



Commerce City

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

Meeting Minutes - Final

City Council

Monday, May 1, 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_z6XaSr0LQ5-EWKuyAr3GRQ

Regular Meeting. Times Given are Estimates Only.

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 May 1, 2023, at 6:00 PM.

Council Member Chacon joined the meeting via Zoom at 6:25 PM.

A motion was made by Council Member Hurst, seconded by Council Member Ford, to excuse those members not present. VOTE: 6 - Aye, 3 - Excused (Allen-Thomas, Madera, Chacon)

Present: 7 - Mayor Benjamin Huseman, 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: 2 - Mayor Pro Tem Jennifer Allen-Thomas and Council Member Oscar Madera

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Approval of Agenda

A motion was made by Mayor Huseman, seconded by Council Member Hurst, to remove the second executive session due to three Council Members being absent. VOTE: 6 - Aye, 3 - Excused (Allen-Thomas, Madera, Chacon).

A motion was made by Council Member Ford, seconded by Council Member Kim, to approve the agenda as amended. VOTE: 6 - Aye, 0 - Nay, 3 - Excused (Allen-Thomas, Madera, Chacon).

4. Citizen Communication

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, May 1, 2023.

Joy Bishop discussed the planned apartment complex located at Mile High Greyhound Park.

Thelma Cole noted issues with a street light at Holly Street.

5. Proclamations and Recognitions

Proclamation Declaring the Week of April 30-May 6,2023 as National Small Business Week in Commerce City, Colorado

The City Clerk read the Proclamation.

A motion was made by Council Member Hurst, seconded by Council Member Noble, that this Proclamation be approved. VOICE VOTE: 6 - Aye, 0 - Nay, 3 - Excused (Allen-Thomas, Madera, Chacon)

Proclamation Declaring May 2023 as Asian American and Pacific Islander Heritage Month in Commerce City, Colorado

The City Clerk read the Proclamation.

A motion was made by Council Member Noble, seconded by Council Member Douglas, that this Proclamation be approved. VOICE VOTE: 6 - Aye, 0 - Nay, 3 - Excused (Allen-Thomas, Madera, Chacon)

Proclamation Declaring May 2023 as Mental Health Awareness Month in Commerce City, Colorado

The City Clerk read the Proclamation.

A motion was made by Council Member Noble, seconded by Council Member Ford, that this Proclamation be approved. VOICE VOTE: 6 - Aye, 0 - Nay, 3 - Excused (Allen-Thomas, Madera, Chacon)

Proclamation Declaring May 15-21, 2023 as National Police Week in Commerce City, Colorado

The City Clerk read the Proclamation.

A motion was made by Council Member Noble, seconded by Council Member Hurst, that this Proclamation be approved. VOICE VOTE: 6 - Aye, 0 - Nay, 3 - Excused (Allen-Thomas, Madera, Chacon)

6. Noticed Council Business

City Council request to determine the appropriateness of a public hearing process pursuant to Land Development Code Sec. 21-3241(4) (d) for Cases S-778-20-23 & S-810-21-23 for Oakwood Homes is requesting approval of the Reunion Ridge Filing No. 2 and Filing No. 3 Final Plats to create 251 cluster lots for residential development. There are also 10 tracts for open space, utilities, access, and drainage. The property is generally located southeast of the intersection of future Peoria Street and future Reunion Ridge Way, approximately 1,000 feet south of E. 104th Avenue, and is zoned PUD (Planned Unit Development).

A motion was made by Council Member Kim, seconded by Council Member Douglas, to call Cases S-778-20-23 & S-810-21-23 up through a public hearing process of the Planning Commission and the City Council . VOTE: 6 - Aye, 3 -Excused (Allen Thomas, Madera, Chacon).

