

City Council Minutes

Meeting Date: Monday, February 01, 2016 5:30 PM

Pledge of Allegiance

Councilwoman Kniech led the Pledge of Allegiance.

Roll Call

Present: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Absent: New, Susman (2)

Approval of the Minutes

The minutes of meeting date, Monday, January 25, 2016, were distributed to Council. Council President Herndon ordered the minutes approved.

Council Announcements

Council members Gilmore, Brooks, Espinoza, and Kashmann offered announcements.

Presentations

Communications

A letter dated January 27, 2016, from Cary Kennedy, Manager of Finance, notifying of the Department of Finance's intent to issue City and County of Denver Excise Tax Revenue Bonds, Series 2016A-B in a par amount not to exceed \$425,000,000 for the purpose of funding initial costs related to the development of the National Western Center and improvements at the Colorado Convention Center, to refund existing Excise Tax Revenue Bonds Series 2005A and 2009A, and to pay costs of issuance was read in its entirety to Council.

Proclamations

CP16-0070 A proclamation recognizing the 60th Anniversary of the Harvey Park Improvement Association.

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

A motion offered by Councilman Flynn, duly seconded by Councilwoman Kniech, that CP16-0070 be adopted, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

Council members Kniech and Ortega asked to be added as sponsors of CP16-0070.

CP16-0071 A proclamation celebrating the Denver Broncos as the 2016 AFC Champions and Uniting in Orange for Super Bowl 50.

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

A motion offered by Councilman López, duly seconded by Councilwoman Ortega, that CP16-0071 be adopted, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

Councilwoman Ortega asked to be added as a sponsor of CP15-0071.

Resolutions

The Council Secretary read the resolutions by titles.

Business Development

CR15-0954 A resolution approving the purchase of insurance to implement a Rolling Owner Controlled Insurance Program (ROCIP) for construction projects at Denver International Airport during the period of 1-1-16 to 12-31-18 in an amount not to exceed \$3,104,385 for insurance premiums. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Kniech, duly seconded by Councilman Clark, that CR15-0954, CR16-0009, CR6-0031, CR16-0032, CR16-0033, CR16-0036, CR16-0021, CR16-0026, CR16-0027, CR16-0029, CR15-0961, CR15-0981, CR16-0018, CR16-0025, CR16-0035, and CR15-0991 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

CR16-0009 A resolution approving a proposed Agreement between the City and County of Denver and The Travelers Indemnity Company, related to the Rolling Owner-Controlled Insurance Program ("Denver International Airport ROCIP II") for construction and/or capital improvement projects at Denver International Airport. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Kniech, duly seconded by Councilman Clark, that CR15-0954, CR16-0009, CR6-0031, CR16-0032, CR16-0033, CR16-0036, CR16-0021, CR16-0026, CR16-0027, CR16-0029, CR15-0961, CR15-0981, CR16-0018, CR16-0025, CR16-0035, and CR15-0991 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

CR16-0031 A resolution approving a proposed First Amendment to Agreement between the City and County of Denver and WJ Advisors LLC for consultant services at Denver International Airport. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Kniech, duly seconded by Councilman Clark, that CR15-0954, CR16-0009, CR6-0031, CR16-0032, CR16-0033, CR16-0036, CR16-0021, CR16-0026, CR16-0027, CR16-0029, CR15-0961, CR15-0981, CR16-0018, CR16-0025, CR16-0035, and CR15-0991 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

CR16-0032 A resolution approving a proposed Agreement between the City and County of Denver and Hot Shots Hauling LLC, for roustabout services related to maintenance of oil and gas wells at Denver International Airport. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Kniech, duly seconded by Councilman Clark, that CR15-0954, CR16-0009, CR6-0031, CR16-0032, CR16-0033, CR16-0036, CR16-0021, CR16-0026, CR16-0027, CR16-0029, CR15-0961, CR15-0981, CR16-0018, CR16-0025, CR16-0035, and CR15-0991 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

CR16-0033 A resolution approving a proposed Contract between the City and County of Denver and Johnson Controls, Inc. related to phase 4 HVAC upgrades on Concourse B at Denver International Airport. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Kniech, duly seconded by Councilman Clark, that CR15-0954, CR16-0009, CR6-0031, CR16-0032, CR16-0033, CR16-0036, CR16-0021, CR16-0026, CR16-0027, CR16-0029, CR15-0961, CR15-0981, CR16-0018, CR16-0025, CR16-0035, and CR15-0991 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

Finance & Services

CR16-0036 A resolution approving a proposed Second Amendatory Agreement by and between the City and County of Denver and Qwest Communications, LLC., d/b/a CenturyLink QCC to provide maintenance service to the City's Nortel telephone systems. (FINANCE & SERVICES)

A motion offered by Councilwoman Kniech, duly seconded by Councilman Clark, that CR15-0954, CR16-0009, CR6-0031, CR16-0032, CR16-0033, CR16-0036, CR16-0021, CR16-0026, CR16-0027, CR16-0029, CR15-0961, CR15-0981, CR16-0018, CR16-0025, CR16-0035, and CR15-0991 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

