



Commerce City

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

Meeting Minutes - Final

City Council

Monday, June 5, 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_gj8ohgkbQI6iQ3N
KeJ93Aw

Times given are estimates only.

Revised 6/5/2023 @ 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 June 5, 2023, at 6:00 PM.

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

Present: 8 - Mayor Benjamin Huseman, Mayor Pro Tem Jennifer Allen-Thomas, Council Member Oscar Madera, Council Member Renee Millard-Chacon, Council Member Susan Noble, Council Member Craig Kim, Council Member Sean Ford and Council Member Kristi Douglas

Excused: 1 - Council Member Craig Hurst

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Approval of Agenda

A motion was made by Council Member Kim, seconded by Council Member Madera, to approve the agenda. VOTE: 8 - Aye, 1 - Excused (Hurst)

4. Citizen Communication

[23-119](#)

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, June 5, 2023.

Keith Rogers spoke on issues with mini bikes and go karts driving on his street.

5. Proclamations and Recognitions

[23-070](#)

Swearing in of nine new Police Recruits.

Chief Guadnola introduced, and the Mayor swore-in, the nine police recruits.

[Proc 23-13](#)

Proclamation Declaring June 19, 2023 as Juneteenth 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 Madera, that this Proclamation be approved. VOTE:

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

Excused: 1 - Council Member Hurst

[Proc 23-14](#)

Proclamation Declaring June 2023 as LGBTQIA+ Pride Month in Commerce City, Colorado

Brittany Rodriguez, Assistant City Clerk, read the proclamation.

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

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

Excused: 1 - Council Member Hurst

[Proc 23-15](#)

Proclamation Declaring June 2023 as Men's Health 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 Kim, that this Proclamation be approved. VOTE:

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

Excused: 1 - Council Member Hurst

6. Consent Agenda

Council Member Noble requested to pull Resolution 2023-044 and Resolution 2023-064.

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

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

Excused: 1 - Council Member Hurst

[Min 23-145](#)

Minutes of the May 15, 2023 Regular Meeting

[Ord 2498](#)

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

[Ord 2499](#)

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

[Ord 2509](#)

SECOND AND FINAL READING OF AN ORDINANCE TO AMEND COMMERCE CITY REVISED MUNICIPAL CODE (CCRM) SECTION 12-4003 TO COMPLY WITH STATE V. MORENO, 2022 CO 15, CASE NO. 21SA181 (2022)

[Ord 2523](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING COMMERCE CITY REVISED MUNICIPAL CODE (CCRMC) SECTION 2-2001 TO INCREASE THE NUMBER OF REGULAR CITY COUNCIL MEETINGS FROM TWO TO THREE A MONTH AND DECREASE THE NUMBER OF STUDY SESSIONS FROM TWO TO ONE A MONTH

[Z-544-91-94-23](#)

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 3741 E. 64th AVENUE FROM HEAVY-INTENSITY INDUSTRIAL WITH CONDITIONS (I-3 WITH CONDITIONS) TO HEAVY-INTENSITY INDUSTRIAL (I-3)

[Z-994-23](#)

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 3801 E. 64TH AVENUE FROM AGRICULTURAL (AG) TO HEAVY-INTENSITY INDUSTRIAL (I-3)

[Res 2023-044](#)

A RESOLUTION AUTHORIZING AN EASEMENT TO THE SOUTH ADAMS COUNTY WATER & SANITATION DISTRICT FOR WATER QUALITY MONITORING WELLS IN THE PONTIAC STREET RIGHT OF WAY

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

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

Excused: 1 - Council Member Hurst

[Res 2023-064](#)

A RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE ADAMS TOWER FIFTH FLOOR PROJECT BETWEEN TO MW GOLDEN CONSTRUCTORS

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

Aye: 6 - Mayor Huseman, Council Member Madera, Council Member Millard-Chacon, Council Member Kim, Council Member Ford and Council Member Douglas

Nay: 2 - Mayor Pro Tem Allen-Thomas and Council Member Noble

Excused: 1 - Council Member Hurst

[Res 2023-067](#) A RESOLUTION APPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF THE CITY OF COMMERCE CITY

7. Public Hearings

[Res 2023-062](#) A RESOLUTION APPROVING LEEPER INDUSTRIAL PARK, AMENDMENT NO. 1 TO CREATE ONE LOT FROM TWO EXISTING PARCELS, CONSISTING OF APPROXIMATELY 20.587 ACRES, LOCATED GENERALLY AT 3741 E. 64th AVENUE AND 3801 E. 64th AVENUE, GENERALLY THE NORTHEAST CORNER OF MONROE STREET AND EAST 64TH AVENUE

Mayor Huseman opened the public hearing.

