

City Council Minutes

Meeting Date: Tuesday, February 17, 2015 5:30 PM

Pledge of Allegiance

Councilwoman Lehmann led the Pledge of Allegiance.

Roll Call

Present: Brooks, Brown, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Absent: Herndon (1)

Councilman Brown arrived late.

Approval of the Minutes

The minutes of Monday, February 9, 2015, were distributed to Council. Council President Pro-Tem Montero ordered the minutes approved.

Council Announcements

Councilmembers López, Ortega, Shepherd, and Montero offered announcements.

Presentations

Communications

Proclamations

CP15-0064 A proclamation honoring Shirley Amore for her service to the Denver Public Library.

Sponsored by Councilmembers Lehmann, Brown, López, Brooks, Shepherd, Robb, Montero, Faatz, and Susman.

A motion offered by Councilwoman Lehmann, duly seconded by Councilwoman Shepherd, that CP15-0064 be adopted, carried by the following vote:

Passed

For: Brooks, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

Councilwoman Ortega asked to be added as a sponsor of CP15-0064.

Resolutions

The Council Secretary read the following resolutions by titles.

Business Development

CR15-0035 A resolution approving the Mayor's appointment to the Stapleton Development Corporation Board of Directors. (BUSINESS DEVELOPMENT COMMITTEE)

A motion offered by Councilwoman Lehmann, duly seconded by Councilwoman Shepherd, that CR15-0035, CR15-0065, CR15-0034, and CR15-0040 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

CR15-0065 A resolution approving the Mayor's appointments to the Denver Downtown Development Authority Board of Directors. (BUSINESS DEVELOPMENT COMMITTEE)

A motion offered by Councilwoman Lehmann, duly seconded by Councilwoman Shepherd, that CR15-0035, CR15-0065, CR15-0034, and CR15-0040 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

Safety & Well-being

CR15-0034 A resolution approving the Mayor's reappointment to the Board of Environmental Health. (SAFETY & WELL-BEING)

A motion offered by Councilwoman Lehmann, duly seconded by Councilwoman Shepherd, that CR15-0035, CR15-0065, CR15-0034, and CR15-0040 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

CR15-0040 A resolution approving the Mayor’s reappointments and appointments to the Denver Asian Pacific-American Commission. (SAFETY & WELL-BEING)

A motion offered by Councilwoman Lehmann, duly seconded by Councilwoman Shepherd, that CR15-0035, CR15-0065, CR15-0034, and CR15-0040 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

Bills for Introduction

The Council Secretary read the following bills by titles. Council President Pro-Tem Montero announced that all other bills on introduction are ordered published except for CB15-0067.

Business Development

CB15-0049 A bill for an ordinance approving a proposed Standard Specialty Retail Concession Space Agreement between the City and County of Denver and Marshall Retail Group, LLC concerning a concession at Denver International Airport. (BUSINESS DEVELOPMENT COMMITTEE)

A motion offered by Council President Pro-Tem Montero, duly seconded by Councilwoman Lehmann, that CB15-0049, CB15-0050, CB15-0030, CB15-0057, CB14-1127, CB14-1128, and CB15-0043 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

CB15-0050 A bill for an ordinance approving a proposed Third amendment to Agreement between the City and County of Denver and Cantina Grill Joint Venture, LLC concerning a concession at Denver International Airport. (BUSINESS DEVELOPMENT COMMITTEE)

A motion offered by Council President Pro-Tem Montero, duly seconded by Councilwoman Lehmann, that CB15-0049, CB15-0050, CB15-0030, CB15-0057, CB14-1127, CB14-1128, and CB15-0043 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

Neighborhoods & Planning

CB15-0030 A bill for an ordinance changing the zoning classification for 1410 & 1420 S. Santa Fe Drive. (NEIGHBORHOODS AND PLANNING)

A motion offered by Council President Pro-Tem Montero, duly seconded by Councilwoman Lehmann, that CB15-0049, CB15-0050, CB15-0030, CB15-0057, CB14-1127, CB14-1128, and CB15-0043 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

CB15-0057 A bill for an ordinance approving the 2015 Elyria & Swansea Neighborhoods Plan, which plan shall become a part of the Comprehensive Plan for the City and County of Denver pursuant to the provisions of Section 12-61 of the Denver Revised Municipal Code. (NEIGHBORHOODS AND PLANNING)

A motion offered by Council President Pro-Tem Montero, duly seconded by Councilwoman Lehmann, that CB15-0049, CB15-0050, CB15-0030, CB15-0057, CB14-1127, CB14-1128, and CB15-0043 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

Councilwoman Montero requested a one-hour courtesy public hearing on CB15-0057 for Monday, February 23, 2015.