7. Presentations

Oil and Gas Monthly Update

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

A motion was made by Council Member Noble, seconded by Council Member Douglas, to have Council and City continue discussions on a potential RCRA (Resource Conservation and Recovery Act) lawsuit against Suncor Refinery. VOTE: 7 - Aye, 2 - Excused (Allen-Thomas, Madera)

Three Party Land Exchange and Potential Redevelopment Opportunity Surrounding Dick's Sporting Goods Park

Bill Aiken, Director of Urban Renewal, gave the presentation.

Greyhound Park Empowerment Apartments

Julie Kiehl, Director of Empowerment, gave an overview of the apartments at Mile High Greyhound Park.

8. Consent Agenda

Council Member Noble requested that Resolution 2023-009 and Resolution 23-048 be removed from the consent agenda.

A motion was made by Council Member Ford, seconded by Council Member Kim, to approve the Consent Agenda as amended. ROLL CALL VOTE:

Aye: 6 - Mayor Huseman, Council Member Noble, Council Member Hurst, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 2 - Mayor Pro Tem Allen-Thomas and Council Member Madera

Abstained: 1 - Council Member Millard-Chacon

Minutes of the February 13, 2023 Special Meeting

Minutes of the April 3, 2023 Regular Meeting

Minutes of the April 17, 2023 Regular Meeting

Minutes of the April 24, 2023 Special Meeting

A RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT WITH ADAMS COUNTY HEALTH DEPARTMENT FOR OVERSIGHT SERVICES AT REPUBLIC SERVICES TOWERS LANDFILL

A motion was made by Council Member Noble, seconded by Council Member Douglas, that this Resolution be adopted. VOTE:

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

Excused: 2 - Mayor Pro Tem Allen-Thomas and Council Member Madera

A RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR SERVER, STORAGE, AND BACKUP UPGRADE SERVICES TO ADVANCED NETWORK MANAGEMENT

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

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

Excused: 2 - Mayor Pro Tem Allen-Thomas and Council Member Madera

SECOND AND FINAL READING OF AN ORDINANCE AMENDING CHAPTER 8 OF THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING THE AUTHORITY OF THE LIQUOR AUTHORITY TO CREATE AND AMEND ITS RULES OF PROCEDURE FOR MEETINGS

9. Public Hearings

A RESOLUTION DETERMINING THE ELIGIBILITY FOR ANNEXATION TO THE CITY OF COMMERCE CITY, COLORADO, OF THE PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF EAST 81ST AVENUE AND TOWER ROAD IN CASE AN-258-23 KNOWN AS THE QUIKTRIP ANNEXATION

A motion was made by Council Member Hurst, seconded by Council Member Ford, that this Resolution be adopted. VOICE VOTE: 7 - Aye, 2 - Excused (Allen-Thomas, Madera)

SECOND AND FINAL READING OF AN ORDINANCE ANNEXING THE PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF EAST 81ST AVENUE AND TOWER ROAD TO THE CITY OF COMMERCE CITY, COLORADO, IN CASE AN-258-23, KNOWN AS THE QUIKTRIP ANNEXATION

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

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

Excused: 2 - Mayor Pro Tem Allen-Thomas and Council Member Madera

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 QUIKTRIP ANNEXATION FROM ADAMS COUNTY A-3, AGRICULTURE TO A PUD ZONE DISTRICT AND APPROVING A PUD ZONE DOCUMENT

A motion was made by Council Member Ford, seconded by Council Member Hurst, to accept the findings and recommendations of the Planning Commission on Case #Z-962-20-23. VOTE: 7 - Aye, 2 - Excused (Allen-Thomas, Madera)

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

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

Excused: 2 - Mayor Pro Tem Allen-Thomas and Council Member Madera

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, May 1. Please contact the City Clerk to request paper copies of materials.

