



Commerce City

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

Meeting Minutes - Draft

City Council

Monday, February 6, 2023

6:00 PM Council Chambers, 7887 E 60th Ave, Commerce City, CO 80022. The meeting will also be conducted in a hybrid format via Zoom. Registration link: https://c3gov.zoom.us/webinar/register/WN_mNX245DTTxK_Cp-PGNTFqA

Regular Meeting

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 6, 2023, at 6:00 PM.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Madera, to excuse those members not present. VOTE: 8 - Aye, 1 - Excused (Hurst)

Present: 8 - Mayor Benjamin Huseman, Mayor Pro Tem Jennifer Allen-Thomas, Council Member Oscar Madera, Council Member Renee Millard-Chacon, Council Member Susan Noble, Council Member Craig Kim, Council Member Sean Ford and Council Member Kristi Douglas

Excused: 1 - Council Member Craig Hurst

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Citizen Communication

[23-016](#)

Citizen Communication - City Council will conduct this meeting in person at the Commerce City Civic Center, 7887 E 60th Ave, Commerce City, CO 80022. 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 in person, via Zoom, or in advance through mail or email. 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 via Zoom or submit written comments is noon on Monday, February 6, 2023.

Trudy Smith thanked Council for the creation of the Environmental Policy Advisory Committee.

Steve Douglas spoke on the recent snow storm and its impact on water drainage, Ordinances 2390, 2391, and 2460.

Joseph Shorten and Michele Crean spoke on the traffic near the Landmark Academy school.

Dana Otterman spoke on the recent snow storm and its impact on water drainage.

4. Proclamations and Recognitions

[Proc 23-22](#)

Proclamation Declaring February 2023 as Black History Month in Commerce City, Colorado

Mayor Pro Tem Allen-Thomas read the proclamation.

A motion was made by Council Member Madera, seconded by Council Member Noble, that this Proclamation be approved. VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Millard-Chacon, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Hurst

5. Presentations

[Pres 23-084](#) Suncor and Oil & Gas Updates

Dr. Rosemaria Russo, Environmental Planner, provided an update on Suncor's activity and the oil and gas monthly update.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Kim, to direct staff to draft a letter for signature by the Mayor and Council to state and federal regulatory agencies regarding Suncor violations.

A motion was made by Council Member Millard-Chacon, seconded by Council Member Kim, to include items mentioned by Council Member Millard-Chacon. VOTE: 8 - Aye, 1 - Excused (Hurst)

Vote on the original motion: Vote: 8 - Aye, 1 - Excused (Hurst)

6. Consent Agenda

Council Member Noble requested to remove Ordinances 2451, 2457, and 2459.

Mayor Huseman requested to remove Resolution 2023-015.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Madera, to approve the Consent Agenda as amended. ROLL CALL VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Millard-Chacon, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Hurst

[Min 23-039](#) Minutes of the December 5, 2022 Regular Meeting

[Min 23-037](#) Minutes of the December 19, 2022 Regular Meeting

[Min 23-038](#) Minutes of the January 9, 2023 Special Meeting

[Min 23-040](#) Minutes of the January 23, 2023 Special Meeting

[Res 2023-003](#) A RESOLUTION AUTHORIZING THE CONTRACT FOR OWNERS REPRESENTATIVE FOR CITY FACILITIES CAPITAL IMPROVEMENT PROJECT TO WEMBER, INC.

[Res 2023-007](#) A RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR E. 72ND AVE & QUEBEC PARKWAY UNDERPASS IMPROVEMENT PROJECT TO HALLMARK, INC.

[Res 2023-008](#) A RESOLUTION ESTABLISHING A STANDING ENVIRONMENTAL POLICY ADVISORY COMMITTEE

[Res 2023-010](#) A RESOLUTION TO AWARD LEASE CONTRACT FOR CONCESSION MANAGEMENT AT PIONEER PARK TO M & M & THINGS.

[Res 2023-013](#) A RESOLUTION AMENDING RESOLUTION 2022-15 AND AUTHORIZING THE SELECTION OF MICHAEL BAKER INTERNATIONAL, INC. FOR THE AMENDED DESIGN AND PRECONSTRUCTION SERVICES FOR THE WIDENING OF COLORADO BOULEVARD PROJECT

[Res 2023-015](#) A RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF THE CITY OF COMMERCE CITY

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Madera, that this Resolution be adopted. VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Millard-Chacon, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Hurst

