



Commerce City

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

Meeting Minutes - Final

City Council

Monday, October 5, 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 October 5, 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

[20-76](#)

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 October 5.

Megan Landreth spoke on the proposed warehouse 104th Avenue & Joliet.

Ronna Sanchez spoke on a dog attack and the proposed vicious animal code updates.

Steve Douglas spoke on allowing citizens to participate remotely when council resumes in-person meetings, ordinances 2295 and 2299.

The following spoke on ordinance 2295:

Greg Fulton

Tim Jackson

Justin Goree

Brian Bata

Adam McCandless

Suzanne Kutsch

David Bauer

Josh Shwartz

Jenyce Houg

Erica Denney

James Martinez

4. Presentations

[Pres 20-358](#)

COVID-19 Update

Interim City Manager Tinklenberg and Deputy City Manager Smith provided an updated on the City's response during the COVID-19 crisis.

[Pres 20-292](#)

Oil and Gas Monthly Update

Domenic Martinelli, Environmental Planner, provided the monthly oil and gas update.

[Pres 20-275](#)

Hybrid City Council Meetings Presentation

Dylan Gibson, City Clerk, provided the hybrid meeting presentation. Deputy City Attorney Matt Hader provided an overview of the proposed emergency and remote meeting changes in ordinance 2291 that was considered later in the agenda.

5. Consent Agenda

A motion was made by Council Member Hurst, seconded by Council Member Allen-Thomas, to approve the consent agenda as presented. 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

[Res 2020-74](#)

RESOLUTION FINDING SUBSTANTIAL COMPLIANCE OF ANNEXATION PETITION IN CASE AN-257 AS THE PLATTE PLACE ANNEXATION AND SETTING A PUBLIC HEARING TO DETERMINE ELIGIBILITY FOR SUCH ANNEXATION

[Res 2020-76](#)

RESOLUTION APPROVING GRANT OF TEMPORARY DRAINAGE EASEMENT TO HIP RINGSBY I-76, LLC

[Res 2020-80](#)

RESOLUTION IN SUPPORT OF SOUTH ADAMS COUNTY FIRE PROTECTION DISTRICT BALLOT ISSUE 6A

[Res 2020-82](#)

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

[Res 2020-83](#)

RESOLUTION IN SUPPORT OF BALLOT MEASURES 1A AND 1B TO PRESERVE ADAMS COUNTY OPEN SPACE FUNDING

6. Public Hearings

[Res 2020-60](#)**RESOLUTION FOR THE CDBG PROGRAM APPROVING 2020 ANNUAL ACTION PLAN**

Mayor Huseman opened the public hearing.

Cheryl Steinberg, CDBG Coordinator, presented on the 2020 annual action plan. Ms. Steinberg provided an overview on the purpose of the annual action plan, the public outreach conducted for the 2020 plan, the scoring criteria for proposed projects, the projects rank and funding allocations proposed in the plan, which 2016-2020 goals have been met, and the next steps in submitting the 2020 annual action plan to the Department of Housing and Urban Development.

There was no public testimony.

Mayor Huseman closed the public hearing.

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

7. Ordinances on 1st Reading[Ord 2291](#)**AN ORDINANCE OF THE CITY OF COMMERCE CITY, COLORADO ESTABLISHING ELECTRONIC AND EMERGENCY MEETING PROCEDURES AND AUTHORIZING THE REMOTE CONDUCT OF MEETINGS FOR THE CITY OF COMMERCE CITY DURING CERTAIN DECLARED DISASTERS AND EMERGENCIES AND REPEALING ORDINANCE 2271**

A motion was made by Council Member Allen-Thomas, seconded by Council Member Hurst, that this ordinance be approved as an emergency ordinance. VOTE: 2 - Aye, 7 - Nay (Frank, Grimes, Guardiola, Hurst, Huseman, Noble, Smith). Motion failed.

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 as amended to allow for the recording of city council study session. ROLL CALL VOTE:

Aye: 6 - Council Member Madera, Council Member Allen-Thomas, Council Member Noble, Council Member Hurst, Council Member Grimes and Council Member Smith

Nay: 3 - Mayor Huseman, Mayor Pro Tem Frank and Council Member Guardiola

[Ord 2295](#)

AN ORDINANCE AMENDING THE COMMERCE CITY SALES AND USE TAX CODE, ARTICLE I OF CHAPTER 20 OF THE COMMERCE CITY REVISED MUNICIPAL CODE, TO EXEMPT THE PASSTHROUGH OF FEDERAL EXCISE TAX IMPOSED ON TRUCKS, TRAILERS, AND TRACTORS FROM TAXATION

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: 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 2296](#)

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 IN THE AMOUNT OF \$419,175 AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

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 2297](#)

AN ORDINANCE AMENDING THE 2020 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO, BY REAFFIRMING CERTAIN PRIOR APPROPRIATIONS, FOR A TOTAL AMOUNT OF \$1,463,242.55 AND AUTHORIZING THE EXPENDITURES 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 2298](#)

AN ORDINANCE AUTHORIZING TEMPORARY OUTDOOR SERVICE AREAS FOR RESTAURANTS AND BARS IN THE CITY OF COMMERCE CITY, COLORADO AND REPEALING ORDINANCE 2281

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 2299](#)

AN ORDINANCE AMENDING THE 2020 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY APPROPRIATING \$25,000 FROM THE GENERAL FUND TO COVER INITIAL EXPENSES RELATED TO THE RFP FOR ENVIRONMENTAL CONSULTING SERVICES AND 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: 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

A motion was made by Council Member Grimes, seconded by Council Member Guardiola, to direct Interim City Manager to produce a professional opinion regarding a perceived conflict of interest related to their employment and ongoing land development code updates related to oil and gas. VOTE: 9 - Aye

A motion was made by Council Member Noble, seconded by Council Member Guardiola, to direct staff to research alternates to designating Monaco Park a public nuisance. VOTE: 9 - Aye

A motion was made by Council Member Guardiola, seconded by Council Member Madera, to direct staff to conduct a second round of child care grant funding. VOTE: 9 - Aye

A motion was made by Mayor Huseman, seconded by Council Member Guardiola, to direct staff to explore the feasibility of allowing backyard hens, information on other municipalities allowing backyard hens, and bringing their findings back to the city council for consideration. VOTE: 7 - Aye, 2 - Nay (Grimes, Madera)

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. Executive Session

[20-67](#)

An executive session pursuant to C.R.S. 24-6-402(4)(b) and (e) for the purpose of determining positions and instructing negotiators relative to a potential annexation agreement for properties in unincorporated Adams County on the southeast and southwest sides of the intersection of 104th Avenue and Highway 85, and receiving legal advice relating to the same

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 purpose of determining positions and instructing negotiators relative to a potential annexation agreement for properties in unincorporated Adams County on the southeast and southwest sides of the intersection of 104th Avenue and Highway 85, and receiving legal advice relating to the same.

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

11. Adjourn

The meeting adjourned at 10:36 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, City Clerk