



Commerce City

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

Meeting Minutes - Final

City Council

Monday, March 20, 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_nNfPV6L2TJaGh0hWozz4hw

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 March 20, 2023, at 6:00 PM.

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

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

Excused: 1 - Council Member Oscar Madera

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Approval of Agenda

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Hurst, to approve the agenda. VOTE: 8 - Aye, 1 - Excused (Madera)

4. Citizen Communication

[23-052](#)

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, March 20, 2023.

No public comment was received.

5. Noticed Council Business

[23-022](#)

Public Safety- Neighborhood Watch Presentation Discussion

Council Member Kim introduced the item.

A motion was made by Council Member Kim, seconded by Council Member Hurst, to have a presentation on neighborhood watch programs at the May 22nd study session. VOTE: 8 - Aye, 1 - Excused (Madera)

[23-027](#)

Inaugural Commerce City Triathlon

Council Member Kim introduced the item.

A motion was made by Council Member Kim, seconded by Council Member Douglas, to have City staff work on logistics for a triathlon in the City. VOTE: 8 - Aye, 1 - Excused (Madera)

[23-041](#)

Requesting a Revision to Ordinance 2300 on Third-Party Food Delivery Service Fees

Council Member Noble introduced the item.

A motion was made by Council Member Noble, seconded by Mayor Pro Tem Allen-Thomas, to have a study session on third party delivery fees on May 22nd. VOTE: 4 - Aye, 4 - Nay (Ford, Kim, Hurst, Huseman) 1 - Excused (Madera)

[23-043](#)

Requesting an Ordinance Authorizing Outdoor Service Areas for Restaurants and Bars

Council Member Noble introduced the item.

A motion was made by Council Member Noble, seconded by Council Member Douglas, to have staff draft an ordinance allowing for outdoor service areas for restaurants and bars in Commerce City. Motion Withdrew.

[23-046](#)

Review of Draft Letter to Colorado Department of Public Health

Jim Tolbert, Assistant City Manager, introduced the item.

A motion was made by Council Member Noble, seconded by Council Member Hurst, to continue this item, allowing staff to update and edit the letter in full. VOTE: 8 - Aye, 1 - Excused (Madera)

6. Consent Agenda

Mayor Huseman requested Resolution 2023-034 and Resolution 2023-037 be removed from the consent agenda.

Council Member Noble requested Resolution 2023-040 be removed from the consent agenda.

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

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

Excused: 1 - Council Member Madera

[Min 23-071](#)

Minutes of the February 27, 2023 Special Meeting

[Min 23-067](#)

Minutes of the March 2, 2023 Special Meeting

[Res 2023-018](#)

A RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR DESIGN AND CONSTRUCTION SERVICES FOR THE AUTOMATED TRAFFIC SIGNAL PERFORMANCE MEASURES (ATSPM) PROJECT TO LIGHTHOUSE TRANSPORTATION GROUP, LLC

[Res 2023-032](#)

A RESOLUTION FINDING SUBSTANTIAL COMPLIANCE OF THE ANNEXATION PETITION IN CASE AN-258-23, KNOWN AS THE QUIKTRIP ANNEXATION AND SETTING A PUBLIC HEARING TO DETERMINE ELIGIBILITY FOR SUCH ANNEXATION

[Res 2023-034](#) A RESOLUTION ADOPTING A CITY COUNCIL POLICY TO ADDRESS CITY COUNCIL CONDUCT AND DISCIPLINE AS COUNCIL POLICY #CP-25

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Hurst, that this Resolution be continued to the April 3rd regular meeting. VOTE:

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

Excused: 1 - Council Member Madera

[Res 2023-035](#) A RESOLUTION ADOPTING A CITY COUNCIL POLICY TO GOVERN ELECTRONIC MEETING PROCEDURES AS COUNCIL POLICY #CP-26

[Res 2023-037](#) A RESOLUTION ADOPTING CERTAIN ADVOCACY POSITIONS ON LEGISLATION PENDING AT THE COLORADO GENERAL ASSEMBLY

A motion was made by Council Member Noble, seconded by Council Member Millard-Chacon, that this Resolution be adopted. Motion Failed. VOTE:

Aye: 3 - Council Member Millard-Chacon, Council Member Noble and Council Member Douglas

Nay: 5 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Hurst, Council Member Kim and Council Member Ford

Excused: 1 - Council Member Madera

[Res 2023-040](#) A RESOLUTION APPROVING CERTAIN COUNCIL POSITIONS AND PROVIDING RELATED DIRECTION FOR FEDERAL ADVOCACY

A motion was made by Council Member Noble, seconded by Council Member Douglas, to amend Resolution 2023-040 to update Exhibit A to include data obtained by Cultivando to be discussed in Washington D.C. VOTE: 8 - Aye, 1 - Excused (Madera)

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

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

Excused: 1 - Council Member Madera

7. Public Hearings

The public hearings will be conducted hybrid, in person and via Zoom. There will be an opportunity to testify live during the meeting via Zoom or 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 virtually, and to submit written comments is noon on Monday, March 20, 2023. Please contact the City Clerk to request paper copies of materials.

