



Commerce City

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

Meeting Minutes - Final

City Council

Monday, April 3, 2023

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_G2uG2TbzSqitCkE4THNbxQ

Regular Meeting

Revised on March 30, 2023 @ 1:45 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 April 3, 2023, at 6:00 PM.

Present: 9 - 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 Hurst, Council Member Craig Kim, Council Member Sean Ford and Council Member Kristi Douglas

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Approval of Agenda

A motion was made by Mayor Huseman, seconded by Mayor Pro Tem Allen-Thomas, to move the discussion of the draft letter to CDPHE to coincide with the oil and gas monthly update presentation. VOTE: Unanimous, all present affirmed.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Ford, to adopt the agenda as amended. VOTE: Unanimous, all present affirmed.

4. Citizen Communication

[23-067](#)

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, April 3, 2023.

Joy Bishop spoke about a food truck and the purpose of the apartments located at the Mile High Greyhound park.

Ashley Dalzel spoke on the tiny home community organization called Access Housing.

Paige Otto spoke on the child abuse prevention month proclamation and her work at Casa17.org.

5. Proclamations and Recognitions

[Proc 23-03](#)

Proclamation Declaring April 2023 as Autism Awareness and Acceptance Month in Commerce City, Colorado

Nicole Corder, Vice Chair of the DEI Commission, read the proclamation.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Kim, that this Proclamation be approved. VOICE VOTE: Unanimous, all present affirmed.

[Proc 23-26](#)

Proclamation Declaring April 2023 as Child Abuse Prevention Month in Commerce City, Colorado

Dylan Gibson, City Clerk, read the proclamation.

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

[Proc 23-24](#)

Proclamation Declaring April 2023 as Sexual Assault Awareness Month and National Crime Victims Rights Week in Commerce City, Colorado

Dylan Gibson, City Clerk, read the proclamation.

A motion was made by Council Member Kim, seconded by Mayor Pro Tem Allen-Thomas, that this Proclamation be approved. VOICE VOTE: Unanimous, all present affirmed.

[Proc 23-27](#)

Proclamation Recognizing Timothy A. Moore for 47 Years of Service

Mayor Huseman read the proclamation.

A motion was made by Council Member Ford, seconded by Council Member Madera, that this Proclamation be approved. VOICE VOTE: Unanimous, all present affirmed.

6. Noticed Council Business

[23-071](#)

Discussion of Options with Respect to Youth Commissioner Behavior

A motion was made by Council Member Kim, seconded by Council Member Madera, to suspend Commissioner Michael Kelley from the Youth Commission pending an investigation into the allegations of his behavior. VOTE: Unanimous, all present affirmed.

7. Presentations

[Pres 23-050](#)

Oil and Gas Monthly Update

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

[23-068](#)

Review of Draft Letter to Colorado Department of Public Health with Recommended Edits

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Kim, to approve the draft letter. VOTE: Unanimous, all present affirmed.

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

8. Consent Agenda

Mayor Pro Tem Allen-Thomas requested Ordinance 2471 be removed from the Consent Agenda for separate discussion.

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

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

[Min 23-092](#)

Minutes of the March 2, 2023 Special Meeting

[Min 23-086](#)

Minutes of the March 6, 2023 Regular Meeting

[Ord 2461](#)

SECOND AND FINAL READING OF AN ORDINANCE ESTABLISHING NEW BOUNDARIES FOR EACH OF THE FOUR WARDS OF THE CITY OF COMMERCE CITY, COLORADO

[Ord 2471](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING SECTION 2-3007 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO AUTHORIZE THE SENIOR COMMISSION TO INITIATE OR PARTICIPATE IN COMMUNITY SERVICE PROJECTS THAT BENEFIT THE ACTIVE ADULT AND SENIOR COMMUNITY OF COMMERCE CITY

Mayor Pro Tem Allen-Thomas inquired if other boards and commissions could be amended in the future to allow similar authority.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Noble, that this Ordinance be approved on second & final reading.