Safety & Well-being

CB14-1127 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Catholic Charities and Community Services of the Archdiocese of Denver to decrease services for Head Start programs. (SAFETY & WELL-BEING)

A motion offered by Council President Pro-Tem Montero, duly seconded by Councilwoman Lehmann, that CB15-0049, CB15-0050, CB15-0030, CB15-0057, CB14-1127, CB14-1128, and CB15-0043 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

CB14-1128 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and School District No. 1 in the City and County of Denver and the State of Colorado to increase services for Head Start programs. (SAFETY & WELL-BEING)

A motion offered by Council President Pro-Tem Montero, duly seconded by Councilwoman Lehmann, that CB15-0049, CB15-0050, CB15-0030, CB15-0057, CB14-1127, CB14-1128, and CB15-0043 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

CB15-0043 A bill for an ordinance authorizing expenditures in the Human Services Special Revenue Fund based on a letter of intent from the United States of America to award funding for the "Emergency Solutions Grant FY15" program. (SAFETY & WELL-BEING)

A motion offered by Council President Pro-Tem Montero, duly seconded by Councilwoman Lehmann, that CB15-0049, CB15-0050, CB15-0030, CB15-0057, CB14-1127, CB14-1128, and CB15-0043 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

CB15-0067 A bill for an ordinance amending Article XVIII of Chapter 2, Denver Revised Municipal Code, concerning the Office of the Independent Monitor. (SAFETY & WELL-BEING)

Recap of Bills to be Called Out

Pre-Recess Announcement

Council President Pro-Tem Montero announced that tonight there will be a required public hearing on CB14-1094, changing the zoning classification for Block 1 of the South Sloan's Lake Subdivision Filing No. 1 located at the southeast corner of 17th Avenue and Stuart Street; and a required public hearing on CB14-1095, changing the zoning classification for 1673 S. Emerson Street. Also, there will be a one-hour courtesy public hearing on CB15-0067, regarding revisions to the Office of the Independent Monitor.

Recess

Council took a recess.

Council Reconvenes and Resumes its Regular Session

Public Hearings - Bills for Final Consideration

Neighborhoods & Planning

CB14-1094 A bill for an ordinance changing the zoning classification for Block 1 of the South Sloan's Lake Subdivision Filing No. 1 located at the southeast corner of 17th Avenue and Stuart Street. (NEIGHBORHOODS AND PLANNING)

A motion offered by Councilwoman Lehmann, duly seconded by Councilwoman Robb, that CB14-1094 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Herndon (1)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 7:02 PM, Council President Pro-Tem Montero presiding, to hear speakers on CB14-1094. Sarah Lavery, Cameron Bertron, Tait Vernon, Brittney Vernon, David S. Goldblatt, Bernard Steinharter, Feivel "Don" Gallard, Ben Stetler, Diana Dietvorst, Jim Dietvorst, Maurice Scott, Nadia Hafeez Patrick, Carol MacLennan, Ammon Lucero, Elizabeth Martinez, Dewey Gallard, Alan Burch, Cindy Hamilton, Aaron B. Kagan, Lisa McClain-Vanderpool, Dan Shah, Diane Didier Vollmer, Jude Del Hierro, Mary T. Gonzalez, Suellen Mack, Bill Fritts, Brian Levitt, Trevor Hines, and Nathan Stern signed up to speak in favor of the bill. Hermine Blau, Jude Aiello, Larry Ambrose, Bill Norton, Rafael Espinoza, Betta Ferrendelli, Gerard Frank, Jane Parker Ambrose, Thomas J. Trujillo, Marie Benedix, Greg Kerwin, Niccolo W. Casewit, Flora "Jean" McKay, Josh Blackman, Melinda Yeary, and Shirley Schley signed up to speak in opposition of the bill. Deirdre Oss of Community Planning and Development delivered the Staff Report.

CB14-1095 A bill for an ordinance changing the zoning classification for 1673 S. Emerson Street. (NEIGHBORHOODS AND PLANNING)

A motion offered by Councilwoman Lehmann, duly seconded by Councilwoman Shepherd, that CB14-1095 be placed upon final consideration and do pass, carried by the following:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Herndon (1)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 10:04 PM, Council President Pro-Tem Montero presiding, to hear speakers on CB14-1095. Casey Hermansen signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Deirdre Oss of Community Planning and Development delivered the Staff Report.

Public Hearings - Bills for Introduction

Safety & Well-being

CB15-0067 A bill for an ordinance amending Article XVIII of Chapter 2, Denver Revised Municipal Code, concerning the Office of the Independent Monitor. (SAFETY & WELL-BEING)

A motion offered by Councilwoman Lehmann, duly seconded by Councilwoman Kniech, that CB15-0067 be ordered published, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd (10)

Against: (None) (0)

Absent: Herndon, Susman (2)

Abstain: Faatz (1)

Council sat as a Committee of the Whole commencing at 10:13 PM, Council President Pro-Tem Montero presiding, to hear speakers on CB15-0067. Anne Elizabeth, Terrence Hughes, Steve Chavez, Julie Gonzales, Michael Madrid, Amy Kafuuma, Darren O'Connor, Robert "Bob" May, Silvia Gonzalez, Christopher Schiano, Tim Holland, Jumoke Emery, Rev. Patrick Demmer, Pastor Paul Burleson, Jeneé Elise, Pastor Del Philips, Karen Ashmore, Robert Chase, Karen Sardarno, Jo Cusick, Brian Loma, Steven Bailey, Robert López, Alexander Landow, Mark Silverstein, Mark Cohen, Lisa Calderon, Barbara Cohen, Chad Kautzer, David Long, Rev. Tammy Garrett-Williams, Jason Ball, Sal Thomas, and Josie Shapiro signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Councilman López delivered an overview.