[Ord 2451](#) SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2023 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO, BY APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE OF THE FLEET MANAGEMENT FUND AND TRANSFERRING PORTIONS OF THE UNENCUMBERED FUND BALANCES IN THE POLICE FORFEITURE - FEDERAL AND POLICE FORFEITURE - STATE FUNDS TO THE FLEET MANAGEMENT FUND TO BE USED FOR THE PURCHASE OF A BEARCAT FOR A TOTAL AMOUNT OF \$280,000 AND AUTHORIZING THE EXPENDITURE THEREOF

A motion was made by Council Member Madera, seconded by Council Member Ford, that this Ordinance be approved on second & final reading. VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Millard-Chacon, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Hurst

[Ord 2456](#) SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2023 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT FOR FAIRFAX PARK IMPROVEMENTS IN THE AMOUNT OF \$700,000 AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 2457](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2023 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT FOR STAMPEDE PARK IMPROVEMENTS IN THE AMOUNT OF \$375,000 AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

A motion was made by Council Member Madera, seconded by Mayor Pro Tem Allen-Thomas, that this Ordinance be approved on second & final reading. VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Millard-Chacon, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Hurst

[Ord 2459](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2023 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO, BY APPROPRIATING A PORTION OF THE UNENCUMBERED FUND BALANCE OF THE GENERAL FUND AND TRANSFERRING TO DESIGNATED FUNDS PORTIONS OF THE UNENCUMBERED FUND BALANCE IN THE GENERAL FUND FOR A TOTAL AMOUNT OF \$1,353,241 TO BE USED FOR COSTS ASSOCIATED WITH MYC3 PROGRAMMING AND AUTHORIZING THE EXPENDITURE THEREOF

A motion was made by Council Member Ford, seconded by Council Member Madera, that this Ordinance be approved on second & final reading. VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Millard-Chacon, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Hurst

7. Public Hearings

The public hearings will be conducted electronically via Zoom. There will be an opportunity to testify live during the meeting via Zoom or in advance in advance via email or regular mail. Visit c3gov.com/council and click on “Virtual Meeting and Public Comment Instructions” for instructions on how to register or submit comments. The deadline to register to comment and to submit written comments is noon on Monday, February 6, 2023. Please contact the City Clerk to request paper copies of materials.

[Res 2023-011](#)

A RESOLUTION APPROVING SECOND CREEK VILLAGE, AMENDMENT NO. 6 FINAL SUBDIVISION PLAT TO CREATE THREE LOTS FROM TWO EXISTING LOTS, CONSISTING OF 2.4 ACRES, LOCATED GENERALLY AT THE NORTHEAST CORNER OF CHAMBERS ROAD AND EAST 104TH AVENUE

Mayor Huseman opened the public hearing.

Jennifer Jones, Principal Planner, provided the staff presentation.

Andrew Call, representing Thompson Thrift, was present to answer questions from Council.

Mayor Huseman closed the public hearing.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Noble, to accept the findings and recommendations of the Planning Commission on Case #S-814-22. VOTE: 8 - Aye, 1 - Excused (Hurst)

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Madera, that this Resolution be adopted. VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Millard-Chacon, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Hurst

[Z-945-17-19-20-21-22](#)

FIRST READING OF AN ORDINANCE APPROVING THE NEXUS NORTH AT DIA PUD ZONE DOCUMENT AMENDMENT NO. 3 TO PERMIT ADDITIONAL LAND USES AND MODIFY BULK STANDARDS FOR THE PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF EAST 88TH AVENUE AND BUCKLEY ROAD

Mayor Huseman opened the public hearing.

Dalton Guerra, City Planner, provided the staff presentation.

Ethan Frisch, representing applicant Becknell Industrial, was present to answer questions of Council.

Mayor Huseman closed the public hearing.

A motion was made by Council Member Ford, seconded by Council Member Madera, to accept the findings and recommendations of the Planning Commission in Case #Z-945-17-19-20-21-22. Vote: 8 - Aye, 1 - Excused (Hurst)

A motion was made by Council Member Kim, seconded by Council Member Ford, that the public hearing be continued to a date no later than ninety days. VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Millard-Chacon, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Hurst

[Ord 2461](#)

FIRST READING OF AN ORDINANCE ESTABLISHING NEW BOUNDARIES FOR EACH OF THE FOUR WARDS OF THE CITY OF COMMERCE CITY, COLORADO

Mayor Huseman opened the public hearing.

