



Commerce City

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

Meeting Minutes - Draft

City Council

Monday, November 21, 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__rRUBw8mS6q99
XNiiik09w

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 November 21, 2022, at 6:00 PM.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Mader, to excuse those members not present. VOTE: 8 - Aye, 1 - Excused (Davis)

Present: 8 - Mayor Benjamin Huseman, Mayor Pro Tem Jennifer Allen-Thomas, Council Member Oscar Madera, 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 Rick Davis

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Citizen Communication

[22-199](#)

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, November 21, 2022.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Kim, to amend the agenda to move Administrative Business to follow Citizen Communication. VOTE: 8 - Aye, 1 - Excused (Davis)

Michelle Crean discussed school parking traffic coming into her neighborhood during school hours.

4. Proclamations and Recognitions

[Proc 22-26](#)

Proclamation Declaring November 26, 2022 as Small Business Saturday in Commerce City

The Deputy City Clerk read the Proclamation.

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

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

Excused: 1 - Council Member Davis

5. Noticed Council Business

[22-197](#)

Understanding Regulatory Cost Increases on the Cost of Living.

A motion was made by Council Member Hurst, seconded by Council Member Madera, to have the city collectively outline the regulatory changes that City Council has made in 2021-2022, and what we are considering in 2023. In the outline, I would like to see a table that not only outlines the regulatory changes, but also the anticipated cost per unit that each one brings, and then what those total costs may be. I would like to see a low to high estimate, the intended outcome of those regulations, and the potential impacts of those decisions.

A motion was made by Council Member Noble, seconded by Council Member Hurst, to have staff also provide cost per home of city services and each new home to be provided. VOTE: 8 - Aye, 1 - Excused (Davis)'

Vote: 5 - Aye, 3 - Nay (Allen-Thomas, Huseman, Noble)

6. Consent Agenda

Mayor Huseman requested that Resolution 2022-108 be removed off the Consent Agenda.

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

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

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

Excused: 1 - Council Member Davis

Excused: 1 - Council Member Davis

[Res 2022-78](#)

A RESOLUTION AUTHORIZING THE FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH LOTUS ENGINEERING AND SUSTAINABILITY, LLC TO PROVIDE SUSTAINABILITY SERVICES

[Res 2022-101](#)

A RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR DESIGN AND CONSTRUCTION SERVICES FOR THE REMODEL OF THE EAGLE POINTE RECREATION CENTER KITCHEN TO DSRW ENTERPRISES, INC. D/B/A CALAHAN CONSTRUCTION SERVICES

[Res 2022-103](#)

A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF COMMERCE CITY AND THE COLORADO DEPARTMENT OF TRANSPORTATION FOR SIGNAL HEAD AND BACKPLATE REPLACEMENTS

[Res 2022-104](#) A RESOLUTION AUTHORIZING EXECUTION OF INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF COMMERCE CITY AND THE COLORADO DEPARTMENT OF TRANSPORTATION FOR 112TH & HAVANA AND 72ND & LOCUST IMPROVEMENTS

[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 Huseman, seconded by Mayor Pro Tem Allen-Thomas, that this Resolution be continued until such a time that the City can determine what the cost and if the City can expect any reimbursement from Metro Wastewater. VOTE:

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

Excused: 1 - Council Member Davis

7. Ordinances on 1st Reading

[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

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 Noble, Council Member Hurst, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Davis

[Ord 2452](#) SECOND AND FINAL READING OF AN ORDINANCE AMENDING SECTIONS 21-5200, 21-5248, AND 21-11200 OF THE LAND DEVELOPMENT CODE RELATING TO THE LAND USE TABLE, DEFINITIONS, AND SUPPLEMENTAL REGULATIONS FOR LODGING ESTABLISHMENTS BY AMENDING THE LODGING ROOM MINIMUM, AND CREATING CONSISTENCY IN THE LAND USE TABLE

A motion was made by Council Member Hurst, seconded by Council Member Madera, 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 Noble, Council Member Hurst, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Davis

8. Ordinances on 2nd Reading

[Z-860-07-08-18-22](#)

SECOND AND FINAL READING OF AN ORDINANCE APPROVING COMMONS AT 104TH 1ST AMENDMENT PUD ZONE DOCUMENT TO ALLOW ADDITIONAL LAND USES AND THEIR ASSOCIATED BULK STANDARDS FOR THE PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF POTOMAC STREET AND E. 104TH AVENUE.

