



Commerce City

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

Meeting Minutes - Final

City Council

Monday, December 19, 2022

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_aWhWdihGR4-vL20OnSkpMg

Times given are estimates only.
Revised 12/19/2022 @ 12:30 PM

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 December 19, 2022, at 6:02 PM.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Hurst, to excuse those members not present. VOTE: 7 - Aye, 1 - Excused (Madera)

Present: 7 - Mayor Benjamin Huseman, Mayor Pro Tem Jennifer Allen-Thomas, 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. Citizen Communication

[22-218](#)

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, December 19, 2022.

Kristi Pollard spoke on Ordinance 2453.

P. Jonathan Heroux spoke on Ordinance 2453.

Steve Douglas spoke on asphalt flatwork, and Ordinances 2453, 2456, and 2457.

Morgan Cullen, on behalf of the Homebuilders Association of Metro Denver, spoke on Ordinance 2453.

4. Proclamations and Recognitions

[Proc 22-48](#)

Proclamation Declaring January 27, 2023 as International Day in Remembrance of Victims of the Holocaust in Commerce City, Colorado

The Assistant City Clerk read the proclamation.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Noble, that this Proclamation be approved. VOTE:

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

Excused: 1 - Council Member Madera

[Proc 22-49](#)

Proclamation Declaring January 16th, 2023 as Reverend Dr. Martin Luther King, Jr. Day in Commerce City, Colorado

The Mayor Pro Tem read the proclamation.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Kim, that this Proclamation be approved. VOTE:

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

Excused: 1 - Council Member Madera

5. Noticed Council Business

[22-214](#) Schedule All Presentations During Study Sessions

A motion was made by Mayor Huseman, seconded by Mayor Pro Tem Allen-Thomas, to refer to the Policy and Governance subcommittee the idea to amend Council Policy to have all presentations occur only during Study Sessions.
VOTE: 5 - Aye, 2 - Nay (Douglas, Noble)

6. Presentations

[Pres 22-648](#) South Platte Crossing Update

John Bourjaily, Management Analyst, provided an update on the Adams Tower at South Platte Crossing floor five purchase and retrofitting.

7. Consent Agenda

Mayor Pro Tem Allen-Thomas requested to pull Ordinance 2449.

Council Member Noble requested to pull Resolution 2022-113.

[Min 22-335](#) Minutes of the December 12, 2022 Special Meeting

[Ord 2432](#) SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF COMMERCE CITY BY THE COMPREHENSIVE REVISION OF ARTICLE VIII THEREOF CONCERNING REGULATION OF SIGNS

[Ord 2449](#) SECOND AND FINAL READING OF AN ORDINANCE AUTHORIZING AN INCREASE IN SPENDING ON VEHICLE LEASES FOR THE YEAR 2023 AS PART OF THE CITY'S MASTER LEASE PROGRAM AGREEMENT WITH ENTERPRISE FLEET MANAGEMENT

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

Aye: 6 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Noble, Council Member Hurst, Council Member Ford and Council Member Douglas

Nay: 1 - Council Member Kim

Excused: 1 - Council Member Madera

[Res 2022-113](#) A RESOLUTION DESIGNATING POSTING LOCATIONS FOR ORDINANCES AND PUBLIC MEETINGS

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

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

Excused: 1 - Council Member Madera

[Res 2022-114](#) A RESOLUTION CANCELLING CITY COUNCIL MEETINGS THAT FALL ON OFFICIALLY SCHEDULED CITY HOLIDAYS

[Res 2022-118](#) A RESOLUTION GRANTING AN EASEMENT TO 27J SCHOOL DISTRICT FOR CONSTRUCTION, OPERATION, MAINTENANCE, REPLACEMENT, ENLARGEMENT, RECONSTRUCTION, IMPROVEMENT, INSPECTION, REPAIRS AND REMOVAL OF FIBER OPTIC FACILITIES AND ALL FIXTURES AND DEVICES APPURTENANCES THERETO ON CITY PROPERTY GENERALLY LOCATED ALONG E 96TH AVENUE

[Res 2022-119](#) A RESOLUTION DECLARING A VACANCY ON THE CITY COUNCIL OF THE CITY OF COMMERCE CITY AND DESIGNATING THE APPLICATION DEADLINE AND MATERIALS TO FILL THE VACANCY

8. 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, December 19. Please contact the City Clerk to request paper copies of materials.

