

City Council Minutes

Meeting Date: Monday, April 04, 2016 5:30 PM

Pledge of Allegiance

Logan La Pedis led the Pledge of Allegiance.

Roll Call

Present: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Absent: None (0)

Councilwoman Kniech arrived late.

Approval of the Minutes

The minutes of meeting date, Tuesday, March 29, 2016, were distributed to Council. Council President Herndon ordered the minutes approved.

Council Announcements

Council members Espinoza and Brooks offered announcements.

Councilman Brooks requested a one-hour courtesy public hearing, Monday, April 11, 2016, on first reading or introduction of the marijuana moratorium bill to impose a city-wide cap on the total number of locations where licensed marijuana cultivation and sales may occur in Denver.

Presentations

Communications

Proclamations

CP16-0236 A proclamation recognizing April as National Autism Awareness Month.

Sponsored by Council members Flynn, Kashmann, López, Black, Brooks, and New.

A motion offered by Councilman Flynn, duly seconded by Councilwoman Susman, that CP16-0236 be adopted, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (12)

Against: (None) (0)

Absent: Brooks (1)

Abstain: (None) (0)

Councilman Espinoza asked to be added as a sponsor of CP16-0236.

CP16-0237 A proclamation recognizing April 2016 as Fair Housing Month.

Sponsored by Council members Espinoza, Kashmann, Flynn, López, Black, and Brooks.

A motion offered by Councilman Espinoza, duly seconded by Councilwoman Black, that CP16-0237 be adopted, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Council members Kniech and Ortega asked to be added as a sponsor of CP16-0237.

Resolutions

The Council Secretary read the following resolutions by titles.

Finance & Services

CR16-0186 A resolution approving a proposed Master Purchase Order between the City and County of Denver and Hardline Equipment LLC for packer parts that are used on City and County of Denver refuse trucks. (INFRASTRUCTURE & CULTURE)

A motion, offered by Councilwoman Susman, duly seconded by Councilman Flynn, that CR16-0186, CR16-0187, CR16-0188, CR16-0167, CR16-0190, CR16-0233, and CR16-0193 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CR16-0187 A resolution approving a proposed Sublease Agreement between the City and County of Denver and The Denver Post LLC for 101 West Colfax Avenue. (FINANCE & SERVICES)

A motion, offered by Councilwoman Susman, duly seconded by Councilman Flynn, that CR16-0186, CR16-0187, CR16-0188, CR16-0167, CR16-0190, CR16-0233, and CR16-0193 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Governance & Charter Review

CR16-0188 A resolution approving the Mayor's appointment to the Board of Environmental Health. (GOVERNANCE & CHARTER REVIEW)

A motion, offered by Councilwoman Susman, duly seconded by Councilman Flynn, that CR16-0186, CR16-0187, CR16-0188, CR16-0167, CR16-0190, CR16-0233, and CR16-0193 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Infrastructure & Culture

CR16-0167 A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and T2 Construction, Inc. for on-call landscape improvement and irrigation construction services. (INFRASTRUCTURE & CULTURE)

A motion, offered by Councilwoman Susman, duly seconded by Councilman Flynn, that CR16-0186, CR16-0187, CR16-0188, CR16-0167, CR16-0190, CR16-0233, and CR16-0193 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CR16-0190 A resolution granting a revocable permit to Denver Bike Sharing, to encroach into the right-of-way at 1350 21st Street. (INFRASTRUCTURE & CULTURE)

A motion, offered by Councilwoman Susman, duly seconded by Councilman Flynn, that CR16-0186, CR16-0187, CR16-0188, CR16-0167, CR16-0190, CR16-0233, and CR16-0193 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CR16-0233 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the sum of Forty Thousand Dollars (\$40,000.00), payable to Jennifer Ohlheiser and Zener Harden Law, LLP, in full payment and satisfaction of all claims in Case No. 16CV030233, in the District Court for the City and County of Denver, Colorado. (INFRASTRUCTURE & CULTURE)

A motion, offered by Councilwoman Susman, duly seconded by Councilman Flynn, that CR16-0186, CR16-0187, CR16-0188, CR16-0167, CR16-0190, CR16-0233, and CR16-0193 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Neighborhoods & Planning

CR16-0193 A resolution approving a proposed Agreement between the City and County of Denver and Moore, Iacofano, Goltsman, Inc., for plan development related to the Blueprint Denver update. (NEIGHBORHOODS AND PLANNING)

A motion, offered by Councilwoman Susman, duly seconded by Councilman Flynn, that CR16-0186, CR16-0187, CR16-0188, CR16-0167, CR16-0190, CR16-0233, and CR16-0193 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Safety & Well-being

