

City Council Minutes

Meeting Date: Monday, April 18, 2016 5:30 PM

Pledge of Allegiance

Councilman Kashmann led the Pledge of Allegiance.

Roll Call

Present: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Susman (11)

Absent: Herndon, Ortega (2)

Councilwoman Susman arrived late.

Approval of the Minutes

The minutes of meeting date, Monday, April 11, 2016, were distributed to Council. Council President Pro-Tem López ordered the minutes approved.

Council Announcements

Council members Brooks, Clark, New, Flynn, Gilmore, Espinoza, and López offered announcements.

Presentations

Communications

Proclamations

CP16-0284 A proclamation proclaiming Chernobyl Commemoration Day. Sponsored by Council members New, Black, Kashmann, Flynn, and Ortega.

A motion offered by Councilman New, duly seconded by Councilwoman Susman, that CP16-0284 be adopted, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

Resolutions

The Council Secretary read the following resolutions by titles.

Governance & Charter Review

CR16-0228 A resolution approving the mayoral appointments to the Denver Asian Pacific-American Commission. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilman Kashmann, duly seconded by Councilman Clark, that CR16-0228, CR16-0226, CR16-0227, and CR16-0232 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

Infrastructure & Culture

CR16-0226 A resolution granting a revocable permit to Denver Bike Sharing to encroach into the right-of-way at 1651 Wynkoop Street. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman Kashmann, duly seconded by Councilman Clark, that CR16-0228, CR16-0226, CR16-0227, and CR16-0232 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

CR16-0227 A resolution approving a Second Amendment to Lease Agreement with Outward Bound, Inc., for property known as Camp Rollandet located at 5161 Sheridan Blvd. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman Kashmann, duly seconded by Councilman Clark, that CR16-0228, CR16-0226, CR16-0227, and CR16-0232 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

Safety & Well-being

CR16-0231 A resolution approving a proposed Loan Agreement between the City and County of Denver and Mental Health Center of Denver to provide financing to construct a 60-unit affordable rental housing project located at 1601 S. Federal Blvd. (SAFETY & WELL-BEING)

A motion offered by Councilman Kashmann, duly seconded by Councilwoman Susman, that CB16-0231 be adopted, carried by the following vote:

Passed

For: Black, Brooks, Clark, Gilmore, Kniech, López, New, Susman (8)

Against: Espinoza, Flynn, Kashmann (3)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

CR16-0232 A resolution approving a proposed Third Amendatory Agreement between the City and County of Denver and Denver Health and Hospital Authority. (BUSINESS DEVELOPMENT)

A motion offered by Councilman Kashmann, duly seconded by Councilman Clark, that CR16-0228, CR16-0226, CR16-0227, and CR16-0232 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

Bills for Introduction

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

Business Development

CB16-0224 A bill for an Ordinance amending Chapter 5 of the Denver Revised Municipal Code - AIRPORT AND AIRCRAFT, Article II. - OPERATION OF DENVER MUNICIPAL AIRPORT SYSTEM, Sec. 5-18. - Private designing, planning, construction, reconstruction and remodeling. (BUSINESS DEVELOPMENT)

A motion offered by Council President Pro-Tem López, duly seconded by Councilman Kashmann, that CB16-0224, CB16-0225, CB16-0205, CB16-0154, CB16-0229, CB16-0230, CB16-0184, CB16-0216, and CB16-0293 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

CB16-0225 A bill for an Ordinance amending Chapter 5 of the Denver Revised Municipal Code - AIRPORT AND AIRCRAFT, with the addition of Article IV. LIMITATIONS ON DEVELOPMENT WITHIN THE AIRPORT INFLUENCE OVERLAY DISTRICT, Sec. 5-37. Airport Influence District. (BUSINESS DEVELOPMENT)

A motion offered by Council President Pro-Tem López, duly seconded by Councilman Kashmann, that CB16-0224, CB16-0225, CB16-0205, CB16-0154, CB16-0229, CB16-0230, CB16-0184, CB16-0216, and CB16-0293 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

Governance & Charter Review

CB16-0205 A bill for an ordinance amending the classification and pay plan for employees in the Career Service and for certain employees not in the Career Service. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Council President Pro-Tem López, duly seconded by Councilman Kashmann, that CB16-0224, CB16-0225, CB16-0205, CB16-0154, CB16-0229, CB16-0230, CB16-0184, CB16-0216, and CB16-0293 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

