zoned I-3 (Heavy Intensity Industrial District).

*Mayor Huseman opened the public hearing.*

*Brayan Marin, city planner, presented the case. Mr. Marin provided an overview of the site history, the intended use of the property, and the recommendation of the planning commission to approve the case with conditions.*

*Mark Delgado and Norman Wright, applicants, provided their presentation. Mr. Wright highlighted the history and operations of the company. Mr. Delgado provided renderings of the proposed improvements and structure on the site.*

*Wes Gardner spoke in favor of the case.*

*Steve Douglas spoke in favor of the case.*

*Mayor Huseman closed the public hearing.*

*A motion was made by Mayor Pro Tem Frank, seconded by Council Member , to accept the findings and recommendations of the planning commission in case # CU-124-20. VOTE: 8 - Aye, 1 - Excused (Smith)*

**A motion was made by Mayor Pro Tem Frank, seconded by Council Member Hurst, to approve the conditional use permit in Case #CU-124-20 subject to the three (3) conditions and findings recommended by the Planning Commission. VOTE:**

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

**Excused:** 1 - Council Member Smith

## 6. Resolutions

[Res 2020-53](#)

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

*Deputy City Manager Troy Smith provided an overview of the resolution and the options the council could take on the resolution.*

**A motion was made by Council Member Grimes, seconded by Council Member Allen-Thomas, that this resolution be continued for two weeks to allow council members to engage with Regional Transportation District board members on the intergovernmental agreement. VOTE:**

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

**Excused:** 1 - Council Member Smith

[Res 2020-52](#)

RESOLUTION APPROVING AN AGREEMENT FOR THE PURCHASE OF PROPERTY AT SOUTH PLATTE CROSSING, 7190 COLORADO BOULEVARD AND PROVIDING FOR RELATED MATTERS

*Deputy City Manager Troy Smith provided an overview of the resolution.*

**A motion was made by Council Member Madera, seconded by Council Member Hurst, that this resolution be continued for two weeks to allow staff to negotiate the closing date from 90 days to 180 days. VOTE:**

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

**Excused:** 1 - Council Member Smith

## 7. Ordinances on 1st Reading

[Ord 2270](#)

AN ORDINANCE AMENDING THE 2020 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE WALMART COMMUNITY FOUNDATION GRANT IN THE AMOUNT OF \$4,000.00 TO BE USED FOR PUBLIC SAFETY, AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

**Excused:** 1 - Council Member Smith

[Ord 2285](#)

AN ORDINANCE AMENDING THE 2020 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE TONY GRAMPSAS YOUTH SERVICES GRANT FUNDS IN THE AMOUNT OF \$4,000 FOR THE COSTS ASSOCIATED WITH COVID-19 SUPPORT OF THE EPIC YOUTH PROGRAM AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

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

**Excused:** 1 - Council Member Smith

[Ord 2286](#)

AN ORDINANCE AMENDING THE 2020 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$3,780 FOR CLICK IT OR TICKET AND \$19,000 FOR DRIVING UNDER THE INFLUENCE (DUI) ENFORCEMENT EFFORTS 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:** 8 - Mayor Huseman, Mayor Pro Tem Frank, Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst and Council Member Grimes

**Excused:** 1 - Council Member Smith

[Ord 2287](#)

AN ORDINANCE AMENDING THE 2020 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE DEPARTMENT OF JUSTICE GRANT FUNDS IN THE AMOUNT OF \$77,507 FOR THE COSTS ASSOCIATED WITH COVID-19 PUBLIC SAFETY NEEDS AND MITIGATION 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. VOTE:**

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

**Excused:** 1 - Council Member Smith

## 8. Administrative Council Business

*A motion was made by Council Member Noble, seconded by Council Member Allen-Thomas, to resume board and commission meetings regularly via Zoom. Council Member Noble withdrew their motion.*

[20-48](#)

Tri-County Health Department Public Health Order Requiring Facial Coverings In Public Where Social Distancing Cannot Be Maintained

## 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.*

## 10. Adjourn

*The meeting adjourned at 10:31 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:*

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*Dylan A. Gibson, City Clerk*