

City Council Minutes

Meeting Date: Monday, February 23, 2015 5:30 PM

Pledge of Allegiance

Councilman Brooks led the Pledge of Allegiance.

Roll Call

Present: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman

Absent: Faatz, Herndon

Councilmembers Ortega and Nevitt arrived late.

Approval of the Minutes

The minutes of meeting date, Tuesday, February 17, 2015, were distributed to Council. Council President Pro-Tem Montero ordered the minutes approved.

Council Announcements

Councilman Brown offered an announcement.

Presentations

Communications

Proclamations

CP15-0080 A proclamation celebrating Denver International Airport's (DEN) 20th Anniversary.

Herndon, Brooks, López, Montero, Brown, Susman, Faatz, Lehmann, Robb, Kniech, and Ortega.

A motion offered by Councilman Brooks, duly seconded by Councilwoman Kniech, that CP15-0080 be adopted, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

Councilmembers Ortega and Shepherd asked to be added as a sponsor of CP15-0080.

Resolutions

The Council Secretary read the following resolutions by titles.

Infrastructure & Culture

CR15-0058 A resolution granting a revocable permit to Joel Siegel, to encroach into the right-of-way in the alley behind 4031 Tejon Street. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman Brooks, duly seconded by Councilwoman Kniech that CR15-0058, CR15-0060, and CR15-0073 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

CR15-0060 A resolution accepting and approving the plat of Green Valley Ranch Filing No. 69. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman Brooks, duly seconded by Councilwoman Kniech that CR15-0058, CR15-0060, and CR15-0073 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

CR15-0073 A resolution laying out, opening and establishing as part of the City street system parcels of land as Fox Street between West 29th Avenue and West 31st Avenue. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman Brooks, duly seconded by Councilwoman Kniech that CR15-0058, CR15-0060, and CR15-0073 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

Bills for Introduction

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

Finance & Services

CB15-0063 A bill for an ordinance amending Ordinance No. 740, Series of 2014, concerning creating the "Child Care Facility Inspection" Special Revenue Fund and changing it from a cash basis fund to an appropriated fund and making an appropriation from said fund. (FINANCE & SERVICES)

A motion offered by Council President Pro-Tem Montero, duly seconded by Councilman Brooks, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-0055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082, be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

CB15-0079 A bill for an ordinance approving a permanent easement (10th/Sheridan Garage – RTD Storm Facilities and Plaza at 11th) between the City and County of Denver and Regional Transportation District. (FINANCE & SERVICES)

A motion offered by Council President Pro-Tem Montero, duly seconded by Councilman Brooks, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-0055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082, be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

CB15-0104 A bill for an ordinance rescinding budget, transferring cash and making appropriations in the General Fund, General Government, Safety, Culture and Recreation Special Revenue Funds and Capital Improvements and Capital Maintenance Fund of moneys designated by City Council for various projects. (FINANCE & SERVICES)

A motion offered by Council President Pro-Tem Montero, duly seconded by Councilman Brooks, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-0055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082, be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

Infrastructure & Culture

CB15-0053 A bill for an ordinance amending Division 3 of Article III of Chapter 56 of the Revised Municipal Code of the City and County of Denver regarding sanitary sewer connection fees and industrial waste surcharges. (INFRASTRUCTURE & CULTURE)

A motion offered by Council President Pro-Tem Montero, duly seconded by Councilman Brooks, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-0055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082, be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

CB15-0054 A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and Hallmark, Inc. to extend the term six (6) months. (INFRASTRUCTURE & CULTURE)

A motion offered by Council President Pro-Tem Montero, duly seconded by Councilman Brooks, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-0055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082, be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

CB15-0055 A bill for an ordinance approving an Agreement between the City and County of Denver and Waste Management of Colorado, Inc., regarding the disposal of waste material at the Denver-Arapahoe Disposal Site and use of transfer stations. (INFRASTRUCTURE & CULTURE)

A motion offered by Council President Pro-Tem Montero, duly seconded by Councilman Brooks, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-0055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082, be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

CB15-0069 A bill for an ordinance relinquishing four easements at the former Gates Rubber Plant. (INFRASTRUCTURE & CULTURE)

A motion offered by Council President Pro-Tem Montero, duly seconded by Councilman Brooks, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-0055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082, be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