VOTE:

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

[Res 2023-030](#)

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT (IGA) BY AND BETWEEN THE CITY OF COMMERCE CITY AND THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) MULTIMODAL SAFETY IMPROVEMENTS ALONG E. 68TH AVE

[Res 2023-034](#)

A RESOLUTION ADOPTING A CITY COUNCIL POLICY TO ADDRESS CITY COUNCIL CONDUCT AND DISCIPLINE AS COUNCIL POLICY #CP-25

[Res 2023-045](#)

A RESOLUTION ESTABLISHING POLICIES FOR CONDUCTING PUBLIC HEARINGS DURING ELECTRONIC MEETINGS AND REPEALING RESOLUTION 2020-30

9. Ordinances on 1st Reading

[Ord 2473](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2023 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE WALMART LOCAL COMMUNITY GRANT IN THE AMOUNT OF \$4,500 TO SUPPORT YOUTH SERVICES BIKE PROGRAMS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Madera, that this Ordinance be introduced by council as seated and approved on first reading. VOTE: All Aye.

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

[Ord 2503](#)

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

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Madera, 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 Millard-Chacon, Council Member Noble, Council Member Hurst, Council Member Kim, Council Member Ford and Council Member Douglas

[Ord 2504](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE TO REVISE SECTION 2-2001 CONCERNING REGULAR MEETINGS AND STUDY SESSIONS; ADDING A NEW SECTION 2-2004 CONCERNING EMERGENCY MEETINGS; AND REPEALING AND REPLACING ORDINANCE 2291

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Madera, 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 Millard-Chacon, Council Member Noble, Council Member Hurst, Council Member Kim, Council Member Ford and Council Member Douglas

[Ord 2505](#)

SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE 2023 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$6,000 FOR CLICK IT OR TICKET AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Madera, 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 Millard-Chacon, Council Member Noble, Council Member Hurst, Council Member Kim, Council Member Ford and Council Member Douglas

10. Administrative Council Business

A motion was made by Council Member Madera to direct staff to work on possible partnerships with Access Housing and other means to support them. Motion withdrawn after City Manager Rogers informed Council that a presentation on May 8th would address partnerships on homelessness solutions.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Kim, to direct staff to draft an ordinance similar to Ordinance 2471 for the Citizen Public Safety Advisory Board, Diversity Equity & Inclusion Advisory Commission, Veteran's Commission, and Youth Commission. VOTE: Unanimous, all present affirmed.

A motion was made by Council Member Noble to direct staff to present the project and expenditure report on the City's ARPA fund. Motion withdrawn after City Manager Rogers informed Council that there has been zero dollars spent from the fund and the report is required to be filed quarterly.

[Commerce City minutes are action minutes. However, at the April 17 meeting, Council voted to continue these minutes to allow for a transcription of this motion and discussion.]

[Motion as recorded by the Clerk in the draft minutes]

A motion was made by Council Member Noble, seconded by Council Member Kim, to direct staff to assist, prepare, market, and reserve community rooms for ward town halls to discuss redistricting and new ward boundaries with the community. VOTE: Unanimous, all present affirmed.

[Transcription of the motion and discussion below:]

Council Member Noble: I would like to-- we approved the redistricting maps tonight, and so in light of redistricting, I move for staff assistance, preparation, and marketing, and reserved community rooms for ward town halls to be held for each of the four wards by the end of the second quarter of 2023. And that will give an opportunity to introduce the new, um, uh, wards to the- to the community in the new shape, since all of them 1, 2, 3, and 4 have, uh, new constituents within their wards.

Mayor Huseman: I have a motion to direct staff to, uh, prepare ward town halls to discuss the redistricting and new wards. Is there a second? Council Member Kim?

Council Member Kim: Second that.

Mayor Huseman: I have a motion and a second. Is there any discussion? Mayor Pro Tem?

Mayor Pro Tem Allen-Thomas: Thank you. For-for clarification, is there anything stating we can already have a-a town hall if it's requested by a Council Member?

City Clerk Gibson: No. I think it's a- I think it's a great idea, Mayor Pro Tem. And we're-we're happy to put those on throughout the community and let people know how their awards are changing ahead of the election in November, so.