Res 2022-03**A RESOLUTION APPROVING THE AVILLA SETTLERS CROSSING SUBDIVISION GENERALLY LOCATED SOUTH OF E. 100TH AVENUE AND EAST OF TOWER ROAD**

Mayor Huseman opened the public hearing.

Jennifer Jones, Principal Planner, provided an update on the case since it was last before Council on September 19, 2022.

Greyson Konkell with NextMetro and Charlie Smith with Brownstein Hyatt Farber and Schrek representing the applicant, provided renderings of the proposed development and the requirements of the City's land development code.

Steve Douglas spoke against the case.

Mayor Huseman closed the public hearing.

A motion was made by Council Member Hurst, seconded by Council Member Ford, that this resolution be adopted. VOTE: 3 - Aye, 4 - Nay (Allen-Thomas, Douglas, Huseman, Noble). Motion failed.

A motion was made by Council Member Douglas, seconded by Mayor Pro Tem Allen-Thomas, to deny the resolution based on criteria F and G. VOTE: 3 - Aye (Allen-Thomas, Douglas, Huseman), 4 - Nay. Motion failed.

A motion was made by Council Member Kim to continue Resolution 2022-03 and refer the case back to staff and the planning commission. Motion failed due to lack of a second.

A motion was made by Mayor Huseman, seconded by Mayor Pro Tem Allen-Thomas, that this resolution be denied based on criteria A. VOICE VOTE:

Aye: 6 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Noble, Council Member Kim and Council Member Douglas

Nay: 2 - Council Member Hurst and Council Member Ford

9. Resolutions**[Res 2022-108](#)****A RESOLUTION AUTHORIZING AN AMENDMENT TO THE NON-EXCLUSIVE ACCESS AGREEMENT GRANTED TO METRO WASTEWATER RECLAMATION PROJECT FOR THE SECOND CREEK INTERCEPTOR PROJECT**

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

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

Excused: 1 - Council Member Madera

10. Ordinances on 1st Reading

[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.

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

[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 Mayor Pro Tem Allen-Thomas, seconded by Council Member Hurst, that this Ordinance be introduced by council as seated and approved on first reading. VOTE:

11. Ordinances on 2nd Reading

[Ord 2453](#)

SECOND AND FINAL READING OF AN ORDINANCE IMPOSING A MORATORIUM UPON THE CITY'S PROCESSING OF APPLICATIONS FOR APPROVAL OF NEW SERVICE PLANS FOR RESIDENTIAL METROPOLITAN DISTRICTS

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

Aye: 5 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Noble, Council Member Kim and Council Member Douglas

Nay: 2 - Council Member Hurst and Council Member Ford

Excused: 1 - Council Member Madera

[Z-981-22](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY REZONING THE PROPERTIES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF E. 54TH PLACE AND QUEBEC STREET FROM MEDIUM-INTENSITY INDUSTRIAL DISTRICT (I-2) TO REGIONAL COMMERCIAL DISTRICT (C-3)

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

Aye: 5 - Mayor Huseman, Council Member Hurst, Council Member Kim, Council Member Ford and Council Member Douglas

Nay: 2 - Mayor Pro Tem Allen-Thomas and Council Member Noble

Excused: 1 - Council Member Madera

12. Administrative Council Business

A motion was made by Council Member Kim, seconded by Council Member Hurst, to appoint Council Member Kim to the Youth Commission. VOTE: 7 - Aye

City Council Ward III Vacancy Appointment Process Determination

Council confirmed they wish to proceed with filling the Ward III vacancy in the same manner in which they previously filled the At-Large vacancy.

13. 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.

14. Adjourn

The meeting adjourned at 9:12 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.