

# City Council Minutes

Meeting Date: Tuesday, March 29, 2016 5:30 PM

## Pledge of Allegiance

Councilman Brooks led the Pledge of Allegiance.

## Roll Call

Present: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, López,  
New, Ortega, Susman (11)

Absent: Clark, Kniech (2)

## Approval of the Minutes

The minutes of meeting date, Monday, Monday, March 21, 2016, were distributed to Council. Council President Herndon ordered the minutes approved.

## Council Announcements

Council members Ortega, Black, and Brooks offered announcements.

## Presentations

## Communications

## Proclamations

## Resolutions

The Council Secretary read the following resolutions by titles.

### Business Development

**CR16-0172 A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and i3 Integration LLC to extend the contract one year and add additional funds. (BUSINESS DEVELOPMENT)**

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that CR16-0172, CR16-0178, CR16-0170, CR16-0171, CR16-0175, CR16-0161, CR16-0165, CR16-0160, CR16-0164, CR16-0168, CR16-0088, and CR16-0105 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Lopez, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Clark, Kniech (2)

Abstain: (None) (0)

**CR16-0178 A resolution approving a proposed Amendment to Agreement between the City and County of Denver and Parsons Brinckerhoff, Inc. concerning professional consulting services at Denver International Airport. (BUSINESS DEVELOPMENT)**

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that CR16-0172, CR16-0178, CR16-0170, CR16-0171, CR16-0175, CR16-0161, CR16-0165, CR16-0160, CR16-0164, CR16-0168, CR16-0088, and CR16-0105 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Lopez, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Clark, Kniech (2)

Abstain: (None) (0)

**Finance & Services**

**CR16-0170 A resolution approving a proposed Master Purchase Order between the City and County of Denver and C&M Golf & Grounds Equipment for the purchase of park grounds maintenance equipment and their related parts. (FINANCE & SERVICES)**

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that CR16-0172, CR16-0178, CR16-0170, CR16-0171, CR16-0175, CR16-0161, CR16-0165, CR16-0160, CR16-0164, CR16-0168, CR16-0088, and CR16-0105 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Lopez, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Clark, Kniech (2)

Abstain: (None) (0)

**CR16-0171 A resolution approving a proposed Third Amendatory Agreement by and between the City and County of Denver and Marsh ClearSight, LLC, to provide maintenance services and support STARS™ software. (FINANCE & SERVICES)**

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that CR16-0172, CR16-0178, CR16-0170, CR16-0171, CR16-0175, CR16-0161, CR16-0165, CR16-0160, CR16-0164, CR16-0168, CR16-0088, and CR16-0105 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Lopez, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Clark, Kniech (2)

Abstain: (None) (0)

**CR16-0175 A resolution approving a proposed First Amendment To Software As A Service Agreement by and between the City and County of Denver and Tyler Technologies, Inc., to correct the payment schedule and add a performance bond. (INFRASTRUCTURE & CULTURE)**

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that CR16-0172, CR16-0178, CR16-0170, CR16-0171, CR16-0175, CR16-0161, CR16-0165, CR16-0160, CR16-0164, CR16-0168, CR16-0088, and CR16-0105 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Lopez, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Clark, Kniech (2)

Abstain: (None) (0)

**Governance & Charter Review**

**CR16-0161 A resolution approving the Mayor's appointment to the Denver American Indian Commission. (GOVERNANCE & CHARTER REVIEW)**

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that CR16-0172, CR16-0178, CR16-0170, CR16-0171, CR16-0175, CR16-0161, CR16-0165, CR16-0160, CR16-0164, CR16-0168, CR16-0088, and CR16-0105 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Lopez, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Clark, Kniech (2)

Abstain: (None) (0)

**CR16-0165 A resolution approving the Mayor's reappointment to the Stapleton Development Corporation Board of Directors. (GOVERNANCE & CHARTER REVIEW)**

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that CR16-0172, CR16-0178, CR16-0170, CR16-0171, CR16-0175, CR16-0161, CR16-0165, CR16-0160, CR16-0164, CR16-0168, CR16-0088, and CR16-0105 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Lopez, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Clark, Kniech (2)

