

## City Council Minutes

Meeting Date: Monday, September 09, 2013 5:30 PM

### Pledge of Allegiance

Councilman Herndon led the Pledge of Allegiance.

### Roll Call

Present: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Absent: None (0)

Councilmembers Kniech, Nevitt, Ortega and Shepherd arrived late.

### Approval of the Minutes

The minutes of meeting date, Monday, August 26, 2013, were distributed to Council. Council President Susman ordered the minutes approved.

### Council Announcements

Councilmembers Brooks, Herndon, López, and Kniech offered announcements.

### Presentations

### Communications

A letter dated September 9, 2013, from Cary Kennedy, Manager of Finance, in keeping with the provisions of Section 20-93 of the Denver Revised Municipal Code, of the Department of Finance's intent to refund a certificates of participation lease purchase transaction in a par amount not to exceed \$39.18 million to achieve the debt administration objectives of 1) providing interest cost savings, and 2) enabling the release of certain assets currently used as collateral under the existing transaction was read in its entirety to Council.

### Proclamations

#### **CP13-0594 A proclamation declaring September 18, 2013 as WE DON'T WASTE & "Fill a Plate for Hunger Day" in Denver.**

Sponsored by Councilmembers Brown, Montero, Herndon, Susman, Robb, Kniech, and Lehmann.

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CP13-0594 be adopted, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Councilwoman asked to be added as a sponsor of CP13-0594.

**CP13-0614 A proclamation dedicating September 16-21, 2013 as Denver Startup Week.**

Sponsored by Councilmembers Susman, Herndon, Montero, Robb, Faatz, Brooks, and Lehmann.

A motion offered by Councilman Brooks, duly seconded by Councilman Herndon, that CP13-0614 be adopted, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**Resolutions**

The Council Secretary read the following resolution by title.

**Health, Safety, Education & Services**

**CR13-0554 A resolution approving the Mayor's reappointment and appointments to the Denver African-American Commission. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that CR13-0554 be adopted, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

## **Bills for Introduction**

The Council Secretary read the following bills by titles. Council President Susman announced that all other bills on introduction are ordered published except CB13-0570.

### **Business, Workforce & Sustainability**

#### **CB13-0505 A bill for an ordinance approving a proposed Grant Agreement between the City and County of Denver and the State of Colorado related to Transportation, Community, and System Preservation Program at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

#### **CB13-0560 A bill for an ordinance approving a proposed Contract between the City and County of Denver and Interstate Highway Construction, Inc. for apron expansion services at Concourse C at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**CB13-0562 A bill for an ordinance approving a proposed Airport Cargo Facilities Lease Agreement between the City and County of Denver and Air General, Inc. related to leased space at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**CB13-0569 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and the Denver Metro Convention and Visitors Bureau ("Visit Denver"), to direct a portion of the City's lodger's tax to Visit Denver to pay for convention and tourism marketing services. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**CB13-0574 A bill for an ordinance approving a proposed Loan Agreement between the City and County of Denver and Industry Office Denver, LLC, for office development. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Brooks, that CB13-0574 and CB13-0575 be ordered published en bloc, carried by the following vote:

Passed

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

Against: Faatz (1)

Absent: Lehmann (1)

Abstain: (None) (0)

**CB13-0575 A bill for an ordinance approving a proposed Loan Agreement between the City and County of Denver and 2201 Arapahoe LLC, for the company’s business expansion. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Brooks, that CB13-0574 and CB13-0575 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)  
Against: Faatz (1)  
Absent: Lehmann (1)  
Abstain: (None) (0)

**Government & Finance**

**CB13-0507 A bill for an ordinance authorizing the issuance of the “City and County of Denver, Colorado, General Obligation Better Denver and Refunding Bonds, Series 2013A”and the “City and County of Denver, Colorado, General Obligation Refunding Bonds, Series 2013B1 & B2”, for the purpose of financing and/or refinancing and defraying the cost of acquiring, constructing, installing and improving various civic facilities, together with all necessary, incidental or appurtenant properties, facilities, equipment and costs; and refunding, paying and discharging certain general obligation bonds of the City; providing for the levy of general ad valorem taxes to pay the principal of and interest on the bonds; authorizing the execution of certain agreements and providing other details in connection therewith; ratifying action previously taken relating thereto; providing other matters relating thereto; and making other provisions relating thereto. (GOVERNMENT & FINANCE)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Lehmann (1)  
Abstain: (None) (0)

**CB13-0509 A bill for an ordinance approving a proposed Purchase and Sale Agreement between the City and County of Denver and Silwan Petroleum Corporation to purchase real property located at 2405 East Colfax Avenue for locating the Central Denver Recreation Center. (GOVERNMENT & FINANCE)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Lehmann (1)  
Abstain: (None) (0)

