



Commerce City

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

Meeting Minutes - Draft

City Council

Monday, June 6, 2022

6:00 PM Council Chambers, 7887 E. 60th Ave Commerce City, CO 80022. The meeting will be live on Channel 8 and c3gov.com/video. Zoom Registration: https://c3gov.zoom.us/webinar/register/WN_CWa0DsWLQmiWnO8LYF6dKQ

Regular Meeting. Times given are estimates only.

Updated 6/6/2022 @ 1:00 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 June 6, 2022, at 6:00 PM.

Present: 9 - Mayor Benjamin Huseman, Mayor Pro Tem Jennifer Allen-Thomas, Council Member Oscar Madera, Council Member Rick Davis, Council Member Susan Noble, Council Member Craig Hurst, Council Member Meghan Grimes, Council Member Sean Ford and Council Member Kristi Douglas

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Noble, to continue the public hearings on Resolutions 2022-50 and 2022-51 for Legato Filing No 1. and Legato Filing No. 2. VOTE: Unanimous, all present affirmed.

A motion was made by Council Member Madera, seconded by Mayor Pro Tem Allen-Thomas, to continue the public hearings on Resolution 2022-54, Ordinance An-265-22, Ordinance Z-984-22, and Ordinance 2396 for 7001 Colorado Boulevard. VOTE: Unanimous, all present affirmed.

3. Citizen Communication

[22-98](#)

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, June 6.

The following spoke on Ordinance 2379:

Kristi Pollard

Ronna Sanchez

Zachary Bishop

Jennifer Tanaka

Morgan Cullen

Steve Douglas

Jim Gibson

Elizabeth Cortese

Craig Kim

Kyle Thomas

Charlie Smith, from Brownstein Hyatt Farber Schreck, on behalf of NexMetro Communities, spoke on a letter they sent to Council requesting that the Settlers Crossing public hearing be brought back to City Council to re-open the hearing on June 20.

Anna Mariotti, spoke on the public notice requirements for land development cases in the city such as signs, post card notices, and neighborhood meetings. Anna also spoke on Ordinance Z-964-22.

4. Executive Session

[22-90](#)

Executive session pursuant to C.R.S. sec 24-6-402(4)(a) regarding the purchase of real property.

A motion was made by Council Member Grimes, seconded by Council Member Madera, to direct staff to pursue the purchase of 6140 Holly Street for the purpose of historic preservation. VOTE: 7 - Aye, 2 - Nay (Allen-Thomas, Huseman)

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Madera, to enter into an executive session pursuant to C.R.S. sec 24-6-402(4)(a) regarding the purchase of real property. VOICE VOTE: Unanimous, all present affirmed.

5. Noticed Council Business

[22-97](#)

Ordinance 2379 - Review of Motion

[Ord 2379](#)

FIRST READING OF AN ORDINANCE ENACTING CHAPTER 13 - METROPOLITAN DISTRICTS OF THE COMMERCE CITY REVISED MUNICIPAL CODE.

A motion was made by Council Member Noble, seconded by Council Member Grimes, to schedule a special study session on Ordinance 2379 in the month of June.

A motion was made by Council Member Noble, seconded by Council Member Douglas, to amend the motion to have Ordinance 2379 brought back to Council for a vote within 30 days of a special study session. VOTE: Unanimous, all present affirmed.

Vote on the amended motion: Unanimous, all present affirmed.

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

Aye: 4 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Noble and Council Member Douglas

Nay: 5 - Council Member Madera, Council Member Davis, Council Member Hurst, Council Member Grimes and Council Member Ford

6. Proclamations and Recognitions - 6:55 PM[Proc 22-12](#)

Proclamation Declaring the Month of June 2022 as Men's Health Month in Commerce City

City Clerk Dylan Gibson read the proclamation.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Madera, that this proclamation be approved. VOICE VOTE: Unanimous, all present affirmed.

[Proc 22-28](#)

Proclamation Declaring the Month of June 2022 as LGBTQIA+ Pride Month in Commerce City

Bianca Gonzalez-De La Rosa, Secretary of the Diversity, Equity & Inclusion Commission, read the proclamation.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Madera, that this proclamation be approved. VOICE VOTE: Unanimous, all present affirmed.

[Proc 22-29](#)

Proclamation Declaring June 19, 2022 as Juneteenth 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. VOICE VOTE: Unanimous, all present affirmed.