CB15-0070 A bill for an ordinance approving and providing for the execution of a proposed amendment to the Intergovernmental Agreement between the City and County of Denver and the Colorado Department of Transportation concerning the "Evergreen Lake House Road Bridge" project and the funding therefor. (INFRASTRUCTURE & CULTURE)

A motion offered by Council President Pro-Tem Montero, duly seconded by Councilman Brooks, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-0055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082, be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

CB15-0071 A bill for an ordinance approving a proposed amendatory agreement between the City and County of Denver and Interlock Construction Corp., to perform construction services on an "on-call" basis. (INFRASTRUCTURE & CULTURE)

A motion offered by Council President Pro-Tem Montero, duly seconded by Councilman Brooks, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-0055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082, be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

CB15-0072 A bill for an ordinance approving a proposed amendatory agreement between the City and County of Denver and FCI Constructors, Inc., to perform construction services on an "on-call" basis. (INFRASTRUCTURE & CULTURE)

A motion offered by Council President Pro-Tem Montero, duly seconded by Councilman Brooks, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-0055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082, be ordered published en bloc, carried by the following vote:

Passed
For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)
Against: (None) (0)
Absent: Faatz, Herndon (2)
Abstain: (None) (0)

CB15-0077 A bill for an ordinance approving a proposed Purchase Order between the City and County of Denver and Pierce Manufacturing, Inc., for the purchase of two Pierce Velocity Pumpers and one Pierce Aerial Ladder. (INFRASTRUCTURE & CULTURE)

A motion offered by Council President Pro-Tem Montero, duly seconded by Councilman Brooks, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-0055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082, be ordered published en bloc, carried by the following vote:

Passed
For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)
Against: (None) (0)
Absent: Faatz, Herndon (2)
Abstain: (None) (0)

CB15-0081 A bill for an ordinance amending subsection 8 of section 39-121 pertaining to increases in fees and memberships at the Bear Creek Park Southwest Family YMCA Facility. (INFRASTRUCTURE & CULTURE)

A motion offered by Council President Pro-Tem Montero, duly seconded by Councilman Brooks, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-0055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082, be ordered published en bloc, carried by the following vote:

Passed
For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)
Against: (None) (0)
Absent: Faatz, Herndon (2)
Abstain: (None) (0)

CB15-0082 A bill for an ordinance approving a proposed Fourth Amendatory Agreement between the City and County of Denver and Deighton Associates, Ltd., for support with data collection and analysis of pedestrian assets for Americans with Disabilities Act compliance and for annual software support and maintenance fees associated with Denver's Street Asset Management System. (INFRASTRUCTURE & CULTURE)

A motion offered by Council President Pro-Tem Montero, duly seconded by Councilman Brooks, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-0055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082, be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

Recap of Bills to be Called Out

Pre-Recess Announcement

Council President Pro-Tem Montero announced that there will be a required public hearing on CB14-0972, changing the zoning classification for 6200 Leetsdale Drive. Also, there will be a one-hour courtesy public hearing on CB15-0057, approving the 2015 Elyria & Swansea Neighborhoods Plan.

Recess

Council took a recess.

Council Reconvenes and Resumes its Regular Session

Public Hearings - Bills for Final Consideration

Neighborhoods & Planning

CB14-0972 A bill for an ordinance changing the zoning classification for 6200 Leetsdale Drive. (NEIGHBORHOODS & PLANNING)

A motion offered by Councilman Brooks, duly seconded by Councilwoman Kniech, that CB14-0972 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Shepherd, Susman (10)

Against: Robb (1)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 6:29 PM, Council President Pro-Tem presiding, to hear speakers on CB14-0972. Paul Naftel, Mike Rudd, and Bruce O'Donnell signed up to speak in favor of the bill. Holly Winter Huppert, Reuben Drebenstedt, Nyal Smith, John Sturz, and Holly Sturtz signed up to speak in opposition of the bill. Kyle Dalton of Community Planning and Development delivered the Staff Report.