Stacy Wasinger, City Planner, provided the presentation.

David Brehm from Plan West Inc., and Patrick Pritchard, from Hampton Yard 8, LLC, provided an overview of the zoning request.

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

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

Excused: 1 - Council Member Hurst

Z-977-23

FIRST 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 8780 ROSEMARY STREET FROM PLANNED UNIT DEVELOPMENT (PUD) TO LIGHT-INTENSITY INDUSTRIAL DISTRICT (I-1)

Mayor Huseman opened the public hearing.

Nathan Chavez, City Planner, provided the presentation.

John Strevil, applicant, provided an overview of their request.

Guillermo Serna spoke in opposition to the case.

Susan Kochevar, current owner of the 88 Drive-In, spoke on their intent to sell the property.

Mayor Huseman closed the public hearing.

A motion was made by Mayor Huseman, seconded by Council Member Madera, to enter into executive session pursuant to CRS 24-6-402(4)(e) for the purpose of receiving legal advice relating to the procedure of public hearing and zoning related to the zoning ordinance Z-977-23. VOTE: 8 - Aye, 1 - Excused (Hurst)

Mayor Huseman re-opened the public hearing.

A motion was made by Mayor Huseman, seconded by Mayor Pro Tem Allen-Thomas, that this Zoning Ordinances be continued to July 17, 2023 to allow for staff to gather information on the impact for the Highway 2 and 88th Avenue intersection and a market analysis on community need. VOTE:

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

Excused: 1 - Council Member Hurst

[Z-989-23](#)

FIRST 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)

Mayor Huseman opened the public hearing.

Michael Russo, City Planner, provided the presentation.

Mayor Huseman closed the public hearing.

A motion was made by Mayor Huseman, seconded by Council Member Madera, that this Zoning Ordinances be continued to July 17, 2023 to allow for staff to gather information on the impact for the Highway 2 and 88th Avenue intersection and a market analysis on community need. VOTE:

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

Excused: 1 - Council Member Hurst

[Res 2023-051](#)

A RESOLUTION FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM APPROVING THE 2022 ANNUAL ACTION PLAN AMENDMENT

Mayor Huseman opened the public hearing.

George Lewis, CDBG Coordinator, provided the presentation.

Mayor Huseman closed the public hearing.

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

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

Excused: 1 - Council Member Hurst

The public hearings will be conducted in a hybrid format in person and via Zoom. 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, June 5. Please contact the City Clerk to request paper copies of materials.

Resolutions

[Res 2023-063](#)

A RESOLUTION APPROVING THE SOUTH PLATTE CROSSING AFFORDABLE HOUSING ASSISTANCE AGREEMENT

Jenna Hahn, Executive Management Analyst, introduced the item.

A motion was made by Council Member Noble, seconded by Council Member Madera, to amend the resolution to require the City to approve the management company for the project. Motion tabled.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Kim, to extend the automatic time of adjournment by 60 minutes. VOTE: 7 - Aye, 1 - Nay (Madera), 1 - Excused (Hurst)

A motion was made by Mayor Huseman, seconded by Mayor Pro Tem Allen-Thomas, that this Resolution be continued to allow staff to incorporate changes to the agreement. VOTE:

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

Excused: 1 - Council Member Hurst

8. Ordinances on 1st Reading

[Ord 2511](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2023 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO, BY THE RECOGNITION OF A PORTION OF THE CITY'S SHARING AMOUNT RECEIVED FROM THE METROPOLITAN FOOTBALL STADIUM DISTRICT IN THE AMOUNT OF \$595,461.97 TO BE USED FOR YOUTH ACTIVITIES AND AUTHORIZING THE EXPENDITURE THEREOF

A motion was made by Council Member Kim, 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 Millard-Chacon, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Hurst