7. Consent Agenda

A motion was made by Mayor Pro Tem Jennifer Allen-Thomas, seconded by Council Member Meghan Grimes, that this consent agenda be approved as amended. VOTE:

Aye: 9 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes, Council Member Ford and Council Member Douglas

[Min 22-135](#) Minutes of the April 18, 2022 Regular Meeting

[Min 22-136](#) Minutes of the May 2, 2022 Regular Meeting

[Min 22-134](#) Minutes of the May 9, 2022 Special Meeting

[Min 22-142](#) Minutes of the May 16, 2022 Regular Meeting

A motion was made by Council Member Noble, seconded by Mayor Pro Tem Allen-Thomas, that the minutes be continued. VOICE VOTE: Unanimous, all present affirmed.

[Min 22-133](#) Minutes of the May 23, 2022 Special Meeting

[Z-660-97-99-00-03-03-17-22](#) SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE MOUNTAIN VIEW INDUSTRIAL PARK PUD ZONE DOCUMENT, AS PREVIOUSLY AMENDED, FOR THE PROPERTY GENERALLY LOCATED AT 9801 HAVANA STREET AND APPROVING THE MOUNTAIN VIEW INDUSTRIAL PARK PUD ZONE DOCUMENT AMENDMENT #6

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 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, June 6. Please contact the City Clerk to request paper copies of materials.

[Res 2022-50](#) A RESOLUTION APPROVING THE LEGATO FILING NO. 1 SUBDIVISION GENERALLY LOCATED BETWEEN TOWER ROAD AND E-470, SOUTH OF 96TH AVENUE, WEST OF HIMALAYA PARKWAY, AND BETWEEN E. 93RD PLACE AND E. 95TH AVENUE

[Res 2022-51](#) A RESOLUTION APPROVING THE LEGATO FILING NO. 2 SUBDIVISION GENERALLY LOCATED BETWEEN TOWER ROAD AND E-470, SOUTH OF 96TH AVENUE, WEST OF HIMALAYA PARKWAY, AND BETWEEN CATHAY COURT AND ARGONNE STREET

[Res 2022-54](#) A RESOLUTION DETERMINING THE ELIGIBILITY FOR ANNEXATION TO THE CITY OF COMMERCE CITY, COLORADO OF THE PROPERTY GENERALLY LOCATED AT 7001 COLORADO BLVD, ADAMS COUNTY, COLORADO IN CASE AN-265-22 KNOWN AS THE 7001 COLORADO BOULEVARD ANNEXATION

[AN-265-22](#) FIRST READING OF AN ORDINANCE ANNEXING THE PROPERTY GENERALLY LOCATED AT 7001 COLORADO BOULEVARD, ADAMS COUNTY, COLORADO (PIN: 0182501100015) TO THE CITY OF COMMERCE CITY, COLORADO IN CASE AN-265-22 KNOWN AS THE 7001 COLORADO BLVD ANNEXATION

[Z-984-22](#) FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY ZONING THE PROPERTY ANNEXED AS 7001 COLORADO BOULEVARD ANNEXATION FROM ADCO ADAMS COUNTY A-1 TO COMMERCE CITY R-3 (MULTI-FAMILY RESIDENTIAL)

[Ord 2396](#) FIRST READING OF AN ORDINANCE VACATING RIGHT-OF-WAY ALONG COLORADO BOULEVARD CONSISTING OF THE NORTHWEST SIDE OF THE REALIGNED COLORADO BOULEVARD SOUTH OF THE BURLINGTON DITCH AT EAST 72ND AVENUE, COMMERCE CITY, COLORADO.

9. Ordinances on 2nd Reading

[AN-259-21-22](#) SECOND AND FINAL READING OF AN ORDINANCE ANNEXING THE PROPERTY GENERALLY LOCATED AT 9940 EAST 112TH AVENUE, HENDERSON, COLORADO (PIN: 0172110109002) TO THE CITY OF COMMERCE CITY, COLORADO, IN CASE AN-259-21-22 KNOWN AS THE CANAM ANNEXATION

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

Aye: 6 - Mayor Huseman, Council Member Madera, Council Member Davis, Council Member Hurst, Council Member Grimes and Council Member Ford

Nay: 3 - Mayor Pro Tem Allen-Thomas, Council Member Noble and Council Member Douglas

[Z-964-21-22](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY ZONING THE PROPERTY ANNEXED AS CANAM ANNEXATION FROM ADAMS COUNTY I-1 AND COMMERCE CITY I-1 TO COMMERCE CITY PUD (PLANNED UNIT DEVELOPMENT) AND APPROVING A ZONE DOCUMENT

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

Aye: 5 - Council Member Madera, Council Member Davis, Council Member Hurst, Council Member Grimes and Council Member Ford

Nay: 4 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Noble and Council Member Douglas

