



# Commerce City

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

## Meeting Minutes - Draft

### City Council

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Monday, March 6, 2023

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\\_obpwFnL-QHKuucNqnRG0Gg](https://c3gov.zoom.us/webinar/register/WN_obpwFnL-QHKuucNqnRG0Gg)

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### 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 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 (Kim)*

#### 2. Pledge of Allegiance

*The Pledge of Allegiance was recited.*

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

#### 3. Citizen Communication

*Chanel Turner spoke on their experience with being unable to reach staff from the Housing Authority.*

*Ashley Dalzell spoke on tiny homes coming to the city.*

*Andrew John Lujan spoke on their experience with Adams County District Court.*

#### 4. Proclamations and Recognitions

##### [Proc 23-02](#)

Proclamation Declaring March 2023 as Women's History Month in Commerce City, Colorado

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

**Excused:** 1 - Council Member Kim

## 5. Presentations

### [Pres 23-049](#)

#### Sustainability and Oil & Gas Monthly Update

*Dr. Rosemarie Russo, Environmental Planner, provided the presentation.*

*A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Douglas, to direct staff to schedule a study session on partnership opportunities with the City of Denver on environmental justice grants. VOTE: 3 - Aye (Allen-Thomas, Huseman, Madera), 5 - Nay (Chacon, Douglas, Ford, Hurst, Noble), 1 - Excused (Kim). Motion Failed.*

## 6. Noticed Council Business

### [23-013](#)

#### Campaign Finance Reporting

*A motion was made by Council Member Noble, seconded by Council Member Chacon, to direct staff to prepare an ordinance to create increased campaign finance reporting on a monthly basis and then two weeks before the election. VOTE: 5 - Aye (Chacon, Douglas, Hurst, Huseman, Noble), 3 - Nay (Allen-Thomas, Ford, Madera), 1 - Excused (Kim)*

## 7. Consent Agenda

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

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

**Excused:** 1 - Council Member Kim

### [Min 23-046](#)

#### Minutes of the February 6, 2023 Regular Meeting

### [Res 2023-006](#)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CROSSING SURFACE AGREEMENT WITH BNSF RAILWAY COMPANY FOR THE RECONSTRUCTION OF THE E 96TH AVENUE CROSSING

### [Res 2023-024](#)

A RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR BUFFALO RUN DRAINAGE PROJECT TO GREENONE INDUSTRIES, INC.

[Res 2023-038](#) A RESOLUTION APPOINTING SARAH L. GEIGER AS INTERIM CITY ATTORNEY AND APPROVING AN INTERIM EMPLOYMENT AGREEMENT

[Ord 2460](#) SECOND AND FINAL 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

## 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](https://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, March 6, 2023. Please contact the City Clerk to request paper copies of materials.**

[Ord 2461](#) SECOND AND FINAL 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, presented the two final redistricting plans for Council to adopt.*

*No public testimony was received.*

*Mayor Huseman closed the public hearing.*

*A motion was made by Council Member Madera, seconded by Council Member Noble, to select Option A as the final redistricting plan. VOTE: 8 - Aye, 1 - Excused (Kim)*

**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:**

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

**Excused:** 1 - Council Member Kim

## 9. Ordinances on 1st Reading

### [Ord 2471](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING SECTION 2-3007 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO AUTHORIZE THE SENIOR COMMISSION TO INITIATE OR PARTICIPATE IN COMMUNITY SERVICE PROJECTS THAT BENEFIT THE ACTIVE ADULT AND SENIOR COMMUNITY OF COMMERCE CITY

**A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Noble, 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 Hurst, Council Member Ford and Council Member Douglas

**Excused:** 1 - Council Member Kim

## 10. Ordinances on 2nd Reading

### [Ord 2390](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF COMMERCE CITY BY UPDATING THE ROAD IMPACT FEES BASED ON THE RECENT IMPACT FEE STUDY

*A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Madera, amend Ordinance 2390 to provide for an effective date of May 1, 2023 and strike the fourth Whereas clause and replace it with a Whereas clause which reads "WHEREAS, the City desires to internalize part of the fee costs for commercial development in commercial districts in order to promote such development, which will not increase or effect in any way other fee amounts in the City." VOTE: 8 - Aye, 1 - Excused (Kim)*