**CB13-0510 A bill for an ordinance approving a proposed Lease Agreement between the City and County of Denver and Superb Sandies, Inc. d/b/a Which Wich? Superior Sandwiches, to lease land for use as a restaurant. (GOVERNMENT & FINANCE)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Lehmann (1)  
Abstain: (None) (0)

**CB13-0564 A bill for an ordinance approving a proposed Lease Agreement between the City and County of Denver and Colorado Symphony Association for the lease of the 3rd and 4th floors of the 1245 Champa Building for use as offices for a two year period. (GOVERNMENT & FINANCE)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Lehmann (1)  
Abstain: (None) (0)

**CB13-0578 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. (GOVERNMENT & FINANCE)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Lehmann (1)  
Abstain: (None) (0)

**CB13-0579 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. (GOVERNMENT & FINANCE)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Lehmann (1)  
Abstain: (None) (0)

**CB13-0580 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. (GOVERNMENT & FINANCE)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Lehmann (1)  
Abstain: (None) (0)

**CB13-0581 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. (GOVERNMENT & FINANCE)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**Health, Safety, Education & Services**

**CB13-0558 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 State of Colorado concerning the "2013-2014 AmeriCorps" program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**CB13-0559 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 State of Colorado concerning the "Promoting Safe and Stable Families (PSSF)" program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**CB13-0566 A bill for an ordinance approving the Third Amendatory Agreement between the City and County of Denver and the State of Colorado, Department of Corrections to provide outpatient dialysis to incarcerated patients. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**CB13-0567 A bill for an ordinance approving a Second Amendatory Agreement between the City and County of Denver and Correctional Management, Inc., for residential and non-residential community corrections services. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**Land Use, Transportation & Infrastructure**

**CB13-0514 A bill for an Ordinance approving an agreement with Colorado Department of Transportation regarding certain land transfers for roadway improvements to the Federal Boulevard/U.S. 6 interchange and park improvements to Barnum North, Barnum South and Barnum East parks and the South Platte River Trail. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**CB13-0555 A bill for an ordinance changing the zoning classification for 2137 Glenarm Place. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that CB13-0555 be ordered published, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

A motion offered by Councilwoman Ortega, duly seconded by Councilman Brooks, that final consideration of CB13-0555 with its public hearing be postponed to Monday, October 28, 2013, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**CB13-0557 A bill for an ordinance changing the zoning classification for 2500 Larimer Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**CB13-0565 A bill for an ordinance changing the allowable uses for the District Plan for PUD-602 located at 1700–1718 East 6th Avenue. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**CB13-0572 A bill for an ordinance changing the zoning classification of 2150 South Downing Street, 2190 South Downing Street, 2190 South Marion Street and a portion of 1316 East Evans Avenue. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Lehmann (1)  
Abstain: (None) (0)

**CB13-0582 A bill for an ordinance vacating a portion of 39th Street at its intersection with Wynkoop Street; vacating all of the alley near the intersection of Wynkoop and 38th Streets; and vacating all of the alley near the intersection of Wynkoop and 40th Streets, without reservations. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Lehmann (1)  
Abstain: (None) (0)

**CB13-0583 A bill for an ordinance vacating an alley at East 42nd Avenue at its intersection with Monroe Street, with reservations. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Lehmann (1)  
Abstain: (None) (0)

**CB13-0584 A bill for an ordinance vacating a portion of West 41st Avenue at its intersection with Fox Street, with reservations. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Council President Susman, duly seconded by Councilwoman Ortega, that CB13-0505, CB13-0560, CB13-0562, CB13-0569, CB13-0507, CB13-0509, CB13-0510, CB13-0564, CB13-0578, CB13-0579, CB13-0580, CB13-0581, CB13-0558, CB13-0559, CB13-0566, CB13-0567, CB13-0514, CB13-0557, CB13-0565, CB13-0572, CB13-0582, CB13-0583, and CB13-0584 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**Special Issues: Amendment 64**

**CB13-0570 A bill for an ordinance concerning the regulation and licensing of retail marijuana establishments, adopting the Denver Retail Marijuana Code, and making conforming amendments to the Denver Medical Marijuana Code. (SPECIAL ISSUES: AMENDMENT 64)**

**Recap of Bills to be Called Out**

**Pre-Recess Announcement**

Council President Susman announced that tonight there will be a one-hour courtesy public hearing on CB13-0570, which adopts retail marijuana licensing requirements and procedures.

**Recess**

Council took a recess.