Governance & Charter Review

CR16-0021 A resolution approving the Mayor's reappointments to the Denver Immigrant and Refugee Commission. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilwoman Kniech, duly seconded by Councilman Clark, that CR15-0954, CR16-0009, CR6-0031, CR16-0032, CR16-0033, CR16-0036, CR16-0021, CR16-0026, CR16-0027, CR16-0029, CR15-0961, CR15-0981, CR16-0018, CR16-0025, CR16-0035, and CR15-0991 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

CR16-0026 A resolution approving the Mayor's reappointment to the Denver American Indian Commission. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilwoman Kniech, duly seconded by Councilman Clark, that CR15-0954, CR16-0009, CR6-0031, CR16-0032, CR16-0033, CR16-0036, CR16-0021, CR16-0026, CR16-0027, CR16-0029, CR15-0961, CR15-0981, CR16-0018, CR16-0025, CR16-0035, and CR15-0991 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

CR16-0027 A resolution approving the Mayor’s reappointments and appointments to the Colfax Business Improvement District Board of Directors. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilwoman Kniech, duly seconded by Councilman Clark, that CR15-0954, CR16-0009, CR6-0031, CR16-0032, CR16-0033, CR16-0036, CR16-0021, CR16-0026, CR16-0027, CR16-0029, CR15-0961, CR15-0981, CR16-0018, CR16-0025, CR16-0035, and CR15-0991 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

CR16-0029 A resolution approving the Mayor’s reappointments and appointment to the Citizen Oversight Board. (GOVERNANCE & CHARTER REVIEW)

These items be adopted en bloc.

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

Infrastructure & Culture

CR15-0961 A resolution approving a proposed Long-Term License between the City and County of Denver and Park Creek Metropolitan District for work North of 56th Avenue at Stapleton. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Kniech, duly seconded by Councilman Clark, that CR15-0954, CR16-0009, CR6-0031, CR16-0032, CR16-0033, CR16-0036, CR16-0021, CR16-0026, CR16-0027, CR16-0029, CR15-0961, CR15-0981, CR16-0018, CR16-0025, CR16-0035, and CR15-0991 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

CR15-0981 A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and CDM Smith, Inc., for professional architecture and engineering design services. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Kniech, duly seconded by Councilman Clark, that CR15-0954, CR16-0009, CR6-0031, CR16-0032, CR16-0033, CR16-0036, CR16-0021, CR16-0026, CR16-0027, CR16-0029, CR15-0961, CR15-0981, CR16-0018, CR16-0025, CR16-0035, and CR15-0991 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

CR16-0018 A resolution accepting and approving the plat of Vestals Sunset Terrace Filing No. 6. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Kniech, duly seconded by Councilman Clark, that CR15-0954, CR16-0009, CR6-0031, CR16-0032, CR16-0033, CR16-0036, CR16-0021, CR16-0026, CR16-0027, CR16-0029, CR15-0961, CR15-0981, CR16-0018, CR16-0025, CR16-0035, and CR15-0991 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

CR16-0025 A resolution laying out, opening, and establishing certain real property as part of the City street system parcels of land as South Federal Boulevard near its intersections with West Jewell Avenue, West Mexico Avenue and West Iowa Avenue.

A motion offered by Councilwoman Kniech, duly seconded by Councilman Clark, that CR15-0954, CR16-0009, CR6-0031, CR16-0032, CR16-0033, CR16-0036, CR16-0021, CR16-0026, CR16-0027, CR16-0029, CR15-0961, CR15-0981, CR16-0018, CR16-0025, CR16-0035, and CR15-0991 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

CR16-0035 A resolution approving a proposed Third Amendatory Agreement between the City and County of Denver and Felsburg, Holt, & Ullevig, Inc. for professional, architectural, and engineering design services. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Kniech, duly seconded by Councilman Clark, that CR15-0954, CR16-0009, CR6-0031, CR16-0032, CR16-0033, CR16-0036, CR16-0021, CR16-0026, CR16-0027, CR16-0029, CR15-0961, CR15-0981, CR16-0018, CR16-0025, CR16-0035, and CR15-0991 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

Safety & Well-being

CR15-0991 A resolution approves a Loan Agreement between the City and County of Denver and Ash Street Affordable Housing LLC for costs associated with the housing development located at 1126 Ash Street, Denver, Colorado.

A motion offered by Councilwoman Kniech, duly seconded by Councilman Clark, that CR15-0954, CR16-0009, CR6-0031, CR16-0032, CR16-0033, CR16-0036, CR16-0021, CR16-0026, CR16-0027, CR16-0029, CR15-0961, CR15-0981, CR16-0018, CR16-0025, CR16-0035, and CR15-0991 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

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 except for CB15-0912 are ordered published.