CR16-0234 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the sum of Two Hundred Ninety-Five Thousand Dollars (\$295,000.00), payable to Gail Waters, as personal representative for the Estate of Alonzo Ashley, and Frankfurt Law Offices, P.C., in full payment and satisfaction of all claims in Case No. 12-cv-01856-MSK-NYW, in the United States District Court for the District of Colorado. (SAFETY & WELL-BEING)

A motion offered by Councilwoman Susman, duly seconded by Councilman Brooks, that CR16-0234 be adopted, carried by the following vote:

Passed

For: Black, Brooks, Clark, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (11)

Against: Espinoza, Flynn (2)

Absent: (None) (0)

Abstain: (None) (0)

Bills for Introduction

The Council Secretary read the following bills by titles. Council President Herndon announced that all other bills on introduction are ordered published.

Business Development

CB16-0146 A bill for an ordinance approving a proposed Lease Agreement between the City and County of Denver and Regional Transportation District, related to the commuter rail transit system at Denver International Airport. (BUSINESS DEVELOPMENT)

A motion carried by Council President Herndon, duly seconded by Councilwoman Susman, that CB16-0146, CB16-0181, CB16-0182, CB16-0148, CB16-0147, CB16-0189, CB16-0192, CB16-0174, and CB16-0191 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB16-0181 A bill for an ordinance approving a proposed Interagency Agreement – DIA Peña Station Water Facilities between the City and County of Denver and Board of Water Commissioners, to provide water service at the Denver International Airport Rail Property. (BUSINESS DEVELOPMENT)

A motion carried by Council President Herndon, duly seconded by Councilwoman Susman, that CB16-0146, CB16-0181, CB16-0182, CB16-0148, CB16-0147, CB16-0189, CB16-0192, CB16-0174, and CB16-0191 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB16-0182 A bill for an ordinance approving a proposed Non-Exclusive License Agreement between the City and County of Denver and Aviation Station North Metropolitan District No. 1, to construct infrastructure at the Denver International Airport Rail Property. (BUSINESS DEVELOPMENT)

A motion carried by Council President Herndon, duly seconded by Councilwoman Susman, that CB16-0146, CB16-0181, CB16-0182, CB16-0148, CB16-0147, CB16-0189, CB16-0192, CB16-0174, and CB16-0191 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Finance & Services

CB16-0148 A bill for an ordinance making a supplemental appropriation from the General Contingency Fund for the operations of the new Mayor's Office of the National Western Center to support delivery of the November 3, 2015 voter approved ballot measure 2C to design and construct Phases 1 and 2 of the National Western Center. (FINANCE & SERVICES)

A motion carried by Council President Herndon, duly seconded by Councilwoman Susman, that CB16-0146, CB16-0181, CB16-0182, CB16-0148, CB16-0147, CB16-0189, CB16-0192, CB16-0174, and CB16-0191 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Infrastructure & Culture

CB16-0147 A bill for an ordinance approving and providing for the execution of a proposed Intergovernmental Agreement between the City and County of Denver and the Colorado Department of Transportation (CDOT) concerning the "I-25 and Broadway Interchange Reconstruction" project and the funding therefor. (INFRASTRUCTURE & CULTURE)

A motion carried by Council President Herndon, duly seconded by Councilwoman Susman, that CB16-0146, CB16-0181, CB16-0182, CB16-0148, CB16-0147, CB16-0189, CB16-0192, CB16-0174, and CB16-0191 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB16-0189 A bill for an ordinance approving a proposed Third Amendment to Intergovernmental Agreement between the City and County of Denver and Town of Morrison, to extend the term and provide additional wastewater treatment services to Red Rocks Amphitheater. (INFRASTRUCTURE & CULTURE)

A motion carried by Council President Herndon, duly seconded by Councilwoman Susman, that CB16-0146, CB16-0181, CB16-0182, CB16-0148, CB16-0147, CB16-0189, CB16-0192, CB16-0174, and CB16-0191 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB16-0192 A bill for an ordinance creating a Fund Number in the Grant Projects Fund for the “Denver Water Intergovernmental Agreement” project and the funding therefor. (INFRASTRUCTURE & CULTURE)

A motion carried by Council President Herndon, duly seconded by Councilwoman Susman, that CB16-0146, CB16-0181, CB16-0182, CB16-0148, CB16-0147, CB16-0189, CB16-0192, CB16-0174, and CB16-0191 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Neighborhoods & Planning

