

City Council Minutes

Meeting Date: Monday, May 16, 2016 5:30 PM

Pledge of Allegiance

Councilman López led the Pledge of Allegiance.

Roll Call

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

Absent: Kashmann (1)

Councilwoman Kniech arrived late.

Approval of the Minutes

The minutes of meeting date, Monday, 9, 2016, were distributed to Council. Council President Herndon ordered the minutes approved.

Council Announcements

Council members Susman, Gilmore, Ortega, Herndon, and Brooks offered announcements.

Presentations

Communications

Proclamations

CP16-0380 A proclamation designating May 15 through May 21 as "Public Works Week in Denver" and congratulating the Denver Public Works Department's twelve employees of the year for 2016.

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

A motion offered by Councilman Clark, duly seconded by Councilwoman Susman, that CP16-0380 be adopted, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Kashmann, Kniech (2)

Abstain: (None) (0)

CP16-0381 A proclamation recognizing May 19th as "Hepatitis Testing Day" and July 28th as "World Hepatitis Day".

Sponsored by Council members López, Brooks, Ortega, New, Kashmann, Gilmore, Black, Espinoza, and Kniech.

A motion offered by Councilman López, duly seconded by Councilwoman Black, that CP16-0381 be adopted, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Kashmann, Kniech (2)

Abstain: (None) (0)

Resolutions

The Council Secretary read the following resolutions by titles.

Finance & Services

CR16-0289 A resolution approving a proposed Lease Agreement between the City and County of Denver and Mile High Montessori Early Learning Centers for a child care center located at 957 Ulster Way. (FINANCE & SERVICES)

A motion offered by Councilman López, duly seconded by Councilwoman Kniech, that CR16-0289, CR15-0939, CR16-0166, CR16-0300, and CR16-0312 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Kashmann (1)

Abstain: (None) (0)

Governance & Charter Review

CR15-0939 A resolution approving a proposed Agreement between the City and County of Denver and Kaiser Foundation Health Plan of Colorado to provide medical insurance coverage in 2016 to eligible employees. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilman López, duly seconded by Councilwoman Kniech, that CR16-0289, CR15-0939, CR16-0166, CR16-0300, and CR16-0312 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Kashmann (1)

Abstain: (None) (0)

Infrastructure & Culture

CR16-0166 A resolution approving a Parks Use Agreement with The German American Chamber of Commerce-Colorado Chapter for a multi-day event in Skyline Park. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman López, duly seconded by Councilwoman Kniech, that CR16-0289, CR15-0939, CR16-0166, CR16-0300, and CR16-0312 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Kashmann (1)

Abstain: (None) (0)

CR16-0300 A resolution laying out, opening and establishing as part of the City street system parcels of land as Morrison Road, West Ohio Avenue, and West Exposition Avenue, near Morrison Road as it intersects with West Ohio Avenue and West Exposition Avenue. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman López, duly seconded by Councilwoman Kniech, that CB16-0289, CB15-0939, CB16-0166, CB16-0300, and CB16-0312 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Kashmann (1)

Abstain: (None) (0)

CR16-0312 A resolution approving a proposed Contract between the City and County of Denver and Superior Roofing, Inc., for roof replacement at Buell Theatre and Ellie Caulkins Opera House. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman López, duly seconded by Councilwoman Kniech, that CR16-0289, CR15-0939, CR16-0166, CR16-0300, and CR16-0312 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Kashmann (1)

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.

Neighborhoods & Planning

CB16-0261 A bill for an ordinance relating to the Denver Zoning Code, allowing short-term rentals as accessory to a primary residential use, with limitations, where residential uses are currently allowed. (NEIGHBORHOODS AND PLANNING)

A motion offered by Council President Herndon, duly seconded by Councilman López, that CB16-0261 and CB16-0096 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Kashmann (1)

Abstain: (None) (0)

CB16-0262 A bill for an ordinance to be included in Article III of Chapter 33, Short Term Rentals, of the Revised Municipal Code of the City and County of Denver concerning the licensing and regulation of short term rental properties. (NEIGHBORHOODS AND PLANNING)