Business Development

CB15-0912 A bill for an ordinance concerning the licensing and regulation of businesses, including marijuana businesses, and in connection therewith amending Article V of Chapter 6, Article XII of Chapter 24, and Article I of Chapter 32 of the Denver Revised Municipal Code; and for an ordinance repealing Article XI of Chapter 24 of the Denver Revised Municipal Code concerning the licensing and regulation of medical marijuana dispensaries. (BUSINESS DEVELOPMENT)

CB16-0030 A bill for an ordinance changing the name of the Fax-Mayfair Business Improvement District to Colfax Mayfair Business Improvement District. (BUSINESS DEVELOPMENT)

A motion offered by Council President Herndon, duly seconded by Councilwoman Kniech, that CB16-0030, CB16-0041, CB16-0012, CB16-0001, CB16-0039, and CB16-0040 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

Governance & Charter Review

CB16-0041 A bill for an ordinance appointing Patrick Tooley to serve as a member of the Board of Ethics.

A motion offered by Council President Herndon, duly seconded by Councilwoman Kniech, that CB16-0030, CB16-0041, CB16-0012, CB16-0001, CB16-0039, and CB16-0040 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

Infrastructure & Culture

CB16-0012 A bill for an ordinance approving Department of Public Works annual programs for 2016 and waiving the need for further City Council approval for specific contracts to be let pursuant to the annual programs. (INFRASTRUCTURE & CULTURE)

A motion offered by Council President Herndon, duly seconded by Councilwoman Kniech, that CB16-0030, CB16-0041, CB16-0012, CB16-0001, CB16-0039, and CB16-0040 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

Neighborhoods & Planning

CB16-0001 A bill for an ordinance changing the zoning classification for 3901 – 3991 N. Cook St. (NEIGHBORHOODS AND PLANNING)

A motion offered by Council President Herndon, duly seconded by Councilwoman Kniech, that CB16-0030, CB16-0041, CB16-0012, CB16-0001, CB16-0039, and CB16-0040 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

CB16-0039 A bill for an ordinance changing the zoning classification for approximately 6756 Archer Drive. (NEIGHBORHOODS AND PLANNING)

A motion offered by Council President Herndon, duly seconded by Councilwoman Kniech, that CB16-0030, CB16-0041, CB16-0012, CB16-0001, CB16-0039, and CB16-0040 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

CB16-0040 A bill for an ordinance changing the zoning classification for 668-670 Inca Street. (NEIGHBORHOODS AND PLANNING)

A motion offered by Council President Herndon, duly seconded by Councilwoman Kniech, that CB16-0030, CB16-0041, CB16-0012, CB16-0001, CB16-0039, and CB16-0040 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

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 CB15-0912, which amends various sections of the Denver Revised Municipal Code regarding marijuana by updating certain sections to address challenges experienced over the past two years; deleting certain provisions that are now obsolete; standardizing procedures between the Denver Revised Marijuana Code and the Denver Medical Marijuana Code; and harmonizing sections within the Code by adding or amending sections to accommodate changes made in state law with regard to marijuana and medical marijuana. 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 Introduction

Business Development

CB15-0912 A bill for an ordinance concerning the licensing and regulation of businesses, including marijuana businesses, and in connection therewith amending Article V of Chapter 6, Article XII of Chapter 24, and Article I of Chapter 32 of the Denver Revised Municipal Code; and for an ordinance repealing Article XI of Chapter 24 of the Denver Revised Municipal Code concerning the licensing and regulation of medical marijuana dispensaries. (BUSINESS DEVELOPMENT)

A motion offered by Councilman Brooks, duly seconded by Councilman López, that CB15-0912 be ordered published, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 6:33 PM, Council President Herndon presiding, to hear speakers on CB15-0912. Vernon L. Hill Nancy Grandys-Jones, and Mike Elliott signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. David Roybal and Anne Elizabeth signed up to speak neither in favor of nor against the bill. Stacie Loucks of Excise and Licenses delivered an overview.

Bills for Final Consideration

Finance & Services

CB16-0017 A bill for an ordinance approving a proposed Purchase and Sale Agreement between the City and County of Denver and Rocking M Cattle Co for acquisition of 5300 North Franklin Street, 5340 North Franklin Street, and adjacent land. (FINANCE & SERVICES)

A motion offered by Councilwoman Kniech, duly seconded by Councilman Flynn, that CB16-0017 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, Ortega (11)

Against: (None) (0)

Absent: New, Susman (2)

Abstain: (None) (0)

Announcement

Council President Herndon announced that on Monday, February 29, 2016, Council will hold a required public hearing on CB16-0001, changing the zoning classification for 3901-3991 North Cook Street; a required public hearing on CB16-0039, changing the zoning classification for approximately 6756 Archer Drive; and a required public hearing on CB16-0040, changing the zoning classification for 668-670 Inca Street. Any protests against CB16-0001, CB16-0039, or CB16-0040 must be filed with the Council Offices no later than noon on Monday, February 22, 2016.

Adjourn

There being no further business before the City Council, Council President Herndon adjourned the meeting at 7:15 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