Council Member Noble: I would like the Council Members for each of those wards to

be-

City Clerk Gibson: Uh-huh.

Council Member Noble: -the leaders.

City Clerk Gibson: Yep.

Gibson: Okay.

Mayor Pro Tem Allen-Thomas: Okay. Thank you. That's all I have.

Mayor Huseman: All right. Motion and a second, directing staff to help prepare for these town halls for the different wards. All those in favor?

Council Member Noble: Aye.

Mayor Pro Tem Allen-Thomas: Aye.

Council Members: Aye.

[End transcription]

A motion was made by Council Member Noble, seconded by Mayor Pro Tem Allen-Thomas, for the City of Commerce City to oppose Senate Bill 23-213; recommend the state conduct a statewide study of existing housing, housing in the pipeline, as well as municipal and county housing plans, and of existing obstacles to affordable housing including the market itself, transportation, and metropolitan districts; and include municipalities and counties in developing affordable housing initiatives; and urge the state to pass meaningful legislation to reign in abusive metropolitan district practices.

A motion was made by Mayor Huseman, seconded by Council Member Hurst, to amend the motion include giving the Mayor the authority to vote in the affirmative at the metro mayor's caucus meeting to oppose Senate Bill 23-213. VOTE: Unanimous, all present affirmed.

A motion was made by Council Member Madera, seconded by Council Member Kim, to amend the motion allow Council Member Noble to represent the City Council during state testimony on Senate Bill 23-213. VOTE: Unanimous, all present affirmed.

A motion was made by Council Member Noble, seconded by Council Member Noble, to amend the motion to authorize the City to sign on the Colorado Municipal League opposition letter to Senate Bill 23-213. VOTE: Unanimous, all present affirmed.

A motion was made by Mayor Huseman, seconded by Council Member Douglas, to amend the motion to a allow individual Council Members to sign on to the Colorado Municipal League letter. VOTE: Unanimous, all present affirmed.

Vote on the original motion: Unanimous, all present affirmed.

A motion was made by Council Member Kim, seconded by Mayor Pro Tem Allen-Thomas, to direct staff to invite Suncor to a City Council meeting. VOTE: Unanimous, all present affirmed.

A motion was made by Council Member Kim, seconded by Council Member Douglas, to suspend Commissioner Rene Bullock from all board and commission appointments pending the outcome of a staff investigation on their behavior. Motion withdrawn.

[23-059](#)

Waiver of October 18, 2021 executive session discussions cited in the investigation report titled Independent Investigation into Statements Made by Chief of Police Clinton Nichols.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Hurst, to waive executive session privilege for the October 18, 2021 executive session discussions cited in the investigation report titled "Independent Investigation into Statements Made by Police Chief Clinton Nichols". VOICE VOTE: Unanimous, all present affirmed.

[23-062](#)

Follow-Up on Council Request for Outdoor Service Areas

Jenna Hahn, Executive Management Analyst, gave the presentation.

A motion was made by Council Member Noble, Mayor Pro Tem Allen-Thomas, to direct staff to draft an ordinance for amendments to the land development code for the implementation of outdoor service areas. VOTE: Unanimous, all present affirmed.

11. 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.

[23-064](#)

Review of Work Schedule

City Manager Rogers reviewed the work schedule.

12. Executive Session

[23-057](#)

An executive session of the City Council pursuant to C.R.S. section 24-6-402(4)(f)(I) for the discussion of personnel matters, specifically to conduct a formulary session to establish performance standards and the manner of performance evaluations of the City Manager.

A motion was made by Mayor Pro Tem Allen-Thomas, seconded by Council Member Kim, to enter into an executive session of the City Council pursuant to C.R.S. section 24-6-402(4)(f)(I) for the discussion of personnel matters, specifically to conduct a formulary session to establish performance standards and the manner of performance evaluations of the City Manager. VOTE:

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

13. Adjourn

The meeting adjourned at 10:13 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

[23-065](#)

City Manager Update

[23-066](#)

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.