Abstain: (None) (0)

**Infrastructure & Culture**

**CR16-0160 A resolution laying out, opening and establishing as part of the City street system a parcel of land as South Federal Boulevard at between West Alameda Avenue and West Ellsworth Avenue. (INFRASTRUCTURE & CULTURE)**

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that CR16-0172, CR16-0178, CR16-0170, CR16-0171, CR16-0175, CR16-0161, CR16-0165, CR16-0160, CR16-0164, CR16-0168, CR16-0088, and CR16-0105 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Lopez, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Clark, Kniech (2)

Abstain: (None) (0)

**CR16-0164 A resolution approving a proposed Purchase Order between the City and County of Denver and Faris Machinery Company to procure eleven Elgin Pelican NP 3-Wheel Sweepers. (INFRASTRUCTURE & CULTURE)**

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that CR16-0172, CR16-0178, CR16-0170, CR16-0171, CR16-0175, CR16-0161, CR16-0165, CR16-0160, CR16-0164, CR16-0168, CR16-0088, and CR16-0105 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Lopez, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Clark, Kniech (2)

Abstain: (None) (0)

**CR16-0168 A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and Richdell Construction, Inc. for on-call landscape improvement and irrigation construction services. (INFRASTRUCTURE & CULTURE)**

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that CR16-0172, CR16-0178, CR16-0170, CR16-0171, CR16-0175, CR16-0161, CR16-0165, CR16-0160, CR16-0164, CR16-0168, CR16-0088, and CR16-0105 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Lopez, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Clark, Kniech (2)

Abstain: (None) (0)

## Safety & Well-being

### **CR16-0088 A resolution approving a proposed Amendatory Agreement between the City and County of Denver and LT Environmental, Inc., to provide on-call environmental consulting. (SAFETY & WELL-BEING)**

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that CR16-0172, CR16-0178, CR16-0170, CR16-0171, CR16-0175, CR16-0161, CR16-0165, CR16-0160, CR16-0164, CR16-0168, CR16-0088, and CR16-0105 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Lopez, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Clark, Kniech (2)

Abstain: (None) (0)

### **CR16-0105 A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and Rite of Passage, Inc. to provide safe, secure and therapeutic out-of-home placement services for children/youth. (SAFETY & WELL-BEING)**

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that CR16-0172, CR16-0178, CR16-0170, CR16-0171, CR16-0175, CR16-0161, CR16-0165, CR16-0160, CR16-0164, CR16-0168, CR16-0088, and CR16-0105 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Lopez, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Clark, Kniech (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 are ordered published.

### 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 Council President Herndon, duly seconded by Councilwoman Gilmore, that CB16-0179, CB16-0162, CB16-0163, CB16-0173, CB16-0183, and CB16-0139 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, 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 Council President Herndon, duly seconded by Councilwoman Gilmore, that CB16-0179, CB16-0162, CB16-0163, CB16-0173, CB16-0183, and CB16-0139 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Lopez, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Clark, Kniech (2)

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 Council President Herndon, duly seconded by Councilwoman Gilmore, that CB16-0179, CB16-0162, CB16-0163, CB16-0173, CB16-0183, and CB16-0139 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Lopez, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Clark, Kniech (2)

Abstain: (None) (0)

**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)**

Councilwoman Gilmore requested a one-hour courtesy public hearing on Monday, April 4, 2016.

A motion offered by Council President Herndon, duly seconded by Councilwoman Gilmore, that CB16-0179, CB16-0162, CB16-0163, CB16-0173, CB16-0183, and CB16-0139 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Lopez, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Clark, Kniech (2)

Abstain: (None) (0)

**CB16-0183 A bill for an ordinance relating to the Denver Zoning Code, Amending the Provisions of the Airport Influence Overlay Zone District. (NEIGHBORHOODS AND PLANNING)**

A motion offered by Council President Herndon, duly seconded by Councilwoman Gilmore, that CB16-0179, CB16-0162, CB16-0163, CB16-0173, CB16-0183, and CB16-0139 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Lopez, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Clark, Kniech (2)

