



Commerce City

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

Meeting Minutes - Final

City Council

Monday, October 17, 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_NoG2v-yTkm3ixHVHzS5ag

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 October 17, 2022, at 6:00 PM.

Present: 8 - 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 Sean Ford and Council Member Kristi Douglas

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Citizen Communication

[22-180](#)

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, October 17th, 2022.

Steve Dougla spoke on Resolution 2022-81.

Beverly Hardin spoke on loose animals in their community.

Michele Crene spoke on parking in their community.

4. Proclamations and Recognitions

[Proc 22-24](#)

Proclamation Declaring November 1, 2022 as Extra Mile Day in Commerce City, Colorado

Assistant City Clerk Rios 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 Davis, Council Member Noble, Council Member Hurst, Council Member Ford and Council Member Douglas

[Proc 22-39](#)

Proclamation Recognizing the Graduating Cohort of the Fall 2022 Commerce City Civic Academy

Assistant City Clerk Rios read the Proclamation.

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

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

[Proc 22-40](#)

Proclamation Declaring November 2022 as Lung Cancer Awareness 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 Davis, Council Member Noble, Council Member Hurst, Council Member Ford and Council Member Douglas

[Proc 22-41](#)

Proclamation Declaring November 2022 as Family Court Awareness Month in Commerce City, Colorado

Assistant City Clerk Rios read the Proclamation.

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

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

5. Consent Agenda

Mayor Huseman requested that Resolution 2022-81 be removed from the consent agenda.

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

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

[Min 22-284](#)

Minutes of the August 15, 2022 Regular Meeting

[Min 22-283](#)

Minutes of the September 19, 2022 Regular Meeting

[Min 22-277](#)

Minutes of the October 3, 2022 Regular Meeting

[Min 22-289](#)

Minutes of the October 10, 2022 Special Meeting

[Ord 2414](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF AN OUTDOOR FITNESS COURT® AS PART OF THE 2022 NATIONAL FITNESS CAMPAIGN

[Ord 2415](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT FOR PARK RANGER E-BIKES IN THE AMOUNT OF \$9,275 AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 2416](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT FOR SECOND CREEK FARM PARK IN THE AMOUNT OF \$1,895,515.24 AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 2421](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$3,000,000 FOR 88TH AVE:I-76 TO HIGHWAY 2 AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Res 2022-99](#)

A RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY

[Res 2022-81](#)

ReSOLUTION AUTHORIZING A COST SHARE AGREEMENT between REUNION METROPOLITAN DISTRICT (“Reunion”) and the CITY OF COMMERCE CITY FOR CHAMBERS ROAD IMPROVEMENTS FROM 104TH AVENUE TO 117TH AVENUE

Michael McGoldrick, CIP Manager, presented on the purpose and need of the project,

Chambers Road widening, and the cost sharing agreement.

A motion was made by Council Member Noble, seconded by Council Member Douglas, to continue this Resolution to the November 7, 2022 regular meeting. VOTE:

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

6. 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, October 17, 2022. Please contact the City Clerk to request paper copies of materials.

[Res 2022-38](#)

A RESOLUTION ADOPTING THE BUDGET FOR THE CITY OF COMMERCE CITY, COLORADO FOR THE YEAR 2023 AND PROVIDING FOR 2022 COMMERCE CITY TAX LEVY

A motion was made by Council Member Hurst, seconded by Mayor Pro Tem Allen-Thomas, that this Resolution be continued to the November 7, 2022 regular meeting. VOTE:

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

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

FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COMMERCE CITY BY AMENDING THE COMMONS AT 104TH PUD ZONE DOCUMENT TO ALLOW ADDITIONAL LAND USES AND ASSOCIATED BULK STANDARDS FOR THE PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF POTOMAC STREET AND E. 104TH AVENUE

Mayor Huseman opened the public hearing.

Dalton Guerra, City Planner, provided the staff presentation to Council. Dalton provided an overview of the PUD amendment and the applicant's request.

Joseph Pelham and Jackson Givens, Southwest Property Corp, and Jeff Neulieb, KEPHART, gave the applicant's presentation and were present to take questions from Council.

*Lucy Dinneen provided testimony on the matter.
Guillermo Serna provided testimony on the matter.*

Mayor Huseman closed the public hearing.