[Z-967-23](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY REZONING THE PROPERTY GENERALLY LOCATED AT 8442 UINTA STREET FROM AGRICULTURAL DISTRICT (AG) TO MEDIUM-INTENSITY INDUSTRIAL DISTRICT (I-2)

Mayor Huseman opened the public hearing.

Nathan Chavez, City Planner, provided the staff presentation to Council. Nathan provided an overview of the case summary, current conditions, zoning change approval criteria, and comments from the Planning Commission and the public.

Mayor Huseman closed the public hearing.

A motion was made by Council Member Ford, seconded by Council Member Hurst, to accept the findings and recommendations of the Planning Commission. VOTE: 8 - Aye, 1 - Excused (Madera)

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

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

Excused: 1 - Council Member Madera

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

SECOND AND FINAL 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

A motion was made by Council Member Hurst, seconded by Council Member Ford, to reopen the public hearing for Z-945-17-19-20-21-22. VOTE: 8 - Aye, 1 - Excused (Madera)

Mayor Huseman reopened the public hearing.

Dalton Gurrea, City Planner, provided the staff presentation to Council. Dalton provided an overview of the case background, proposed amendment, proposed land use table, analysis of the applicant's request, and comments from the Planning Commission and the public.

Paul Thurston, Becknell Industrial, gave the applicant's presentation and were present to take questions from Council.

Mayor Huseman closed the public hearing.

A motion was made by Mayor Huseman, seconded by Mayor Pro Tem Allen-Thomas, to amend Ordinance Z-945-17-19-20-21-22 to remove the change of permitted land use designation as noted on sheet 6 of the PUD amendment number three document. VOTE: 6 - Aye, 2 - Nay (Ford, Huseman), 1 - Excused (Madera)

A motion was made by Council Member Hurst, seconded by Council Member Ford, that this Zoning Ordinances be introduced by council as seated and approved on first reading as amended. VOTE:

Aye: 5 - Mayor Huseman, Council Member Millard-Chacon, Council Member Noble, Council Member Hurst and Council Member Douglas

Nay: 3 - Mayor Pro Tem Allen-Thomas, Council Member Kim and Council Member Ford

Excused: 1 - Council Member Madera

8. Administrative Council Business

A motion was made by Council Member Kim, seconded by Council Member Chacon, to have staff engage Rene Bullock, Youth Commission Adult Commissioner, to request that they come before the full Council at a regular meeting to discuss their behavior at a quarterly Boards and Commissions Program interview and a Youth Commission meeting. VOTE: 8 - Aye, 1 - Excused (Madera)

A motion was made by Council Member Noble, seconded by Mayor Pro Tem Allen-Thomas, to direct staff to explore allowing outside dining areas in right of ways and to bring back options at the April 3rd meeting. VOTE: 8 - Aye, 1 - Excused (Madera)

[23-048](#)

A motion to Cancel the March 27, 2023 Study Session

A motion was made by Council Member Hurst, seconded by Mayor Pro Tem Allen-Thomas, to cancel the March 27th study session. VOTE: 8 - Aye, 1 - Excused (Madera)

9. 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.

Council Member Douglas left the meeting at 8:20 pm.

[23-049](#)

Review of Work Schedule

City Manager Rogers reviewed the work schedule.

10. Executive Session

[23-045](#)

An executive session of the City Council pursuant to C.R.S. section 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 Kim, seconded by Council Member Noble, to enter into executive session pursuant to C.R.S. section 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:

Aye: 7 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Millard-Chacon, Council Member Noble, Council Member Hurst, Council Member Kim and Council Member Ford

Excused: 2 - Council Member Madera and Council Member Douglas

[23-047](#)

An executive session of the City Council pursuant to C.R.S. section 24-6-402(4)(f) for the purposes of discussing personnel matters specifically related to the appointment and recruitment of a City Attorney, and also pursuant to C.R.S. section 24-6-402(4)(e)(I) to determine positions subject to negotiations and instruct negotiators with regard to the same.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Kim, to enter into an executive session pursuant to C.R.S. section 24-6-402(4)(f) for the purposes of discussing personnel matters specifically related to the appointment and recruitment of a City Attorney, and also pursuant to C.R.S. section 24-6-402(4)(e)(I) to determine positions subject to negotiations and instruct negotiators with regard to the same. VOTE:

Aye: 7 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Millard-Chacon, Council Member Noble, Council Member Hurst, Council Member Kim and Council Member Ford

Excused: 2 - Council Member Madera and Council Member Douglas

11. Adjourn

The meeting adjourned at 10:06 PM.

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

Jordan Roberts, Deputy City Clerk

[23-050](#) City Manager Update

[23-051](#) City Council Policies

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.