CB16-0174 A bill for an ordinance changing the zoning classification for 2765 S. Colorado Blvd. (NEIGHBORHOODS AND PLANNING)

A motion carried by Council President Herndon, duly seconded by Councilwoman Susman, that CB16-0146, CB16-0181, CB16-0182, CB16-0148, CB16-0147, CB16-0189, CB16-0192, CB16-0174, and CB16-0191 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB16-0191 A bill for an ordinance changing the zoning classification for 4100 and 4050 North Kittredge Street. (NEIGHBORHOODS AND PLANNING)

A motion carried by Council President Herndon, duly seconded by Councilwoman Susman, that CB16-0146, CB16-0181, CB16-0182, CB16-0148, CB16-0147, CB16-0189, CB16-0192, CB16-0174, and CB16-0191 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Recap of Bills to be Called Out

Pre-Recess Announcement

Council President Herndon announced that tonight there will be a one-hour courtesy public hearing on CB16-0173, approving the I-25 and Broadway Station Area Plan. Anyone wishing to speak on this matter must see the Council Secretary to receive a speaker card to fill out and return to her during the recess of Council.

Recess

Council took a recess.

Council Reconvenes and Resumes its Regular Session

Public Hearings - Bills for Final Consideration

Neighborhoods & Planning

CB16-0173 A bill for an ordinance approving the I-25 and Broadway Station Area Plan as part of the City and County of Denver's Comprehensive Plan. (NEIGHBORHOODS AND PLANNING)

A motion carried by Councilwoman Susman, duly seconded by Councilman Flynn, that CB16-0173 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Council sat as Committee of the Whole commencing at 6:24 PM, Council President Herndon presiding, to hear speakers on CB16-0173. Jeff Walker, Bill Sirois, Kim Kucera, and Charlotte Winzenburg signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Sarah McCarthy, Gertrude Grant, and David Roybal signed up to speak neither in favor of nor against the bill. David Gaspers of Community Planning and Development delivered the Staff Report.

Bills for Final Consideration

Business Development

CB16-0179 A bill for an ordinance approving a proposed Option to Purchase between the City and County of Denver and Union Pacific Railroad Company, related to the sale of a parcel of land at the former Stapleton International Airport. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Susman, duly seconded by Councilman Clark, that CB16-0179, CB16-0162, CB16-0163, CB16-0139, and CB16-0169 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Infrastructure & Culture

CB16-0162 A bill for an ordinance approving an Easement Agreement from the City and County of Denver to the Park Creek Metropolitan District for Denver Water's Conduit 93 waterline in Stapleton, north of 56th Avenue. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Susman, duly seconded by Councilman Clark, that CB16-0179, CB16-0162, CB16-0163, CB16-0139, and CB16-0169 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB16-0163 A bill for an ordinance designating certain property as being required for public use and authorizing use and acquisition thereof by negotiation or through condemnation proceedings of fee simple, easements and other interests, including any rights and interest related or appurtenant to such property, as needed for the sidewalk improvements at the corner of Morrison Road and Walsh Place. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Susman, duly seconded by Councilman Clark, that CB16-0179, CB16-0162, CB16-0163, CB16-0139, and CB16-0169 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Safety & Well-being

CB16-0139 A bill for an ordinance amending Chapter 18 of the Revised Municipal Code to establish the 2016 and 2017 salary and fringe benefits of the Sheriff, Deputy Sheriff Division Chiefs and Deputy Sheriff Majors. (SAFETY & WELL-BEING)

A motion offered by Councilwoman Susman, duly seconded by Councilman Clark, that CB16-0179, CB16-0162, CB16-0163, CB16-0139, and CB16-0169 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB16-0169 A bill for an ordinance approving and providing for the execution of a proposed grant agreement between the City and County of Denver and the United States of America concerning the "Ryan White Part A FY16" program and the funding therefor. (SAFETY & WELL-BEING)

A motion offered by Councilwoman Susman, duly seconded by Councilman Clark, that CB16-0179, CB16-0162, CB16-0163, CB16-0139, and CB16-0169 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Announcement

Council President Herndon announced that dependent upon publication on Monday, May 2, 2016, Council will hold a required public hearing on CB16-0174, changing the zoning classification for 2765 South Colorado Boulevard; and a required public hearing on CB16-0191, changing the zoning classification for 4100 and 4050 North Kittredge Street. Any protests against CB16-0174 or CB16-0191 must be filed with the Council Offices no later than noon on Monday, April 25, 2016.

Adjourn

There being no further business before the City Council, Council President Herndon adjourned the meeting at 7:56 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