Bills for Final Consideration

Infrastructure & Culture

CB15-0036 A bill for an ordinance approving the execution of a proposed Sewer Use and Drainage Permit between the City and County of Denver and Samuel and Stephanie Zaitz regarding sanitary sewer services. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Lehmann, duly seconded by Councilwoman Susman, that CB15-0036, CB15-0037, CB15-0038, CB15-0039, CB15-0044, CB15-0045, CB15-0046, and CB14-1106 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

CB15-0037 A bill for an ordinance vacating a portion of South Steele Street east of 32 Polo Club Circle, without reservations. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Lehmann, duly seconded by Councilwoman Susman, that CB15-0036, CB15-0037, CB15-0038, CB15-0039, CB15-0044, CB15-0045, CB15-0046, and CB14-1106 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

CB15-0038 A bill for an ordinance relinquishing an easement between Colorado Boulevard and Harrison Street at 40th Avenue. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Lehmann, duly seconded by Councilwoman Susman, that CB15-0036, CB15-0037, CB15-0038, CB15-0039, CB15-0044, CB15-0045, CB15-0046, and CB14-1106 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

CB15-0039 A bill for an ordinance approving a proposed Second Amendment to Intergovernmental Agreement between the City and County of Denver and the Town of Morrison, Colorado to provide additional wastewater treatment services (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Lehmann, duly seconded by Councilwoman Susman, that CB15-0036, CB15-0037, CB15-0038, CB15-0039, CB15-0044, CB15-0045, CB15-0046, and CB14-1106 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

CB15-0044 A bill for an ordinance relinquishing an easement established by Boulevard One Filing No. 1. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Lehmann, duly seconded by Councilwoman Susman, that CB15-0036, CB15-0037, CB15-0038, CB15-0039, CB15-0044, CB15-0045, CB15-0046, and CB14-1106 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

CB15-0045 A bill for an ordinance relinquishing an easement at 3124 West 20th Avenue. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Lehmann, duly seconded by Councilwoman Susman, that CB15-0036, CB15-0037, CB15-0038, CB15-0039, CB15-0044, CB15-0045, CB15-0046, and CB14-1106 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

CB15-0046 A bill for an ordinance relinquishing three easements established by Boulevard One Filing No. 1. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Lehmann, duly seconded by Councilwoman Susman, that CB15-0036, CB15-0037, CB15-0038, CB15-0039, CB15-0044, CB15-0045, CB15-0046, and CB14-1106 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

Safety & Well-being

CB14-1106 A bill for an ordinance approving a proposed agreement by and between the City and County of Denver and Verizon Wireless to install equipment to enhance the signals for network inside the Denver Police Headquarters building at 1331 Cherokee Street. (TECHNOLOGY & GOVERNANCE)

A motion offered by Councilwoman Lehmann, duly seconded by Councilwoman Susman, that CB15-0036, CB15-0037, CB15-0038, CB15-0039, CB15-0044, CB15-0045, CB15-0046, and CB14-1106 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Faatz, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

Pending

For 2-23-15

CB13-0501 AS AMENDED, a bill for an ordinance to amend Chapter 48 (Solid Waste) of the Revised Municipal Code to add an Article IX (Disposable Bag Fees) and to make a corresponding amendment to Chapter 24.

Final Consideration

A motion offered by Councilwoman Lehmann, duly seconded by Councilwoman Susman, that CB13-0501 as amended be taken out of order, carried by the following vote:

Passed

For: Brooks, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (10)

Against: (None) (0)

Absent: Brown, Herndon (2)

Abstain: Faatz (1)

A motion offered by Councilwoman Lehmann, duly seconded by Councilman López, that CB13-0501 be placed upon final consideration and do pass, failed to carry by the following vote:

Failed

For: (None) (0)

Against: Brooks, Faatz, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Absent: Brown, Herndon (2)

Abstain: (None) (0)

Announcement

Council President Pro-Tem Montero announced that on Monday, March 16, 2015, Council will hold a required public hearing on CB15-0030, changing the zoning classification for 1410 & 1420 S. Santa Fe Drive. Any protests against CB15-0030 must be filed with the Council Offices no later than noon on Monday, March 9, 2015.

Adjourn

There being no further business before the City Council, Council President Pro-Tem Montero adjourned the meeting at 11:49 PM.

President

Attested by me with the Corporate Seal
of the City and County of Denver

Clerk and Recorder, Ex-Officio Clerk
of the City and County of Denver