



Commerce City

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

Meeting Minutes - Final

City Council

Monday, December 5, 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_KWyjgmnFRxWYQN89fQZ_xA

Regular Meeting

Times given are estimates only.

Revised 12/5/2022 @ 12:00 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 December 5, 2022, at 6:00 PM.

Present: 10 - 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 Craig Kim, Council Member Craig Kim, Council Member Sean Ford and Council Member Kristi Douglas

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Citizen Communication

[22-204](#)

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, December 5, 2022.

Spoke in support of the Environmental Policy Advisory Committee becoming a permanent committee and ratifying the 5 year sustainability plan:

Rinata Trisilawati

Ronna Sanchez

Lucy Molina
Laura Hellewell
Darci Martinez
Lindy Larson

Burke Beu spoke on schools in Commerce City.
Dr. Chris Fiedler, Superintendent of the 27J School District, thanked Council for the reduction in the Northern Infrastructure General Improvement District mill levy.

4. Proclamations and Recognitions

[22-203](#)

Police Officer Swearing In/Oath of Office

Mayor Huseman swore in the new officers.

[Proc 22-43](#)

A Proclamation Declaring December 6th, 2022 as the National Day of Remembrance and Action on Victims of Violence Against Women in Commerce City, Colorado

Michelle Spreutels-Martinez, Chair of the Commerce City Diversity, Equity, & Inclusion Commission, 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: 9 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Kim, Council Member Ford and Council Member Douglas

[Proc 22-44](#)

A Proclamation Declaring December 2022 as Universal Human Rights Month in Commerce City, Colorado

Michelle Spreutels-Martinez, Chair of the Commerce City Diversity, Equity, & Inclusion Commission, read the proclamation.

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

Aye: 9 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Kim, Council Member Ford and Council Member Douglas

[Proc 22-47](#)

A Proclamation Recognizing Platte Valley Ambulance Service

Deputy City Clerk Roberts read the proclamation.

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

Aye: 9 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Kim, Council Member Ford and Council Member Douglas

5. Presentations

[Pres 22-71](#) Environmental Planning Policy and Oil and Gas Monthly Update

Dr. Rosemarie Russo, Environmental Planner, gave the monthly environmental planning policy and oil and gas update.

[Pres 22-652](#) Footstep 2 Brilliance: Free Literacy Resources for AD14 and 27J

Dr. Karla Loría, Adams 14 Superintendent, introduced the presentation. Dr. Greg Spencer and Veronica Gallardo, Footstep 2 Brilliance, presented an overview of the Footstep 2 Brilliance program.

6. Consent Agenda

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

Aye: 9 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Kim, Council Member Ford and Council Member Douglas

[Min 22-328](#) Minutes of the November 7, 2022 Meeting

[Min 22-316](#) Minutes of the November 21, 2022 Meeting

[Min 22-322](#) Minutes of the November 28, 2022 Special Meeting

[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

[Res 2022-105](#) A RESOLUTION AUTHORIZING A LODGING TAX REBATE INCENTIVE FOR 96TH AND TOWER ROAD INC

[Res 2022-106](#) A RESOLUTION AUTHORIZING A LODGING TAX REBATE INCENTIVE FOR DIA ONEPEARL LLC

7. Public Hearings

[Res 2022-100](#) A RESOLUTION AUTHORIZING THE SUBMISSION OF THE EVALUATION REPORT (CAPER) FOR THE 2021 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR

Mayor Huseman opened the public hearing.

George Lewis, CDBG Coordinator, provided the 2021 Consolidated Annual Performance and Evaluation Report.

Mayor Huseman closed the public hearing.

A motion was made by Council Member Noble, seconded by Mayor Pro Tem Allen-Thomas, that this Resolution be adopted. VOTE:

Aye: 9 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Kim, Council Member Ford and Council Member Douglas

[Z-981-22](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY REZONING THE PROPERTIES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF E. 54TH PLACE AND QUEBEC STREET FROM MEDIUM-INTENSITY INDUSTRIAL DISTRICT (I-2) TO REGIONAL COMMERCIAL DISTRICT (C-3)

Mayor Huseman opened the public hearing.

Harry Brennan, City Planner, provided the staff presentation to Council. Harry provided an overview of the case, the analysis conducted by City staff, and the recommendations of the Planning Commission.

Mayor Huseman closed the public hearing.

A motion was made by Council Member Hurst, seconded by Council Member Madera, to accept the findings and recommendations of the Planning Commission. VOTE: 8 - Aye, 1 - Nay (Allen-Thomas)

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

Aye: 8 - Mayor Huseman, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Kim, Council Member Ford and Council Member Douglas

Nay: 1 - Mayor Pro Tem Allen-Thomas

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, December 5. Please contact the City Clerk to request paper copies of materials.