10. Ordinances on 1st Reading

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE COMMERCE CITY SALES AND USE TAX CODE, ARTICLE I OF CHAPTER 20 OF THE COMMERCE CITY REVISED MUNICIPAL CODE, REGARDING ECONOMIC NEXUS AND THE OBLIGATION OF

REMOTE SELLERS TO COLLECT AND REMIT SALES TAX

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

Aye: 6 - Mayor Huseman, Council Member Noble, Council Member Hurst, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 2 - Mayor Pro Tem Allen-Thomas and Council Member Madera

Abstained: 1 - Council Member Millard-Chacon

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE SALES AND USE TAX CODE OF THE CITY OF COMMERCE CITY TO ESTABLISH AN EXEMPTION FROM THE CITY'S SALES AND USE TAX FOR CERTAIN RETAIL DELIVERY FEES AND CARRYOUT BAG FEES ENACTED BY THE STATE OF COLORADO

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

Aye: 6 - Mayor Huseman, Council Member Noble, Council Member Hurst, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 2 - Mayor Pro Tem Allen-Thomas and Council Member Madera

Abstained: 1 - Council Member Millard-Chacon

SECOND AND FINAL READING OF AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 2 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO PROVIDE FOR CAMPAIGN FINANCE REGULATIONS

A motion was made by Council Member Kim, seconded by Council Member Noble, that this Ordinance be introduced by council as seated and approved on first reading. VOTE:

Aye: 6 - Mayor Huseman, Council Member Noble, Council Member Hurst, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 2 - Mayor Pro Tem Allen-Thomas and Council Member Madera

Abstained: 1 - Council Member Millard-Chacon

11. Administrative Council Business**12. Council Reports**

City Manager Rogers presented items in his weekly report. The Mayor and Council reported on their attendance at various meetings and events.

Council Member Chacon left the zoom meeting at 10:19 PM.

Review of Work Schedule

City Manager Rogers reviewed the work schedule items and upcoming meetings.

A motion was made by Council Member Kim, seconded by Council Member Ford, to extend the automatic adjourn time for one hour. 6 - Aye, 0 - Nay, 3 - Excused (Allen-Thomas, Madera, Chacon).

13. Executive Session

An executive session pursuant to C.R.S. 24-6-402(4)(a), 4(b), & 4(e) for the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest relating to City property around the Civic Center, for the purpose of determining positions relative to a matter that may be subject to negotiation, developing strategy for negotiations; and instructing negotiators regarding a potential land exchange and redevelopment opportunity regarding the same, and for receiving legal advice regarding the implications of a potential land exchange.

This executive session did not occur.

An executive session of the City of Commerce City City Council pursuant to C.R.S. Section 24-6-402(4) (a), (b), and (e)(I) for the purpose of discussing the potential lease of City owned right-of-way adjacent to 6290 Clermont Street, for the purpose of seeking legal advice concerning potential avenues to address a trespass on the same City property, including potential litigation, as well as developing strategy for negotiators to negotiate potentially owed back rent or other terms relating to the trespass on City property and instructing negotiators relating to the same.

This executive session did not occur.

A motion was made by Council Member Ford, seconded by Council Member Hurst, to enter into an executive session of the City of Commerce City City Council pursuant to C.R.S. Section 24-6-402(4) (a), (b), and (e)(I) for the purpose of discussing the potential lease of City owned right-of-way adjacent to 6290 Clermont Street, for the purpose of seeking legal advice concerning potential avenues to address a trespass on the same City property, including potential litigation, as well as developing strategy for negotiators to negotiate potentially owed back rent or other terms relating to the trespass on City property and instructing negotiators relating to the same. VOTE:

Aye: 6 - Mayor Huseman, Council Member Noble, Council Member Hurst, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 3 - Mayor Pro Tem Allen-Thomas, Council Member Madera and Council Member Millard-Chacon

14. Adjourn

A motion was made by Council Member Ford, seconded by Council Member Kim, to automatically adjourn the meeting at the end of the executive session. VOTE: 6 - Aye,

3 - Excused (Allen-Thomas, Madera, Chacon)

The meeting adjourned at 11:06 PM.

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

Brittany Rodriguez, Assistant City Clerk

City Manager Update

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.