[AN-260-22](#)

SECOND AND FINAL READING OF AN ORDINANCE ANNEXING THE PROPERTY GENERALLY LOCATED AT 10070 POTOMAC STREET, ADAMS COUNTY, COLORADO (PIN: 0172300000147) TO THE CITY OF COMMERCE CITY, COLORADO IN CASE AN-260-22 KNOWN AS THE EBERLY PLACE ANNEXATION

David Foster, representing the applicant, came before Council to request they consider amending the annexation agreement by adding "in the event that any property adjacent to Blackhawk Street developers in the future, the City shall, at that time, collect a cash-in-lieu payment from the subject property owners for such development's proportional share of the Blackhawk Street improvements. The City shall reimburse Annexor the amount of such future cash-in-lieu payments in a total not to exceed \$600,000."

A motion was made by Council Member Grimes, seconded by Council Member Hurst, to amend the agenda to move AN-260-22 and Resolution 2022-40 until after the City Attorney and the applicant's attorney have had a chance to work through the annexation agreement. Motion Failed. VOTE: 4 - Aye (Davis, Ford, Grimes, Hurst), 5 - Nay

A motion was made by Council Member Madera, seconded by Council Member Grimes, to amend the annexation agreement to have the complete construction of the City Blackhawk Street Improvements to be within eight years. VOTE: Unanimous, all present affirmed.

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

Aye: 9 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes, Council Member Ford and Council Member Douglas

10. 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 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, June 6. Please contact the City Clerk to request paper copies of materials.

[Res 2022-40](#)

A RESOLUTION APPROVING THE SERVICE PLAN FOR EBERLY PLACE METROPOLITAN DISTRICT AND THE RELATED INTERGOVERNMENTAL AGREEMENT

Mayor Huseman opened the public hearing.

Trenten Robinson, Management Analyst, gave the staff presentation. Trenten presented on the proposed new district and the service plan elements as well as the staff review.

David Foster, applicant's counsel, and Paula Williams, special district counsel, were present to give the applicant's presentation and answer questions from Council.

Mayor Huseman closed the public hearing.

A motion was made by Council Member Grimes, seconded by Council Member Hurst, that this resolution be adopted. VOICE VOTE:

Aye: 8 - Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes, Council Member Ford and Council Member Douglas

Nay: 1 - Mayor Huseman

11. Ordinances on 2nd Reading

[Z-971-21-22](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY ZONING THE PROPERTY ANNEXED AS THE EBERLY PLACE ANNEXATION FROM ADAMS COUNTY A-3 TO COMMERCE CITY PUD AND APPROVING A ZONE DOCUMENT

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

Aye: 9 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Grimes, Council Member Ford and Council Member Douglas

12. Administrative Council Business

A motion was made by Council Member Grimes, seconded by Council Member Hurst, to extend the automatic time of adjournment by 1/2 hour. VOTE: Unanimous, all present affirmed.

A motion was made by Council Member Noble, seconded by Council Member Grimes, to extend the Blue Ribbon Economic Development Advisory Committee by two months. VOTE: Unanimous, all present affirmed.

A motion was made by Mayor Huseman, seconded by Council Member Madera, to schedule the continued public hearing for NexMetro Communities Settler's Crossing subdivision case for the third week in August. VOTE: Unanimous, all present affirmed.

13. Presentations

[Pres 22-65](#)

Environmental Planning Policy and Oil and Gas Monthly Update

Dr. Rosemarie Russo, Environmental Planner, made the presentation.

[Pres 22-52](#)

Board and Commission Term Limit Discussion

Dylan Gibson, City Clerk, made the presentation.

A motion was made by Council Member Madera, seconded by Mayor Pro Tem Allen-Thomas, to extend the automatic adjourn time 1/2 hour. VOTE: 7 - Aye, 2 - Nay (Ford, Grimes)

A motion was made by Council Member Noble, seconded by Mayor Pro Tem Allen-Thomas, to direct staff to move forward with implementing term limits on all applicable boards and commissions as recommended by the Council Boards and Commissions Subcommittee. VOTE: 7 - Aye, 2 - Nay (Ford, Grimes)

14. Council Reports

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

[22-102](#)

Ratification of the City Manager's Signature on an Easement and Settlement Agreement Dated June 1, 2022

A motion was made by Council Member Grimes, seconded by Council Member Hurst, to ratify the City Manager's signature on an Easement and Settlement Agreement dated June 1, 2022. VOTE: Unanimous, all present affirmed.

15. Adjourn

The meeting adjourned at 11:18 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 D. Roberts, Deputy 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.