**Council Reconvenes and Resumes its Regular Session**

## **Public Hearings - Bills for Introduction**

### **Special Issues: Amendment 64**

#### **CB13-0570 A bill for an ordinance concerning the regulation and licensing of retail marijuana establishments, adopting the Denver Retail Marijuana Code, and making conforming amendments to the Denver Medical Marijuana Code. (SPECIAL ISSUES: AMENDMENT 64)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that CB13-0570 be ordered published, carried by the following vote:

Passed

For: Brooks, Brown, Herndon, Kniech, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (10)

Against: (None) (0)

Absent: (None) (0)

Abstain: Faatz, López (2)

Council sat as a Committee of the Whole commencing at 6:58 PM, Council President Susman presiding, to hear speakers either for or against CB13-0570. Brooke Gehring, Elam Nelson, Gerardo Uribe, Mo Safi, Bruce Granger, Michael Elliot, Ronn Nixon, Shawn Phillips, Thomas Bowler, Ean Seeb, Samantha Walsh, Nick LoVuolo, Steve Horwitz, John Frank Esmeral, Joel Noble, and Seku signed up to speak in favor of the bill. Beth Wright, James G. Ridgeway, Rachel O'Bryan, Alice Rydberg, Patty Kelley, Paul Archer, and Gina Carbone signed up to speak in opposition to the bill. Barb Visher, Diane Carlson, Christian Sederberg, and Teri Robnett signed up to speak neither in favor or nor against the bill. David Broadwell, Assistant City Attorney, delivered the Staff Report with an overview.

## **Bills for Final Consideration**

### **Business, Workforce & Sustainability**

#### **CB13-0448 A bill for an ordinance approving a proposed Airline Support Facilities Lease Agreement between the City and County of Denver and Republic Airline, Inc. related to leased space at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that CB13-0448, CB13-0544, CB13-0545, CB13-0546, CB13-0548, CB13-0462, CB13-0465, CB13-0496, CB13-0533, CB13-0535, CB13-0536, CB13-0537, CB13-0551, CB13-0552, and CB13-0553 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**CB13-0544 A bill for an ordinance approving a proposed Design-Build Contract DIA Data Center between the City and County of Denver and PCL Construction Services, Inc. related to a new Data Center at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that CB13-0448, CB13-0544, CB13-0545, CB13-0546, CB13-0548, CB13-0462, CB13-0465, CB13-0496, CB13-0533, CB13-0535, CB13-0536, CB13-0537, CB13-0551, CB13-0552, and CB13-0553 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**CB13-0545 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Parsons Brinckerhoff, Inc. related to consultant services at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that CB13-0448, CB13-0544, CB13-0545, CB13-0546, CB13-0548, CB13-0462, CB13-0465, CB13-0496, CB13-0533, CB13-0535, CB13-0536, CB13-0537, CB13-0551, CB13-0552, and CB13-0553 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**CB13-0546 A bill for an ordinance approving a Second Amendment to Cooperative Service Agreement Reimbursable between the City and County of Denver and USDA-APHIS Wildlife Services to extend the contract for performing certain wildlife control measures at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that CB13-0448, CB13-0544, CB13-0545, CB13-0546, CB13-0548, CB13-0462, CB13-0465, CB13-0496, CB13-0533, CB13-0535, CB13-0536, CB13-0537, CB13-0551, CB13-0552, and CB13-0553 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

## **Government & Finance**

### **CB13-0547 A bill for an Ordinance amending Section 18-436 of Article XIII of Chapter 18, Employees' Voluntary Deferred Compensation Plan. (GOVERNMENT & FINANCE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that CB13-0547 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: Montero (1)

Absent: Lehmann (1)

Abstain: (None) (0)

### **CB13-0548 A bill for an ordinance approving an Agreement between the City and County of Denver and 75 S. Federal. (GOVERNMENT & FINANCE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that CB13-0448, CB13-0544, CB13-0545, CB13-0546, CB13-0548, CB13-0462, CB13-0465, CB13-0496, CB13-0533, CB13-0535, CB13-0536, CB13-0537, CB13-0551, CB13-0552, and CB13-0553 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

## **Health, Safety, Education & Services**

### **CB13-0462 A bill for an ordinance approving an Agreement between the City and County of Denver and the Regents of the University of Colorado – Addiction Research and Treatment Services for residential and non-residential community corrections services. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that CB13-0448, CB13-0544, CB13-0545, CB13-0546, CB13-0548, CB13-0462, CB13-0465, CB13-0496, CB13-0533, CB13-0535, CB13-0536, CB13-0537, CB13-0551, CB13-0552, and CB13-0553 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**CB13-0465 A bill for an ordinance approving an agreement between the City and County of Denver and Community Education Centers, Inc. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that CB13-0448, CB13-0544, CB13-0545, CB13-0546, CB13-0548, CB13-0462, CB13-0465, CB13-0496, CB13-0533, CB13-0535, CB13-0536, CB13-0537, CB13-0551, CB13-0552, and CB13-0553 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**Land Use, Transportation & Infrastructure**

