



Commerce City

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

Meeting Minutes - Final

City Council

Monday, August 7, 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_9DRACn5-SLOdtSiMnTGUaA

Regular Meeting. Revised 8/03/2023 @ 3:00 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 August 7, 2023, at 6:00 PM.

Councilmember Hurst joined the meeting at 6:05 PM.

Present: 7 - 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 and Council Member Kristi Douglas

Excused: 2 - Council Member Oscar Madera and Council Member Sean Ford

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 Kim, that the agenda be adopted. VOTE: 6 - Aye, 0 - Nay, 3 - Absent (Madera, Hurst, Ford)

4. Public Comment

[23-174](#)

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, August 7, 2023.

1) *Jerimie Olvera and Elizabeth Hirbelt thanked Council for funding a summer camp for youth in Commerce City.*

2) *Joy Bishop spoke on the Conter Estates Apartments.*

3) *Whitney Gustin Connor with Kids First Healthcare spoke on the Adams Tower building and the nonprofits interested in the building.*

4) *Daniel Frank spoke on his support of having a Metro District discussion, and about his property of land located at 96th Ave. and Tower Road.*

5. Presentations

[Pres 23-054](#)

Oil and Gas Monthly Update

Dr. Rosemarie Russo, Sustainability Manager, gave the presentation.

[Pres 23-218](#)

2024 Budget - Preliminary Session #1

Theresa Wilson, Finance Director, gave the presentation.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Douglas, to prioritize updating the technology for Code Enforcement agents, and the Police Department, if the departments request them. VOTE: 6 - Aye, 0 - Nay, 3 - Excused (Madera, Hurst, Ford)

6. Noticed Council Business

[23-189](#)

Metro District Workshop Framework

John Bourjaily, Management Analyst, introduced the item.

A motion was made by Council Member Noble, seconded by Council Member Douglas, to hold a Metro District Regulation and Service Plan Workshop on August 26 12:30 PM - 4:30 PM, a study session meeting item on August 28, and (if needed) consider an Ordinance drafted on a meeting as soon as possible regarding Metro Districts. Vote : 7 - Aye, 0- Nay, 2 - Excused (Madera, Ford)

[23-163](#)

Reinstatement of Commissioner Kelley to the Commerce City Youth Commission.

A motion was made by Council Member Douglas, seconded by Council Member Douglas, to remove the suspension of Commissioner Kelley to the Youth Commission. Vote : 7 - Aye, 0- Nay, 2 - Excused (Madera, Ford)

[23-166](#)

Proposed Ordinance to Ban the Sale of Puppies and Kittens in Pet Stores in Commerce City

A motion was made by Council Member Kim, seconded by Mayor Pro Tem Allen-Thomas, to request an item to be brought to Council at a future study session, no later than October 30th, regarding how other cities have taken steps to prevent animal stores that support puppy mills from entering their cities. Vote : 7 - Aye, 0- Nay, 2 - Excused (Madera, Ford)

7. Consent Agenda

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

Excused: 2 - Council Member Madera and Council Member Ford

[Min 23-194](#)

Minutes of the July 10, 2023 Meeting

[Min 23-196](#)

Minutes of the July 24, 2023 Special Meeting

[Res 2023-060](#)

A RESOLUTION AUTHORIZING A SANITARY SEWER EASEMENT LOCATED ON CITY PROPERTY NEAR BISON RIDGE RECREATION CENTER TO THE SOUTH ADAMS COUNTY WATER & SANITATION DISTRICT TO SERVE THE TURNBERRY FILING 7 DEVELOPMENT