Dylan Gibson, City Clerk, provided the staff presentation.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Ford, that this Ordinance be continued to March 6, 2023 to allow staff to incorporate Council feedback, public comment, and written comment in a final plan. VOICE VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Millard-Chacon, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Hurst

8. Ordinances on 1st Reading

[Ord 2390](#)

FIRST READING OF AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF COMMERCE CITY BY UPDATING THE ROAD IMPACT FEES BASED OFF RECENT STUDIES OF THE SAME

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

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Millard-Chacon, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Hurst

[Ord 2391](#)

FIRST READING OF AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF COMMERCE CITY BY UPDATING THE DRAINAGE FEES BASED OFF RECENT STUDIES OF THE SAME

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

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Millard-Chacon, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Hurst

[Ord 2460](#)

FIRST READING OF AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 3 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO FIX ERRORS CREATED BY AMENDMENTS THAT INADVERTENTLY OMITTED FINES FOR CERTAIN CODE VIOLATIONS AND RE-ENACTS PENALTIES ASSOCIATED WITH OIL AND GAS OPERATIONS, WEEDS, AND PROPERTY MAINTENANCE VIOLATIONS

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

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Millard-Chacon, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Hurst

9. Administrative Council Business

A motion was made by Council Member Noble, seconded by Mayor Pro Tem Allen-Thomas, to authorize three members of the City Council to attend the NLC Conference in Washington, D.C in March and meet with congressional members of the Colorado delegation to advocate for Commerce City issues. Vote: 8 - Aye, 1 - Excused (Hurst)

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Kim, to direct staff to hold a study session on recommendations for an ordinance to address abandoned vehicles and recreational vehicles within forty days. VOTE: 8 - Aye, 1 - Excused (Hurst)

A motion was made by Mayor Huseman, seconded by Council Member Noble, to direct staff to draft a short-term and long-term plan on how to address the traffic situation at Landmark Academy and report back to Council on the plans within thirty days. VOTE: 8 - Aye, 1 - Excused (Hurst)

[23-014](#)

Healing Hearts Benefit 2023 - A Special 40th Anniversary Celebration

A motion was made by Council Member Noble, seconded by Millard-Chacon, to authorize \$1,000 to sponsor the Healing Hearts Benefit 2023 Celebration. VOTE: 8 - Aye, 1 - Excused (Hurst)

10. Council Reports

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

A motion was made by Council Member Kim, seconded by Council Member Ford, to extend the time to require the police chief to relocate to the City by an additional three months. VOTE: 8 - Aye, 1 - Excused (Hurst)

11. Executive Session

23-05

An executive session of the City Council pursuant to C.R.S. sec. 24-6-402(4)(a) for the purpose of discussing the purchase of improved real property for multiple uses including offices, materials and equipment storage, and land for passive recreation uses, and also pursuant to C.R.S. 24-6-402(4)(e) for determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations, and instructing negotiators, specifically with regard to the acquisition of said real property.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Madera, to enter into an executive session of the City Council pursuant to C.R.S. sec. 24-6-402(4)(a) for the purpose of discussing the purchase of improved real property for multiple uses including offices, materials and equipment storage, and land for passive recreation uses, and also pursuant to C.R.S. 24-6-402(4)(e) for determining positions relative to matters that may be subject to negotiations, developing strategies for negotiations, and instructing negotiators, specifically with regard to the acquisition of said real property.

VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Millard-Chacon, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Hurst

23-04

An executive session of the City Council pursuant to C.R.S. 24-6-402(4)(f)(I) for the discussion of personnel matters, specifically to conduct a formulary session to establish performance standards and the manner of performance evaluations of the City Manager.

A motion was made by Council Member Madera, seconded by Mayor Pro Tem Allen-Thomas, to enter into an executive session of the City Council pursuant to C.R.S. 24-6-402(4)(f)(I) for the discussion of personnel matters, specifically to conduct a formulary session to establish performance standards and the manner of performance evaluations of the City Manager. VOTE:

Nay: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Millard-Chacon, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Hurst

[23-012](#)

An executive session of the City Council and staff, pursuant to C.R.S. 24-6-402(4)(f)& (g) for the purposes of discussing personnel matters specifically related to the recruitment of a City Attorney.

A motion was made by Council Member Madera, seconded by Mayor Pro Tem Allen-Thomas, to enter into an executive session of the City Council and staff, pursuant to C.R.S. 24-6-402(4)(f)& (g) for the purposes of discussing personnel matters specifically related to the recruitment of a City Attorney. VOTE:

Aye: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Millard-Chacon, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Hurst

12. Adjourn

The meeting adjourned at 10:30 PM.

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

Dylan A. Gibson, City Clerk

Any citizen requesting accommodations, with respect to rights under the Americans with Disabilities Act, to attend or participate in any public meeting, and/or to obtain this notice in alternate formats, is asked to please contact the City Clerk at 303-227-8791 as soon as possible before the meeting.