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 Council President Herndon, duly seconded by Councilwoman Gilmore, that CB16-0179, CB16-0162, CB16-0163, CB16-0173, CB16-0183, and CB16-0139 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, New, Ortega, Susman (10)

Against: (None) (0)

Absent: Clark, Kniech, Lopez (3)

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 Councilman Brooks, duly seconded by Councilman Flynn, that CB16-0169 be ordered published, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Lopez, New, Susman (10)

Against: (None) (0)

Absent: Clark, Kniech (2)

Abstain: Ortega (1)

**Recap of Bills to be Called Out**

**Pre-Recess Announcement**

Council President Herndon announced that tonight there will be a required public hearing on CB15-0937 as amended, changing the zoning classification for 725 West 39th Avenue; a required public hearing on CB16-0069, changing the zoning classification for 5050 South Syracuse Street; and a required public hearing on CB16-0087, changing the zoning classification for portions of 601 South Bannock Street, 801 South Broadway, and 99 West Kentucky Avenue. 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

##### **CB15-0937 AS AMENDED a bill for an ordinance changing the zoning classification for 725 West 39th Avenue. (NEIGHBORHOODS AND PLANNING)**

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that CB15-0937 as amended, be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, New, Ortega, Susman (10)

Against: (None) (0)

Absent: Clark, Kniech, Lopez (3)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 6:03 PM, Council President Herndon presiding, to hear speakers on CB15-0937 as amended. Art Vasquez signed up to speak in favor of the bill. Thad Tecza and Amanda Munroe-Whitney signed up to speak in opposition of the bill. David Roybal signed up to speak neither in favor of nor against the bill. Tim Watkins of Community Planning and Development delivered the Staff Report.

##### **CB16-0069 A bill for an ordinance changing the zoning classification for 5050 S. Syracuse Street. (NEIGHBORHOODS AND PLANNING)**

A motion carried by Councilman Brooks, duly seconded by Councilman Flynn, that CB16-0069 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, New, Ortega, Susman (10)

Against: (None) (0)

Absent: Clark, Kniech, Lopez (3)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 7:15 PM, Council President Herndon presiding, to hear speakers on CB16-069. Michael Komppa signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Theresa Lucero of Community Planning and Development delivered the Staff Report.

**CB16-0087 A bill for an ordinance changing the zoning classification for portions of 601 South Bannock Street, 801 South Broadway, and 99 West Kentucky Avenue. (NEIGHBORHOODS AND PLANNING)**

A motion carried by Councilman Brooks, duly seconded by Councilman Flynn, that CB16-0087 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, New, Ortega, Susman (10)

Against: (None) (0)

Absent: Clark, Kniech, Lopez (3)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 7:28 PM, Council President Herndon presiding, to hear speakers on CB16-087. Bill Sirois and Dan Cohen signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Ryan Winterberg-Lipp of Community Planning and Development delivered the Staff Report.

## **Bills for Final Consideration**

### **Infrastructure & Culture**

**CB16-0155 A bill for an ordinance approving a proposed Intergovernmental Agreement between the City and County of Denver and the Colorado Department of Transportation for grant funding for work to be done on Martin Luther King Jr. Boulevard. (FINANCE & SERVICES)**

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that CB16-0155 and CB16-0004 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Lopez, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Clark, Kniech (2)

Abstain: (None) (0)

### **Safety & Well-being**

**CB16-0004 A bill for an ordinance approving a proposed Intergovernmental Agreement between the City and County of Denver and Jefferson County to provide patrol services within Denver's Mountain Parks. (SAFETY & WELL-BEING)**

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that CB16-0155 and CB16-0004 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Lopez, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Clark, Kniech (2)

Abstain: (None) (0)

## **Announcement**

Council President Herndon announced that on Monday, April 4, 2016 Council will hold a one-hour courtesy public hearing on CB16-0173, approving the I-25 and Broadway Station Area Plan as part of the City and County of Denver's Comprehensive Plan; and on Monday, April 25, 2016 Council will hold a required public hearing on CB16-0183, relating to the Denver Zoning Code, amending the provisions of Airport Influence Overlay Zone District.

## **Adjourn**

There being no further business before the City Council, Council President Herndon adjourned the meeting at 8:03 PM.

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President

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

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