- [Res 2023-073](#) A RESOLUTION APPROVING DRAINAGE EASEMENTS ON CITY PROPERTY LOCATED NEAR THE BISON RIDGE RECREATION CENTER TO CATELLUS CC NOTE, LLC TO ACCOMMODATE STORM DRAINAGE FROM THE TURNBERRY 7 SUBDIVISION
- [Res 2023-081](#) A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING WITH ADAMS COUNTY AND SURROUNDING MUNICIPALITIES REGARDING HOMELESSNESS
- [Res 2023-087](#) A JOINT RESOLUTION PRIORITIZING WATER AND LAND USE PLANNING INTEGRATION AND REAFFIRMING PARTNERSHIP BETWEEN THE CITY OF COMMERCE CITY AND THE SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT
- [Res 2023-088](#) A RESOLUTION AUTHORIZING AWARD OF A MASTER SERVICES AGREEMENT FOR MECHANICAL REPAIR SERVICES FOR CITY BUILDINGS WITH BRACONIER PLUMBING AND HEATING CO., INC., UPM MECHANICAL LLC, AND QUANTUM PUMPS AND CONTROLS
- [Res 2023-094](#) A RESOLUTION AWARDED THE CIPP PROJECT FOR CONSTRUCTION OF THE MUNICIPAL SERVICES CENTER (MSC), EAGLE POINTE RECREATION CENTER, AND CIVIC CENTER ELECTRIC VEHICLE CHARGING STATIONS TO HIGH PLAINS ENERGY, INC. DBA PINNACLE ELECTRIC & CONSTRUCTION CORP. 2023-19-PW
- [Res 2023-096](#) A RESOLUTION AUTHORIZING THE CONTRACT FOR DEMOLITION AND ABATEMENT SERVICES WITH OAK ENVIRONMENTAL LLC.
- [Ord 2533](#) SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2023 BUDGET OF THE CITY OF COMMERCE CITY BY RECOGNIZING A PORTION OF THE CITY'S TOTAL \$10,505,025 AMERICAN RESCUE PLAN ACT FUNDING ALLOCATION IN THE AMOUNT OF \$3,075,000 AND AUTHORIZING THE EXPENDITURE THEREOF

8. Public Hearings

[Res 2023-083](#)

A RESOLUTION APPROVING THE FINAL PLAT FOR REUNION RIDGE FILING NO. 2, GENERALLY LOCATED BETWEEN PEORIA PARKWAY AND TUCSON STREET, APPROXIMATELY 1,000 FEET SOUTH OF E. 104TH AVENUE, AND CONSISTING OF 22.26 ACRES

Mayor Huseman opened the public hearing.

A motion was made by Council Member Hurst to continue this hearing to September 18, 2023, this motion failed for lack of a second. The public hearing continued to be held.

Mayor Huseman called for a 10 minute recess at 8:41 PM to review letters submitted by Oakwood Homes.

Mayor Huseman reconvened the public hearing at 8:52 PM.

City Attorney Geiger swore in the witness, Jeffrey Mark.

Jeffrey Mark, Oakwood Homes, gave the applicant's presentation and was present to take questions from Council.

Mayor Huseman closed the public hearing at 10:04 PM.

A motion was made by Council Member Noble, seconded by Council Member Hurst, to accept the findings and recommendations of the Planning Commission in case number S-778-20-23.

VOTE: 3 - Aye, 4 - Nay (Chacon, Kim, Allen-Thomas, Douglas), 2 - Excused

A motion was made by Council Member Hurst, seconded by Mayor Huseman, that this Resolution be adopted. VOTE:

Aye: 4 - Mayor Huseman, Council Member Noble, Council Member Hurst and Council Member Kim

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

Excused: 2 - Council Member Madera and Council Member Ford

[Res 2023-084](#)

A RESOLUTION APPROVING THE FINAL PLAT FOR REUNION RIDGE FILING NO. 3, GENERALLY LOCATED BETWEEN PEORIA PARKWAY AND TUCSON STREET, APPROXIMATELY 1,000 FEET SOUTH OF E. 104TH AVENUE, AND CONSISTING OF 11.01 ACRES

Mayor Huseman opened the public hearing.

A motion was made by Council Member Hurst to continue this hearing to September 18, 2023, this motion failed for lack of a second. The public hearing continued to be held.

Mayor Huseman called for a 10 minute recess at 8:41 PM to review letters submitted by Oakwood Homes.

Mayor Huseman reconvened the public hearing at 8:52 PM.

City Attorney Geiger swore in the witness, Jeffrey Mark.

Jeffrey Mark, Oakwood Homes, gave the applicant's presentation and was present to take questions from Council.

Mayor Huseman closed the public hearing.

