



Commerce City

7887 E. 60th Ave.
Commerce City, CO 80022
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Meeting Minutes

City Council

Monday, February 3, 2020

6:00 PM

Council Chambers

Regular Meeting

Times given are estimates only.

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 3, 2020, at 6:00 PM.

A motion was made by Council Member Hurst, seconded by Council Member Guardiola, to excuse Council Members Frank, Madera, and Smith from the meeting.

VOTE: 6 - Aye, 3 - Excused (Frank, Madera, Smith)

Present: 6 - Mayor Benjamin Huseman, Council Member Jennifer Allen-Thomas, Council Member Susan Noble, Council Member Jose Guardiola, Council Member Craig Hurst and Council Member Meghan Grimes

Excused: 3 - Mayor Pro Tem Nicole Frank, Council Member Oscar Madera and Council Member Robyn Smith

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

A motion was made by Council Member Hurst, seconded by Council Member Guardiola, to amend the agenda to add the recognition of the Police Department's Employee of the Year, Detective Mike Vasquez, to the agenda. Deputy Chief of Police Dennis Moon presented Detective Vasquez with the award and the mayor and council came forward for a photo.

3. Presentations

[Pres 20-06](#)

Regional Air Quality Council Update

Mike Silverstein, Executive Director for the Regional Air Quality Council provided an overview of the Council, its mission, regional air quality statistics, and control strategies for air pollution.

[Pres 20-36](#)

Metro Auto Theft Task Force

Mindy Duong with the Colorado Metro Auto Theft Task Force provided an overview of the task force and presented to increase awareness and provide crime analysis for automobile thefts in the metropolitan area.

[Pres 20-07](#)

Oil and Gas Monthly Update

Domenic Martinelli, City Planner, presented the oil and gas monthly update.

[Pres 20-31](#)

2019 State of the Municipal Court

Municipal Judge David Juarez presented the 2019 State of the Municipal Court.

4. Citizen Communication

Ron Bruce, 15800 East 121st Avenue, came before council to speak on the conflict of interest chapter of the municipal code.

5. Recess

Council convened a ten-minute recess.

6. Consent Agenda

A motion was made by Council Member Grimes, seconded by Council Member Hurst, to approve the consent agenda as presented. ROLL CALL VOTE:

Aye: 6 - Mayor Huseman, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst and Council Member Grimes

Excused: 3 - Mayor Pro Tem Frank, Council Member Madera and Council Member Smith

[Min 20-18](#)

Minutes of April 15, 2019

[Min 20-19](#)

Minutes of January 6, 2020

[Ord 2252](#)

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 (HUD) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$428,484 FOR MINOR HOME REPAIR, ARAPAHOE CO WEATHERIZATION, PAINT-A-THON, GROUNDWORKS DENVER, AUDIO INFORMATION NETWORK AND DOMESTIC VIOLENCE VICTIM PROGRAMS.

- [Ord 2254](#) AN ORDINANCE AMENDING THE 2020 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF GRANTS FROM THE ADAMS COUNTY BOARD OF COUNTY COMMISSIONERS FOR COMMERCE CITY MASTER PLANNING EFFORTS AND THE RAGWEED DRAW BALL FIELDS PROJECT AND AUTHORIZING RELATED MATTERS
- [Ord 2256](#) AN ORDINANCE AMENDING THE 2020 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY TRANSFERRING \$318,146 FROM THE LOTTERY FUND TO THE CIPP FUND FOR COSTS ASSOCIATED WITH THE VETERANS MEMORIAL PARK RENOVATION PROJECT AND AUTHORIZATION OF THE EXPENDITURE THEREOF.
- [Res 2020-14](#) RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY
- [Res 2020-15](#) RESOLUTION AUTHORIZING SECOND AMENDMENT OF MUNICIPAL JUDGE AGREEMENT AND APPOINTMENT
- [Res 2020-16](#) RESOLUTION APPROVING CITY 2019 HIGHWAY USER TAX FUND (HUTF) REPORT
- [Res 2020-18](#) RESOLUTION APPROVING CITY OF COMMERCE CITY RULES GOVERNING ACCESS TO CIVIC CENTER AND SURROUNDING PROPERTY
- [Res 2020-19](#) RESOLUTION CONSENTING TO THE RESETTLEMENT OF REFUGEES IN THE CITY OF COMMERCE CITY, COLORADO

7. Public Hearings

[Z-953-18-20](#)

AN ORDINANCE APPROVING A REPLACEMENT PUD ZONE DOCUMENT FOR APPROXIMATELY 600 ACRES TO ALLOW RESIDENTIAL, COMMERCIAL, PARKS AND SCHOOLS, OFFICE/FLEX, AND SUBSURFACE EXTRACTION OF OIL AND GAS, FOR THE PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF EAST 88TH AVENUE AND TOWER ROAD IN COMMERCE CITY, COLORADO, CURRENTLY ZONED PUD.