A motion offered by Councilman López, duly seconded by Councilman Flynn, that CB16-0262 be ordered published, was followed by a motion offered by Councilman Flynn, duly seconded by Councilwoman Ortega, that CB16-0262 be amended in the following particulars: on page 2, line 25, after the word "premises" insert the following: "In addition, the applicant shall attest on the application whether or not the property upon which the licensed premises is proposed to be located is subject to any private restrictive covenants or other private contractual restrictions on the use of the property and, if so, whether the use of the property for short term rentals will comply with any such covenants or restrictions. The director shall deny any application upon which the applicant has self-reported that a short term rental would violate covenants or other restrictions applicable to the property. Nothing in this subsection shall be deemed to impose any duty on the director to independently verify any representations by the applicant in regard to restrictive covenants or other private contractual restrictions on the use of the property, or to interpret or enforce any such covenant or restriction," which motion to amend, failed to carry by the following vote:

Failed

For: Clark, Flynn, López, New, Ortega (5)

Against: Black, Brooks, Espinoza, Gilmore, Herndon, Kniech, Susman (7)

Absent: Kashmann (1)

Abstain: (None) (0)

A motion offered by Councilman Flynn, duly seconded by Councilwoman Ortega, that CB16-0262 be amended in the following particulars: on page 2, line 30, after the word "anew" insert the following: "Upon granting a license to an applicant who does not own the property where the licensed premises is located, the Director shall deliver written notification to the owner of the property advising the owner that a license has been issued," which motion to amend, failed to carry by the following vote:

Failed

For: Clark, Espinoza, Flynn, New, Ortega (5)

Against: Black, Brooks, Gilmore, Herndon, Kniech, López, Susman (7)

Absent: Kashmann (1)

Abstain: (None) (0)

A motion offered by Councilman López, duly seconded by Councilwoman Kniech, that final consideration of CB16-0262 be postponed to Monday, June 13, 2016, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Kashmann (1)

Abstain: (None) (0)

A motion offered by Councilman López, duly seconded by Councilman Flynn, that CB16-0262 be ordered published, carried by the following vote:

Passed

For: Black, Brooks, Clark, Gilmore, Herndon, Kniech, López, New, Ortega, Susman (10)

Against: Espinoza, Flynn (2)

Absent: Kashmann (1)

Abstain: (None) (0)

Safety & Well-being

CB16-0096 A bill for an ordinance authorizing expenditures in the General Government Special Revenue Fund based on a letter of intent from the Colorado Division of Homeland Security & Emergency Management to award funding for the "2016 Emergency Management Performance Grant (EMPG)" program. (SAFETY & WELL-BEING)

A motion offered by Council President Herndon, duly seconded by Councilman López, that CB16-0261 and CB16-0096 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Kashmann (1)

Abstain: (None) (0)

Bills for Final Consideration

Business Development

CB16-0298 A bill for an ordinance approving a proposed First Amendment to Agreement between the City and County of Denver and Clean Energy & Technologies, LLC, related to operation of natural gas fueling stations at Denver International Airport. (BUSINESS DEVELOPMENT)

A motion offered by Councilman López, duly seconded by Councilwoman Kniech, that CB16-0298, CB16-0282, CB16-0296, and CB16-0297 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Kashmann (1)

Abstain: (None) (0)

Infrastructure & Culture

CB16-0282 A bill for an ordinance approving a proposed Intergovernmental Agreement between the City and County of Denver and RiNo Denver General Improvement District, regarding construction and maintenance of streetscape enhancements. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman López, duly seconded by Councilwoman Kniech, that CB16-0298, CB16-0282, CB16-0296, and CB16-0297 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Kashmann (1)

Abstain: (None) (0)

CB16-0296 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 "Denver Integrated Traffic System (ITS) FY16 Center To Center (CTC) Visibility Study" project and the funding therefor. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman López, duly seconded by Councilwoman Kniech, that CB16-0298, CB16-0282, CB16-0296, and CB16-0297 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Kashmann (1)

Abstain: (None) (0)

CB16-0297 A bill for an ordinance vacating the alley located between Irving Street and Hooker Street north of West 17th Avenue, without reservations. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman López, duly seconded by Councilwoman Kniech, that CB16-0298, CB16-0282, CB16-0296, and CB16-0297 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Kashmann (1)