CB15-0057 A bill for an ordinance approving the 2015 Elyria & Swansea Neighborhoods Plan, which plan shall become a part of the Comprehensive Plan for the City and County of Denver pursuant to the provisions of Section 12-61 of the Denver Revised Municipal Code. (NEIGHBORHOODS & PLANNING)

A motion offered by Councilman Brooks, duly seconded by Councilwoman Lehmann, that CB15-0057 be placed upon final consideration and do pass, was followed by a motion offered by Councilwoman Susman, duly seconded by Councilwoman Ortega, that CB15-0057 be amended in the following particulars: On page 1, line 24, strike "on the 12th day of February, 2015, as City Clerk Filing No. 2015-0073" and insert "on the 23rd day of February, 2015, as City Clerk Filing No. 2015-0073-A", which motion to amend carried, by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

A motion offered by Councilman Brooks, duly seconded by Councilwoman Lehmann, that CB15-0057 be placed upon final consideration and do pass as amended, carried by the following vote:

Passed

For: Brooks, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd (9)

Against: (None) (0)

Absent: Faatz, Herndon, Susman (3)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 8:17 PM, Council President Pro-Tem presiding, to hear speakers on CB15-0057. Drew Dutcher, Chad Ramirez, Anne Hayes, Bettie Cram, Thad Tecza, Juan Esteban Veloz, Abel Bustillos, Nancy Palacios, Ruby Venegas, Victoria Venegas, Fabiola Murrato, Brian Lobatos, Jasmine Ramirez, Karla López, Anne Elizabeth, and Ed Bell signed up to speak in favor of the bill. Thomas R. Anthony, Brenna Vasquez, Steve Kinney, Jimmy Bacon, and Gilbert Vasquez signed up to speak in opposition of the bill. Brad Buchanan, Tim Watkins, and Steve Nalley of Community Planning and Development delivered the Staff Report.

Bills for Final Consideration

Business Development

CB15-0049 A bill for an ordinance approving a proposed Standard Specialty Retail Concession Space Agreement between the City and County of Denver and Marshall Retail Group, LLC concerning a concession at Denver International Airport. (BUSINESS DEVELOPMENT COMMITTEE)

A motion offered by Councilman Brooks, duly seconded by Councilwoman Kniech, that CB15-0049, CB15-0050, CB14-1127, CB14-1128, CB15-0043, and CB15-0067 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

CB15-0050 A bill for an ordinance approving a proposed Third amendment to Agreement between the City and County of Denver and Cantina Grill Joint Venture, LLC concerning a concession at Denver International Airport. (BUSINESS DEVELOPMENT COMMITTEE)

A motion offered by Councilman Brooks, duly seconded by Councilwoman Kniech, that CB15-0049, CB15-0050, CB14-1127, CB14-1128, CB15-0043, and CB15-0067 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

Safety & Well-being

CB14-1127 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Catholic Charities and Community Services of the Archdiocese of Denver to decrease services for Head Start programs. (SAFETY & WELL-BEING)

A motion offered by Councilman Brooks, duly seconded by Councilwoman Kniech, that CB15-0049, CB15-0050, CB14-1127, CB14-1128, CB15-0043, and CB15-0067 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

CB14-1128 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and School District No. 1 in the City and County of Denver and the State of Colorado to increase services for Head Start programs. (SAFETY & WELL-BEING)

A motion offered by Councilman Brooks, duly seconded by Councilwoman Kniech, that CB15-0049, CB15-0050, CB14-1127, CB14-1128, CB15-0043, and CB15-0067 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

CB15-0043 A bill for an ordinance authorizing expenditures in the Human Services Special Revenue Fund based on a letter of intent from the United States of America to award funding for the "Emergency Solutions Grant FY15" program. (SAFETY & WELL-BEING)

A motion offered by Councilman Brooks, duly seconded by Councilwoman Kniech, that CB15-0049, CB15-0050, CB14-1127, CB14-1128, CB15-0043, and CB15-0067 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

CB15-0067 A bill for an ordinance amending Article XVIII of Chapter 2, Denver Revised Municipal Code, concerning the Office of the Independent Monitor. (SAFETY & WELL-BEING)

A motion offered by Councilman Brooks, duly seconded by Councilwoman Kniech, that CB15-0049, CB15-0050, CB14-1127, CB14-1128, CB15-0043, and CB15-0067 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Faatz, Herndon (2)

Abstain: (None) (0)

Adjourn

There being no further business before the City Council, Council President Pro-Tem adjourned the meeting at 10:27 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