Mayor Huseman opened the public hearing.

Jennifer Jones, Principal Planner, presented the case to council.

Bradley Burns, representing the applicant, made the applicant's presentation to council.

Mayor Huseman closed the public hearing.

A motion was made by Council Member Hurst, seconded by Council Member Grimes, to accept the findings and recommendations of the planning commission. VOTE: 5 - Aye, 1 - Nay (Noble), 3 - Excused (Frank, Madera, Smith)

A motion was made by Council Member Noble, seconded by Council Member Allen-Thomas, to amend the ordinance to remove Section 5 from the ordinance. VOTE: 3 - Aye (Allen-Thomas, Guardiola, Noble), 3 - Nay (Grimes, Huseman, Hurst), 3 - Excused (Frank, Madera, Smith). Motion failed.

The City Attorney explained that, pursuant to Sections 5.3(b) and 10.11(b)(5) of the City Charter, a vote of not less than a majority of the members of the council in office at the time the vote was taken was required to overrule the recommendations of the planning commission and that, in the absence of such a majority, the ordinance would be approved as recommended by the planning commission.

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

Aye: 3 - Mayor Huseman, Council Member Hurst and Council Member Grimes

Nay: 3 - Council Member Allen-Thomas, Council Member Noble and Council Member Guardiola

Excused: 3 - Mayor Pro Tem Frank, Council Member Madera and Council Member Smith

8. Ordinances on 1st Reading

[Ord 2257](#)

AN ORDINANCE AMENDING THE 2020 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY TRANSFERRING \$87,500 FROM THE LOTTERY FUND TO THE CIPP FUND FOR COSTS ASSOCIATED WITH THE RAGWEED DRAW BALLFIELDS PROJECT AND AUTHORIZATION OF THE EXPENDITURE 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: 6 - Mayor Huseman, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst and Council Member Grimes

Excused: 3 - Mayor Pro Tem Frank, Council Member Madera and Council Member Smith

[Ord 2261](#)

AN ORDINANCE ESTABLISHING A VETERANS COMMISSION AND AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE RELATIVE TO SUCH COMMISSION

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

Aye: 6 - Mayor Huseman, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst and Council Member Grimes

Excused: 3 - Mayor Pro Tem Frank, Council Member Madera and Council Member Smith

9. Ordinances on 2nd Reading

[LUP-56-20](#)

AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN, FIGURE 3.2, OF THE COMPREHENSIVE PLAN OF THE CITY OF COMMERCE CITY, FOR THE PROPERTY KNOWN AS GRUENEWALD SUBDIVISION FILING 1 (TRACT A) GENERALLY LOCATED AT 11100 EAST 108TH AVENUE AND TRACT B (IMMEDIATELY ADJACENT TO THE WEST OF TRACT A), FROM RESIDENTIAL-MEDIUM TO INDUSTRIAL/DISTRIBUTION.

A motion was made by Council Member Hurst, seconded by Council Member Grimes, that this ordinance be approved on second & final reading. VOTE:

Aye: 4 - Mayor Huseman, Council Member Guardiola, Council Member Hurst and Council Member Grimes

Nay: 2 - Council Member Allen-Thomas and Council Member Noble

Excused: 3 - Mayor Pro Tem Frank, Council Member Madera and Council Member Smith

[Z-957-20](#)

AN ORDINANCE REZONING FROM THE R-1 (SINGLE-FAMILY DETACHED RESIDENTIAL ZONING DISTRICT) TO THE I-1 (LIGHT INTENSITY INDUSTRIAL ZONING DISTRICT) FOR THE PROPERTY KNOWN AS GRUENEWALD SUBDIVISION FILING 1 (TRACT A) GENERALLY LOCATED AT 11100 EAST 108TH AVENUE AND TRACT B (IMMEDIATELY ADJACENT TO THE WEST OF TRACT A), MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

A motion was made by Council Member Hurst, seconded by Council Member Grimes, that this ordinance be approved on second & final reading. VOTE:

Aye: 5 - Mayor Huseman, Council Member Allen-Thomas, Council Member Guardiola, Council Member Hurst and Council Member Grimes