Abstain: (None) (0)

Council Convenes as the Board of Directors of the RiNo Denver General Improvement District

Infrastructure & Culture

CB16-0280 A bill approving an ordinance by the Council of the City and County of Denver, sitting ex officio as the Board of Directors of the RiNo Denver General Improvement District, approving a proposed Intergovernmental Agreement between the City and County of Denver and RiNo Denver General Improvement District regarding the construction and maintenance of streetscape enhancements (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman López, duly seconded by Councilwoman Kniech, that CB16-0280 and CB16-0281 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kniech, López, New, Susman (11)

Against: (None) (0)

Absent: Kashmann (1)

Abstain: (None) (0)

CB16-0281 A bill by the Council of the City and County of Denver, sitting ex officio as the Board of Directors of the RiNo Denver General Improvement District, making certain findings and approving the issuance of \$3 million in principal amount of revenue Notes and imposing capital charges. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman López, duly seconded by Councilwoman Kniech, that CB16-0280 and CB16-0281 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kniech, López, New, Susman (11)

Against: (None) (0)

Absent: Kashmann (1)

Abstain: (None) (0)

Council Reconvenes and Resumes its Regular Session

Recap of Bills to be Called Out

Pre-Recess Announcement

Council President Herndon announced that tonight there will be a required public hearing on CB16-0216, changing the zoning classification for 4800 Race Street; a required public hearing on CB16-0272, designating 200 Block South Lincoln Street Historic District as a district for preservation; and a required public hearing on CB16-0311, designating 1250 Welton Street, and 1261 Glenarm Place, the Emily Griffith Opportunity School, as a structure for preservation. Anyone wishing to speak on any of these matters 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

CB16-0216 A bill for an ordinance changing the zoning classification for 4800 Race Street. (NEIGHBORHOODS AND PLANNING)

A motion offered by Councilman Brooks, duly seconded by Councilwoman Black, that CB16-0216 be placed upon final consideration and do pass, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Kashmann (1)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 8:05 p.m., Council President Herndon presiding, to hear speakers on CB16-0216. Tony Pickett, Nola Miguel, Candi C de Baca, Drew Dutcher, and Flossie O'Leary signed up to speak in favor of the bill. Kirby Boutelle and Anne Elizabeth signed up to speak in opposition of the bill. Theresa Lucero of Community Planning and Development delivered the Staff Report.

CB16-0272 A bill for an ordinance designating 200 Block South Lincoln Street Historic District as a district for preservation. (NEIGHBORHOODS AND PLANNING)

A motion offered by Councilman López, duly seconded by Councilman Flynn, that CB16-0272 be placed upon final consideration and do pass, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Kashmann (1)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 9:17 p.m., Council President Herndon presiding, to hear speakers on CB16-0272. Anita Lynch, Terry Gulliver, Charles Brantigan, Carolyn Bennett, John P. Olson, Simone McGinnis, Karen Hinkel, Anthony Hinkel, Luchia Brown, Kari Samuelson, Gertie Grant, Adrian Brown, and Charlotte Winzenburg signed up to speak in favor of the bill. Chelsea Wyatt signed up to speak in opposition of the bill. Kara Hahn of Community Planning and Development delivered the Staff Report.

CB16-0311 A bill for an ordinance designating 1250 Welton Street and 1261 Glenarm Place, the Emily Griffith Opportunity School, as a structure for preservation. (NEIGHBORHOODS & PLANNING)

A motion offered by Councilman López, duly seconded by Councilwoman Ortega, that CB16-0311 be placed upon final consideration and do pass, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Kashmann (1)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 10:35 p.m., Council President Herndon presiding, to hear speakers on CB16-0311. Devita Bruce, Annie Levinsky, Jane Crisler, and Sarah McCarthy signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Kara Hahn of Community Planning and Development delivered the Staff Report.

Announcement

Council President Herndon announced that on Monday, June 13, 2016, Council will hold a required public hearing on CB16-0261, allowing short-term rentals as an accessory to a primary residential use, with limitations, where residential uses are currently allowed.

Adjourn

There being no further business before the City Council, Council President Herndon adjourned the meeting at 11:11 p.m.

President

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

Clerk and Recorder, Ex-Officio Clerk