A motion was made by Council Member Madera, seconded by Council Member Hurst, to enter into an executive session pursuant to C.R.S 24-6-402(4)(b) for the purpose of receiving legal advice as it relates to zoning approval in the City of Commerce City. VOTE: 7 - Aye, 1 - Absent (Davis)

Mayor Huseman reopened the public hearing.

Mayor Huseman closed the public hearing.

A motion was made by Council Member Madera, seconded by Council Member Ford, to accept the findings and recommendations of the Planning Commission in case # Z-860-07-08-18-22. VOTE: 5 - Aye, 3 - Nay (Allen-Thomas, Douglas, Noble)

A motion was made by Mayor Huseman, seconded by Council Member Noble, to amend Ordinance Z-860-07-08-18-22 to cap residential development at 50% until a time at which 25% of the frontage of 104th Ave, zoned commercial, is under vertical construction. VOTE: 8 - Aye

A motion was made by Mayor Huseman, seconded by Council Member Noble, to amend Ordinance Z-860-07-08-18-22 to change the use of service stations, fuel sales, and car wash from use by right to conditional use. VOTE: 7 - Aye, 1 - Nay (Hurst)

A motion was made by Council Member Madera, seconded by Council Member Noble, to amend Ordinance Z-860-07-08-18-22 to change the use of restaurants with drive-thru from a use by right to a conditional use. VOTE: 6 - Aye, 2 - Nay (Ford, Hurst)

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

Aye: 7 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst and Council Member Ford

Nay: 1 - Council Member Douglas

[Z-983-22](#)

SECOND 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 THE NORTHEAST CORNER OF E. 48th AVENUE AND IVY STREET FROM AGRICULTURAL DISTRICT (AG) TO MEDIUM INTENSITY INDUSTRIAL DISTRICT (I-2).

Mayor Huseman opened the public hearing.

Stacy Wasinger, City Planner, provided the staff presentation to Council. Stacy provided an overview of the case summary, the applicant's request, and the developer and proposed use.

Bruce O'Donnell, applicant's representative, 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 Mayor Pro Tem Allen-Thomas, to accept the findings and recommendations of the Planning Commission on case # Z-983-22. VOTE: 8 - Aye

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

7. Ordinances on 1st Reading

ORD 2423 SECOND AND FINAL READING OF AN ORDINANCE AMENDING SECTIONS 21-5248 AND 21-11200 OF THE LAND DEVELOPMENT CODE RELATING TO THE SUPPLEMENTAL REGULATIONS FOR LODGING ESTABLISHMENTS BY AMENDING THE LODGING ROOM MINIMUM.

Nathan Chavez, City Planner, was present to answer questions from Council.

A motion was made by Council Member Noble, seconded by Mayor Pro Tem Allen-Thomas, to amend Ordinance 2423 by requiring all new hotel constructions in Commerce City to have a minimum of 50 lodging units. VOTE: 8 - Aye

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 as amended. VOTE:

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

8. Administrative Council Business

[22-173](#) City Council At-Large Vacancy Appointment Process Determination

City Clerk Gibson presented on the vacancy appointment process.

A motion was made by Council Member Hurst, seconded by Council Member Madera, to duplicate the process that has been used to fill the last three previous vacancies to occur before the study session on October 24, 2022. VOTE: 8 - Aye

9. 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.

10. Executive Session

[22-178](#)

An executive session pursuant to C.R.S. sec. 24-6-402(4)(f)(I) for the purposes of discussing personnel matters, specifically the transfer of the Director of Human Resources.

A motion was made by Council Member Hurst, seconded by Council Member Ford, to allow Acting City Manager Rogers the ability to transfer the Human Resources Director, Armando Guardiola, to the Director of the Center for Innovation. VOTE: 8 - Aye

A motion was made by Council Member Hurst, seconded by Mayor Pro Tem Allen-Thomas, to enter into executive session pursuant to C.R.S. sec. 24-6-402(4)(f)(I) for the purposes of discussing personnel matters, specifically the transfer of the Director of Human Resources. Motion Failed. VOTE:

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

Nay: 4 - Mayor Huseman, Council Member Madera, Council Member Davis and Council Member Ford

11. Adjourn

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.

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.