Infrastructure & Culture

CB16-0154 A bill for an Ordinance approving an Agreement with the State of Colorado, Department of Transportation for a major road construction project, known as I-25/Santa Fe & Alameda Avenue Interchange Project. (INFRASTRUCTURE & CULTURE)

A motion offered by Council President Pro-Tem López, duly seconded by Councilman Kashmann, that CB16-0224, CB16-0225, CB16-0205, CB16-0154, CB16-0229, CB16-0230, CB16-0184, CB16-0216, and CB16-0293 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

CB16-0229 A bill for an ordinance approving a proposed Contract between the City and County of Denver and Colorado Department of Transportation for ongoing maintenance of Signs and Pavement Markings on State Highways. (INFRASTRUCTURE & CULTURE)

A motion offered by Council President Pro-Tem López, duly seconded by Councilman Kashmann, that CB16-0224, CB16-0225, CB16-0205, CB16-0154, CB16-0229, CB16-0230, CB16-0184, CB16-0216, and CB16-0293 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

CB16-0230 A bill for an ordinance approving a proposed Contract between the City and County of Denver and Colorado Department of Transportation (CDOT) for funding to reimburse the City for costs associated with the ongoing maintenance of Traffic Signals on State Highways within the City and County of Denver. (INFRASTRUCTURE & CULTURE)

A motion offered by Council President Pro-Tem López, duly seconded by Councilman Kashmann, that CB16-0224, CB16-0225, CB16-0205, CB16-0154, CB16-0229, CB16-0230, CB16-0184, CB16-0216, and CB16-0293 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

Neighborhoods & Planning

CB16-0184 A bill for an ordinance amending the Building and Fire Code of the City and County of Denver. (NEIGHBORHOODS AND PLANNING)

A motion offered by Council President Pro-Tem López, duly seconded by Councilman Kashmann, that CB16-0224, CB16-0225, CB16-0205, CB16-0154, CB16-0229, CB16-0230, CB16-0184, CB16-0216, and CB16-0293 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

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

A motion offered by Council President Pro-Tem López, duly seconded by Councilman Kashmann, that CB16-0224, CB16-0225, CB16-0205, CB16-0154, CB16-0229, CB16-0230, CB16-0184, CB16-0216, and CB16-0293 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

Special Issues: Marijuana Moratorium

CB16-0291 A bill for an ordinance concerning the licensing of marijuana businesses, amending the Denver Retail Marijuana Code, Article V of Chapter 6, D.R.M.C. and the Denver Medical Marijuana Code, Art. XII of Chapter 24, D.R.M.C. by capping the total number of licensed locations where marijuana cultivation and sales may be permitted in the city, adopting new procedures for the issuance of retail marijuana cultivation and sales licenses, prohibiting the issuance of new medical marijuana cultivation and sales licenses, and adopting other related amendments. (Special Issues: Marijuana Moratorium)

Council took a recess.

A motion offered by Councilman Kashmann, duly seconded by Councilwoman Kniech that CB16-0291 be ordered published, was followed by a motion offered by Councilwoman Gilmore, duly seconded by Councilwoman Kniech, that CB16-0291 be amended in the following particulars: On page 6, line 26, add the letter "s" to the word "license." On page 8, line 18, strike the word "stores" and insert "cultivation facilities", which amendment carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

A motion offered by Councilman Espinoza, duly seconded by Councilwoman Kniech, that CB16-0291 be amended in the following particulars: On page 15, after line 6, add new Sections 14 and 15 after the word 2015: Section 14. That section 6-210, D.R.M.C. shall be amended by adding the language underlined, to read as follows: Sec. 6-210. - Licensing requirements - provisions applicable to all licenses. (b) Application forms and supplemental materials. All applications for local licensing shall be made upon forms provided by the director and shall include such supplemental materials as required by this article V, the Colorado Retail Marijuana Code and rules adopted pursuant thereto, including by way of example: proof of possession of the licensed premises, disclosures related to ownership of the proposed business, fingerprints of the applicants, building plans, floor plans designating the proposed licensed premises outlined in red, ~~and~~ security plans, and a community engagement plan that includes, at minimum, the following information: (1) The name, telephone number, and email address of the person affiliated with the applicant who is responsible for neighborhood outreach and engagement; (2) The names of all Registered Neighborhood Organizations whose boundaries encompass the location of the proposed licensed premises, and a statement that the applicant shall contact the Registered Neighborhood Organizations prior to commencing operations; (3) An outreach plan to contact and engage residents and businesses in the local neighborhoods where any license is