Nay: 1 - Council Member Noble

Excused: 3 - Mayor Pro Tem Frank, Council Member Madera and Council Member Smith

10. Administrative Council Business

A motion was made by Council Member Hurst, seconded by Council Member Grimes, to approve the expenditure of \$500 to sponsor a table at the Night of Hope Gala for the Richard Lambert Foundation. Vote: 6 - Aye, 3 - Excused (Frank, Madera, Smith)

A motion was made by Council Member Allen-Thomas, seconded by Council Member Noble, to direct staff to draft an ordinance to amend the city's code of ordinance to prohibit the parking of recreational vehicles and trailers on the city's right-of-ways except for use by permit and in the instances of loading and unloading in front of a person's home and setting minimum fines for such activities. Council Member Guardiola asked for the motion to include motor vehicles as well. Vote: 3 - Aye (Allen-Thomas, Guardiola, Noble), 3 - Nay (Grimes, Hurst, Huseman), 3 - Excused (Frank, Madera, Smith). Motion failed.

A motion was made by Council Member Hurst, seconded by Council Member Grimes, to direct staff to draft an ordinance to amend the city's code of ordinance to prohibit the parking of recreational vehicles and trailers on the city's right-of-ways except for the instances of loading and unloading in front of a person's home and setting fines. Vote: 6 - Aye, 3 - Excused (Frank, Madera, Smith)

A motion was made by Council Member Guardiola, seconded by Council Member Allen-Thomas, to direct staff to conduct a study session on the zoning regulation and design standards for marijuana businesses. Vote: 6 - Aye, 3 - Excused (Frank, Madera, Smith)

A motion was made by Council Member Noble, seconded by Council Member Allen-Thomas, to direct staff to draft a resolution to create a Metropolitan Districts Commission. Vote: 2 - Aye (Allen-Thomas, Noble) 4 - Nay (Grimes, Guardiola, Hurst, Huseman), 3 - Excused (Frank, Madera, Smith). Motion failed.

A motion was made by Council Member Hurst, seconded by Council Member Noble, to direct staff to hire outside counsel to review conduct of metropolitan districts within the city. Vote: 6 - Aye, 3 - Excused (Frank, Madera, Smith)

A motion was made by Council Member Hurst, seconded by Council Member Allen-Thomas, to cancel the March 9 study session. Vote: 6 - Aye, 3 - Excused (Frank, Madera, Smith)

A motion was made by Council Member Hurst, seconded by Council Member Grimes, to move the Community Survey presentation from the February 10 study session to the March 23 study session. Vote: 6 - Aye, 3 - Excused (Frank, Madera, Smith)

[20-10](#)**GOCO Generation Wild/GoWild NEMC Letter of Support**

A motion was made by Council Member Hurst, seconded by Council Member Allen-Thomas, to authorize Mayor Huseman to sign the letter of support. VOTE: 6 - Aye, 3 - Excused (Frank, Madera, Smith)

[20-11](#)

Honnen Building Update

Deputy City Manager Troy Smith provided an update on the Honnen building energy audit.

A motion was made by Council Member Hurst, seconded by Council Member Grimes, to authorize the expenditure of \$13,000 for a level II energy audit to be added to the scope of services for the environmental assessment for the Honnen building. VOTE: 6 - Aye, 3 - Excused (Frank, Madera, Smith)

[Min 20-03](#)

Revised Minutes of December 18, 2019

A motion was made by Council Member Noble, seconded by Council Member Hurst, to continue the minutes to the March 2, 2020 meeting. VOTE: 6 - Aye, 3 - Excused (Frank, Madera, Smith)

11. Council Reports

City Manager McBroom 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 council recessed the meeting to conduct the E-470 Commercial Area General Improvement District and E-470 Residential Area General Improvement District meetings.

12. Executive Session[20-12](#)

An executive session, including only the City Council and City's staff and legal counsel, pursuant to CRS 24-6-402(a, b, e) for the purpose of determining negotiating positions and strategy, instructing negotiators, and receiving related legal advice relating to an economic development opportunity.

A motion was made by Council Member Grimes, seconded by Council Member Guardiola, to enter into an executive session, including only the City Council and City's staff and legal counsel, pursuant to CRS 24-6-402(a, b, e) for the purpose of determining negotiating positions and strategy, instructing negotiators, and receiving related legal advice relating to an economic development opportunity. VOTE:

Aye: 6 - Mayor Huseman, Council Member Allen-Thomas, Council Member Noble, Council Member Guardiola, Council Member Hurst and Council Member Grimes

Excused: 3 - Mayor Pro Tem Frank, Council Member Madera and Council Member Smith

13. Adjourn

The meeting adjourned at 11:34 p.m.

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

Respectfully submitted by:

Dylan A. Gibson, Deputy City Clerk