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

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

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

Excused: 1 - Council Member Davis

9. Administrative Council Business

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Noble, to direct staff to prepare an ordinance to create a rental inspection program in Commerce City for discussion at the December 12 study session and the ordinance be drafted within six months. Vote: 8 - Aye, 1 - Excused (Davis)

[22-193](#)

Appointment of Council Members to Various Boards, Commissions, and Committees

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Madera, to appoint Council members to various boards, commissions, and committees as follows:

Derby Review Board: Council Member Kim, Alternate

Police Pension Board: Council Member Kim, Alternate

Adams 14 Education Foundation: Council Member Kim

27J Education Foundation: Council Member Kim

Friends of the Front Range Wildlife Refuge: Mayor Pro Tem Allen-Thomas

Boards and Commissions Committee: Council Member Douglas

Policy and Governance Committee: Mayor Pro Tem Allen-Thomas

Rocky Mountain Partnership: Council Member Noble

Vote: 8 - Aye, 1 - Excused (Davis)

10. Council Reports

Acting 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.

11. Executive Session

[22-179](#)

An executive session pursuant to C.R.S. 24-6-402(4)(f) for the purpose of discussing personnel matters, specifically the acting city manager's appointment, a possible interim appointment and the terms thereof; and, if necessary, pursuant to CRS 24-6-402(4)(e) for the purpose of determining negotiating positions and instructing negotiators with regard to such terms.

A motion was made by Council Member Hurst, seconded by Mayor Pro Tem Allen-Thomas, to extend the Acting City Manager agreement by one week to December 5th. Vote: 8 - Aye, 1 - Excused (Davis)

A motion was made by Council Member Hurst, seconded by Mayor Pro Tem Allen-Thomas, to direct staff to post an internal job opening for the City Manager position to be open for five days and conduct interviews immediately upon closing of the posting. Vote: 8 - Aye, 1 - Excused (Davis)

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Ford, to enter into an executive session pursuant to C.R.S. 24-6-402(4)(f) for the purpose of discussing personnel matters, specifically the acting city manager's appointment, a possible interim appointment and the terms thereof; and, if necessary, pursuant to CRS 24-6-402(4)(e) for the purpose of determining negotiating positions and instructing negotiators with regard to such terms. VOTE:

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

Excused: 1 - Council Member Davis

[22-194](#)

An executive session pursuant to C.R.S. sec. 24-6-402(4)(b) for the purpose of conferring with the City Attorney to receive legal advice with regard to the potential waiver of attorney-client communications in pending litigation against the City.

A motion was made by Council Member Kim, seconded by Council Member Madera, that the City Council waive the attorney-client privilege only with regard to the email dated Tuesday, April 5, 2022 sent at 2:40 pm authored by Harry Brennan and sent to Chris Hodyl and Jennifer Jones subject line referencing PA-1 lot line adjustment. Vote: 8 - Aye, 1 - Excused (Davis)

A motion was made by Council Member Ford, seconded by Mayor Pro Tem Allen-Thomas, to enter into an executive session pursuant to C.R.S. sec. 24-6-402(4)(b) for the purpose of conferring with the City Attorney to receive legal advice with regard to the potential waiver of attorney-client communications in pending litigation against the City. VOTE:

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

Excused: 1 - Council Member Davis

Adjourn

The meeting adjourned at 10:18 PM.

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

Brittany Rios, Assistant 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.