[Ord 2517](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 2 SECTION 2-3006 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO AUTHORIZE THE CITIZEN PUBLIC SAFETY ADVISORY BOARD TO INITIATE OR PARTICIPATE IN COMMUNITY SERVICE PROJECTS THAT RELATE TO PUBLIC SAFETY IN THE CITY

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

Excused: 1 - Council Member Hurst

[Ord 2518](#)

SECOND AND FINAL READING OF AN ORDINANCE REPEALING AND REENACTING ARTICLE III OF CHAPTER 2 SECTION 2-3003 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO CODIFY THE DIVERSITY, EQUITY, AND INCLUSION COMMISSION

A motion was made 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 Millard-Chacon, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Hurst

[Ord 2519](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 2 SECTION 2-3008 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO AUTHORIZE THE VETERAN'S COMMISSION TO INITIATE OR PARTICIPATE IN COMMUNITY SERVICE PROJECTS THAT BENEFIT VETERANS OF COMMERCE CITY

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

Excused: 1 - Council Member Hurst

[Ord 2520](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 2 SECTION 2-3005 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO AUTHORIZE THE YOUTH COMMISSION TO INITIATE OR PARTICIPATE IN COMMUNITY SERVICE PROJECTS THAT BENEFIT THE YOUTH OF COMMERCE CITY

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

Excused: 1 - Council Member Hurst

[Ord 2524](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2023 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO, BY APPROPRIATING \$400,000 OF THE UNENCUMBERED FUND BALANCE OF THE GENERAL FUND AND TRANSFERRING TO THE CAPITAL EXPENDITURES FUND TO BE USED FOR COSTS ASSOCIATED WITH THE SCHOOL TRAFFIC CALMING PROJECT AND AUTHORIZING 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: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Millard-Chacon, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Hurst

9. Administrative Council Business

A motion was made by Council Member Kim, seconded by Mayor Pro Tem Allen-Thomas, to direct staff to schedule a discussion of various options of developing the reunion center and potential executive session to instruct negotiators. VOTE: 8 - Aye, 1 - Excused (Hurst)

A motion was made by Council Member Noble, seconded by Mayor Pro Tem Allen-Thomas, to authorize Council Member Chacon to represent the City Council at the event on June 6, 2023 at Bison Ridge Recreation Center. VOTE: 8 - Aye, 1 - Excused (Hurst)

A motion was made by Council Member Madera, seconded by Council Member Ford, to direct staff to develop a plan for neighborhood policing. VOTE: 8 - Aye, 1 - Excused (Hurst)

[23-117](#)

Cancellation of July 3, 2023 Regular Meeting

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Kim, to cancel the July 3, 2023 regular meeting. VOTE: 8 - Aye, 1 - Excused (Hurst)

10. 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.

[23-122](#)

Review of Work Schedule

11. Executive Session

[23-113](#)

An executive session pursuant to C.R.S. 24-6-402(4)(b) for the purposes of conferences with attorneys to receive legal advice from counsel regarding potential litigation regarding Suncor Energy.

A motion was made by Council Member Kim, seconded by Council Member Noble, to enter into executive session pursuant to C.R.S. 24-6-402(4)(b) for the purposes of conferences with attorneys to receive legal advice from counsel regarding potential litigation regarding Suncor Energy. VOTE:

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

Excused: 1 - Council Member Hurst

[23-116](#)

An executive session pursuant to C.R.S. 24-6-402(4)(a), 4(e), & 4(b) 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.

A motion was made by Council Member Kim, seconded by Council Member Noble, to enter into an executive session pursuant to C.R.S. 24-6-402(4)(a), 4(e), & 4(b) 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. VOICE VOTE:

Nay: 8 - Mayor Huseman, Mayor Pro Tem Allen-Thomas, Council Member Madera, Council Member Millard-Chacon, Council Member Noble, Council Member Kim, Council Member Ford and Council Member Douglas

Excused: 1 - Council Member Hurst

12. Adjourn

*A motion was made by Council Member Kim, seconded by Mayor Pro Tem Allen-Thomas, to automatically adjourn the meeting following the executive session.
VOTE: 8 - Aye, 1 - Excused (Hurst)*

The meeting adjourned at 12:00 AM on Tuesday, June 6, 2023.

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

Dylan A. Gibson, City Clerk

[23-120](#)

City Manager Update

[23-121](#)

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.