A motion was made by Council Member Hurst, seconded by Council Member Noble, to accept the findings and recommendations of the Planning Commission in case number S-810-21-23.

VOTE: 4 - Aye, 3 - Nay (Allen-Thomas, Douglas, Chacon), 2 - Excused

A motion was made by Council Member Hurst, seconded by Mayor Huseman, that this Resolution be adopted. VOTE:

Aye: 4 - Mayor Huseman, Council Member Noble, Council Member Hurst and Council Member Kim

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

Excused: 2 - Council Member Madera and Council Member Ford

[Z-989-23](#)

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 LOCATED AT 8705 ROSEMARY STREET FROM LIGHT INTENSITY INDUSTRIAL DISTRICT (I-1) AND AGRICULTURAL DISTRICT (AG) TO MEDIUM INTENSITY INDUSTRIAL DISTRICT (I-2)

A motion was made by Council Member Noble, seconded by Council Member Hurst, to extend the meeting to midnight. VOTE: 4 - Aye, 3 - Nay (Allen-Thomas, Douglas, Kim), 2 - Excused (Madera, Ford)

Mayor Huseman opened the public hearing.

Stacy Wasinger, City Planner, provided the staff presentation to Council.

Tyler Carlson, gave the applicant's presentation and were present to take questions from Council.

Mayor Huseman closed the public hearing at 10:34 PM.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Hurst, to accept the findings and recommendations of the Planning Commission. VOTE: 7 - Aye, 0 - Nay, 2 - Excused (Madera, Ford).

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

Excused: 2 - Council Member Madera and Council Member Ford

[Z-988-23](#)

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 7160 EUDORA DRIVE FROM MEDIUM-INTENSITY INDUSTRIAL (I-2) TO LIGHT-INTENSITY INDUSTRIAL (I-1)

Mayor Huseman opened the public hearing.

Stacy Wasinger, City Planner, provided the staff presentation to Council.

Krysta Houtchens, gave the applicant's presentation and were present to take questions from Council.

Mayor Huseman closed the public hearing at 10:56 PM.

A motion was made by Mayor Pro Tem, seconded by Council Member Kim, to accept the findings and recommendations of the Planning Commission. VOTE: 7 - Aye, 0 - Nay, 2 - Excused (Madera, Ford)

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:

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 Douglas

Excused: 2 - Council Member Madera and Council Member Ford

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9. Ordinances on 1st Reading

[Ord 2534](#)

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 A SINGLE RIDER GOLF CART IN THE AMOUNT OF \$13,250 AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

Excused: 2 - Council Member Madera and Council Member Ford

[Ord 2535](#)

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 OPEN SPACE RESTORATION IN THE AMOUNT OF \$260,000 AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

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

Excused: 2 - Council Member Madera and Council Member Ford

[Ord 2540](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING SECTIONS 21-5200, 21-5249, AND 21-11200 OF THE LAND DEVELOPMENT CODE PERTAINING TO THE REGULATION OF MEDICAL AND RECREATIONAL MARIJUANA BUSINESSES

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

Excused: 2 - Council Member Madera and Council Member Ford

10. Administrative Council Business

A motion was made by Council Member Noble, seconded by Council Member Chacon to approve sponsorship for the CUP Gala to \$2,500. VOTE: 7 - Aye, 0 - Nay, 2 - Excused (Madera, Ford)

[23-195](#)

Request Approval to be a Member of Commerce City Rotary

A motion was made by Mayor Huseman, seconded by Council Member Noble, to appoint Mayor Pro Tem Allen-Thomas to the Rotary Club of Commerce City. VOTE: 7 - Aye, 0 - Nay, 2 - Excused (Madera, Ford)

[23-192](#)

Monday Night Meals

11. 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.

[23-193](#)

Review of Work Schedule

City Manager Rogers discussed upcoming items at future City Council meetings.

12. Adjourn

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Kim, to adjourn the meeting. VOTE: 7 - Aye, 2 - Absent (Madera, Ford)

The meeting adjourned at 11:38 PM.

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

Brittany Rodriguez, Assistant City Clerk

[23-184](#)

City Manager Week in Review Report

[23-160](#)

City Council Policies

Any member of the public 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.