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

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

**Excused:** 1 - Council Member Kim

[Ord 2391](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF COMMERCE CITY BY UPDATING THE DRAINAGE IMPACT FEES BASED ON THE RECENT IMPACT FEE STUDY

*A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Madera, to amend Ordinance 2391 to provide for an effective date of May 1, 2023.*

*VOTE: 8 - Aye, 1 - Excused (Kim)*

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

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

**Excused:** 1 - Council Member Kim

## 11. Resolutions

[Res 2023-019](#)

A RESOLUTION AMENDING AND ADOPTING A REVISED DIRECTORY OF CITY FEES AND CHARGES, SPECIFICALLY MODIFYING ROAD IMPACT FEES AND DRAINAGE IMPACT FEES

**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 Hurst, Council Member Ford and Council Member Douglas

**Excused:** 1 - Council Member Kim

## 12. Administrative Council Business

*A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Douglas, to direct staff to explore grant opportunities for separate trash receptacles for restaurants and businesses. VOTE: 8 - Aye, 1- Excused (Kim)*

*A motion was made by Council Member Hurst, seconded by Council Member Douglas, to direct staff to pursue opportunities for environmental justice grant application with the City of Denver on environmental justice grants. VOTE: 8 - Aye, 1 - Excused (Kim)*

*A motion was made by Council Member Noble, seconded by Council Member Douglas, to study session on environmental priorities.*

*A motion was made by Chacon, seconded by Madera, to amend the motion to include discussions on equity on disproportionately effected communities. VOTE: 8 - Aye, 1 - Excused (Kim)*

*(On main motion) VOTE: 8 - Aye, 1 - Excused (Kim)*

*A motion was made by Council Member Hurst, seconded by Council Member Douglas, to appoint Council Member Noble to the Parks, Recreation & Golf Advisory Committee. VOTE: 8 - Aye, 1 - Excused (Kim)*

*A motion was made by Mayor Huseman, seconded by Council Member Hurst, to direct staff to prepare a study session on an ordinance to allow backyard chickens. VOTE: 8 - Aye, 1 - Excused (Kim)*

## 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.*

### [23-036](#)

#### Traffic Abatement Plan

*City Manager Rogers presented an update on the traffic abatement potential solutions surrounding Landmark Academy.*

## 14. Executive Session

[23-017](#)

An executive session of the City Council pursuant to C.R.S. section 24-6-402(4)(e) for the purpose of determining positions relative to matters subject to negotiation, developing strategy for negotiations, and instructing negotiators accordingly, specifically with regard to the renewal of the franchise agreement between Comcast and the City.

**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. section 24-6-402(4)(e) for the purpose of determining positions relative to matters subject to negotiation, developing strategy for negotiations, and instructing negotiators accordingly, specifically with regard to the renewal of the franchise agreement between Comcast and the City. VOTE:**

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

**Excused:** 1 - Council Member Kim

[23-019](#)

An executive session of the City Council pursuant to C.R.S. sections 24-6-402(4)(a) and (4)(e) for the purposes of discussing the acquisition or lease of certain real property as a potential location for a Criminal Justice Center and for determining positions subject to negotiations, developing strategies for negotiations, and instructing negotiators with regard to a potential acquisition or lease for such property.

**A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Hurst, to enter into an executive session of the City Council pursuant to C.R.S. sections 24-6-402(4)(a) and (4)(e) for the purposes of discussing the acquisition or lease of certain real property as a potential location for a Criminal Justice Center and for determining positions subject to negotiations, developing strategies for negotiations, and instructing negotiators with regard to a potential acquisition or lease for such property. VOTE:**

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

**Excused:** 1 - Council Member Kim

23-039

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 Council Member Hurst, seconded by Council Member Ford, to enter into 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. VOTE:**

**Aye:** 7 - Mayor Huseman, Council Member Madera, Council Member Millard-Chacon, Council Member Noble, Council Member Hurst, Council Member Ford and Council Member Douglas

**Nay:** 1 - Mayor Pro Tem Allen-Thomas

**Excused:** 1 - Council Member Kim

23-040

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 Mayor Pro Tem Allen-Thomas, seconded by Council Member Hurst, 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:**

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

**Nay:** 1 - Council Member Madera

**Excused:** 1 - Council Member Kim



**15. Adjourn**

*A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Hurst, to automatically adjourn the meeting at the end of the executive session. VOTE: 8 - Aye, 1 - Excused (Kim)*

*The meeting adjourned at 10:00 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.**