8. Resolutions

[Res 2022-102](#)

A RESOLUTION AUTHORIZING THE AMENDMENT AND RENEWAL OF CONTRACT FOR CITYWIDE CUSTODIAL SERVICES TO TOWN AND COUNTRY DEVELOPMENT CORPORATION D/B/A THE KEY PEOPLE COMPANY

A motion was made by Council Member Kim, seconded by Mayor Pro Tem Allen-Thomas, to amend the term of Resolution 2022-102 from two years to one year for the term of the agreement. Motion Withdrawn.

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

Aye: 9 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Kim, Council Member Ford and Council Member Douglas

[Res 2022-112](#)

A RESOLUTION APPROVING SECOND AMENDMENT TO AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT LOANING FUNDS FROM THE CITY OF COMMERCE CITY TO THE URBAN RENEWAL AUTHORITY OF THE CITY OF COMMERCE CITY

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

Aye: 9 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Kim, Council Member Ford and Council Member Douglas

9. Ordinances on 1st Reading

[Ord 2449](#)

SECOND AND FINAL READING OF AN ORDINANCE AUTHORIZING AN INCREASE IN SPENDING ON VEHICLE LEASES FOR THE YEAR 2023 AS PART OF THE CITY'S MASTER LEASE PROGRAM AGREEMENT WITH ENTERPRISE FLEET MANAGEMENT

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

Aye: 9 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Davis, Council Member Noble, Council Member Hurst, Council Member Kim, Council Member Ford and Council Member Douglas

[Ord 2453](#)

SECOND AND FINAL READING OF AN ORDINANCE IMPOSING A MORATORIUM UPON THE CITY'S PROCESSING OF APPLICATIONS FOR APPROVAL OF NEW SERVICE PLANS FOR RESIDENTIAL METROPOLITAN DISTRICTS

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: 5 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Noble, Council Member Kim and Council Member Douglas

Nay: 4 - Council Member Madera, Council Member Davis, Council Member Hurst and Council Member Ford

10. Administrative Council Business

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Kim, to extend the automatic adjourn time by 90 minutes. VOTE: 6 - Aye, 3 - Nay (Davis, Hurst, Madera)

A motion was made by Council Member Madera, seconded by Council Member Hurst, to have Ordinance 2450 come back before Council by January 1, 2023. Motion Failed. VOTE: 4 - Aye (Davis, Ford, Hurst, Madera), 5 - Nay

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Douglas, to direct staff to provide council with information on licenses for marijuana dispensary and smoke shops and to direct staff to draft an ordinance that would place a moratorium for one (1) year on the issuance of marijuana dispensary licenses in Commerce City. VOTE: 9 - Aye

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Kim, to have Commerce City donate \$2500 to Access Housing. VOTE: 9 - Aye

Council Members Davis, Hurst, and Madera left the meeting.

11. 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.

12. Executive Session

[22-198](#)

An Executive Session pursuant to C.R.S. sec. 24-6-402(4)(e) for the purpose of determining position relative to a matter that may be subject to negotiations concerning incentives for a potential economic development project within the city.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Kim, to enter into an executive session pursuant to C.R.S. sec. 24-6-402(4)(e) for the purpose of determining position relative to a matter that may be subject to negotiations concerning incentives for a potential economic development project within the city. VOTE:

Aye: 6 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 3 - Council Member Madera, Council Member Davis and Council Member Hurst

[22-202](#)

An executive session pursuant to C.R.S. sec. 24-6-402(4)(b) for the

purpose of conferring with legal counsel to receive legal advice with regard to the terms of an employment agreement for the next City Manager, and also pursuant to C.R.S. sec. 24-6-402(4)(e) to discuss specific terms, determine positions, and instruct legal counsel as a negotiator with regard to an employment agreement for the position of City Manager with Jason Rogers.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Kim, to enter into executive session pursuant to C.R.S. sec. 24-6-402(4)(b) for the purpose of conferring with legal counsel to receive legal advice with regard to the terms of an employment agreement for the next City Manager, and also pursuant to C.R.S. sec. 24-6-402(4)(e) to discuss specific terms, determine positions, and instruct legal counsel as a negotiator with regard to an employment agreement for the position of City Manager with Jason Rogers.
VOTE:

Aye: 6 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 3 - Council Member Madera, Council Member Davis and Council Member Hurst

13. Adjourn

The meeting adjourned at 10:25 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.