located; (4) A detailed description of any plan to create positive impacts in the neighborhoods where the licensed premises are located, which may include by way of example, participation in community service, volunteer service, and active promotion of any local neighborhood plans; (5) Written policies and procedures to timely address any concerns or complaints expressed by residents and businesses within the neighborhood surrounding the licensed premises. (6) Written policies and procedures designed to promote and encourage full participation in the regulated marijuana industry by people from communities that have previously been disproportionately harmed by marijuana prohibition and enforcement in order to positively impact those communities. To the extent any of the foregoing supplemental materials have been included with the applicant's state license application and forwarded to the city by the state licensing authority, the director may rely upon the information forwarded from the state without requiring resubmittal of the same materials in conjunction with the local license application. The director may, at the director's discretion, require additional documentation associated with the application, including additional requirements for any community engagement plan, as may be necessary to enforce the requirements of the Colorado Retail Marijuana Code and this article V. On page 15, line 11, add a new Section 15 to the Council Bill and renumber succeeding sections accordingly: Section 15. That section 6-218, D.R.M.C. shall be amended by adding a new subsection (f) underlined, to read as follows: (f) All applications for renewal of any license shall include a community engagement plan as required in section 6-210, which motion to amend carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

A motion offered by Councilman Kashmann, duly seconded by Councilwoman Kniech, that CB16-0291 be amended in the following particulars: On page 15, line 6, after the number "2015" insert "and the notification provisions required by section 12-96(b), as amended by this ordinance", which motion to amend carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

A motion offered by Councilman Kashmann, duly seconded by Councilman Clark, that CB16-0291 as amended be ordered published, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, Susman (8)

Against: Brooks, López, New (3)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

CB16-0293 A bill for an ordinance concerning the licensing and regulation of marijuana businesses, and in connection therewith, amending Article V of Chapter 6 of the Denver Revised Municipal Code to extend the time period during which eligibility for a new retail marijuana business license is limited to certain preexisting medical marijuana licensees, and amending Article XII of Chapter 24 of the Denver Revised Municipal Code to impose a moratorium on the issuance of new medical marijuana licenses through June 1, 2016, to be effective if and only if the City Council does not adopt an ordinance capping marijuana business licenses effective May 1, 2016. (Special Issues: Marijuana Moratorium)

A motion offered by Council President Pro-Tem López, duly seconded by Councilwoman Black, that CB16-0224, CB16-0225, CB16-0205, CB16-0154, CB16-0229, CB16-0230, CB16-0184, CB16-0216, and CB16-0293 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

Recap of Bills to be Called Out

Pre-Recess Announcement

Council President Pro-Tem López announced that tonight there will be a required public hearing on CB16-0215, designating 4655 Humboldt Street, the Stadium Arena, as a structure of preservation. 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

CB16-0215 A bill for an ordinance designating 4655 Humboldt Street, the Stadium Arena, as a structure for preservation. (NEIGHBORHOODS AND PLANNING)

A motion offered by Councilman Kashmann, duly seconded by Councilman Espinoza, that CB16-0215 be placed upon final consideration and do pass, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 7:12 p.m., Council President Pro-Tem López presiding, to hear speakers on CB16-0215. Liz Adams, Kelly Leid, and John Olson 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.

Bills for Final Consideration

Governance & Charter Review

CB16-0204 A bill for an ordinance amending the classification and pay plan for employees in the Career Service and for certain employees not in the Career Service. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilman Kashmann, duly seconded by Councilwoman Susman, that CB16-0204, CB16-0206, and CB16-0149 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

CB16-0206 A bill for an ordinance amending the classification and pay plan for employees in the Career Service and for certain employees not in the Career Service. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilman Kashmann, duly seconded by Councilwoman Susman, that CB16-0204, CB16-0206, and CB16-0149 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

Infrastructure & Culture

CB16-0149 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Union Pacific Railroad Company to construct and operate a storm facility that crosses Union Pacific Property as part of the 33rd Street Outfall Project. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman Kashmann, duly seconded by Councilwoman Susman, that CB16-0204, CB16-0206, and CB16-0149 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Ortega (2)

Abstain: (None) (0)

Announcement

Council President Pro-Tem López announced that on Monday, May 16, 2016, Council will hold a required public hearing on CB16-0216 changing the zoning classification for 4800 Race Street. Any protests against CB16-0216 must be filed with the Council Offices no later than noon on Monday, May 9, 2016.

Adjourn

There being no further business before the City Council, Council President Pro-Tem López adjourned the meeting at 7:43 p.m.

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