**CB13-0496 A bill for an ordinance vacating the southerly portion of the north/south alley bounded by 8th Avenue, 9th Avenue, Broadway and Lincoln Street, with reservations. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that CB13-0448, CB13-0544, CB13-0545, CB13-0546, CB13-0548, CB13-0462, CB13-0465, CB13-0496, CB13-0533, CB13-0535, CB13-0536, CB13-0537, CB13-0551, CB13-0552, and CB13-0553 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**CB13-0533 A bill for an ordinance vacating portions of the alleys in the three blocks between South Lincoln Street, South Sherman Street, south of East Mississippi Avenue and north of East Arizona Avenue, with reservations. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that CB13-0448, CB13-0544, CB13-0545, CB13-0546, CB13-0548, CB13-0462, CB13-0465, CB13-0496, CB13-0533, CB13-0535, CB13-0536, CB13-0537, CB13-0551, CB13-0552, and CB13-0553 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**CB13-0535 A bill for an ordinance approving a proposed Funding and Assignment Agreement between the City and County of Denver and Denver Art Museum, to construct new public space for exhibitions, programs and events in the North Building. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that CB13-0448, CB13-0544, CB13-0545, CB13-0546, CB13-0548, CB13-0462, CB13-0465, CB13-0496, CB13-0533, CB13-0535, CB13-0536, CB13-0537, CB13-0551, CB13-0552, and CB13-0553 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**CB13-0536 A bill for an ordinance approving a proposed Funding and Assignment Agreement between the City and County of Denver and The Denver Center for Performing Arts (DCPA), to renovate the Space and Stage theatres and the Seawell ballroom at the Helen Bonfils Theatre Complex. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that CB13-0448, CB13-0544, CB13-0545, CB13-0546, CB13-0548, CB13-0462, CB13-0465, CB13-0496, CB13-0533, CB13-0535, CB13-0536, CB13-0537, CB13-0551, CB13-0552, and CB13-0553 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**CB13-0537 A bill for an ordinance approving a proposed Funding and Assignment Agreement between the City and County of Denver and Denver Botanic Garden, to construct new improvements including, new restrooms, café, and science pyramid. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that CB13-0448, CB13-0544, CB13-0545, CB13-0546, CB13-0548, CB13-0462, CB13-0465, CB13-0496, CB13-0533, CB13-0535, CB13-0536, CB13-0537, CB13-0551, CB13-0552, and CB13-0553 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

**CB13-0551 A bill for an ordinance relinquishing portions of certain easements reserved in Ordinance No. 580, Series of 1976, Ordinance No. 407, Series of 1990 and Ordinance No. 745, Series of 1990. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that CB13-0448, CB13-0544, CB13-0545, CB13-0546, CB13-0548, CB13-0462, CB13-0465, CB13-0496, CB13-0533, CB13-0535, CB13-0536, CB13-0537, CB13-0551, CB13-0552, and CB13-0553 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Lehmann (1)  
Abstain: (None) (0)

**CB13-0552 A bill for an ordinance approving a proposed Third Amendatory Agreement between the City and County of Denver and Deighton Associates LTD., to increase funds and extend the term of the Agreement. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that CB13-0448, CB13-0544, CB13-0545, CB13-0546, CB13-0548, CB13-0462, CB13-0465, CB13-0496, CB13-0533, CB13-0535, CB13-0536, CB13-0537, CB13-0551, CB13-0552, and CB13-0553 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Lehmann (1)  
Abstain: (None) (0)

**CB13-0553 A bill for an ordinance approving a proposed Purchase Order between the City and County of Denver and Rush Truck Centers of Colorado, Inc., to purchase four Peterbilt Refuse Trucks. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that CB13-0448, CB13-0544, CB13-0545, CB13-0546, CB13-0548, CB13-0462, CB13-0465, CB13-0496, CB13-0533, CB13-0535, CB13-0536, CB13-0537, CB13-0551, CB13-0552, and CB13-0553 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Lehmann (1)  
Abstain: (None) (0)

## **Announcement**

Council President Susman announced that there will be a required public hearing on CB13-0557, changing the zoning classification for 2500 Larimer Street; a required public hearing on CB13-0565, changing the zoning classification located at 1700-1718 East 6th Avenue; and a required public hearing on CB13-0572, changing the zoning classification of 2150 South Downing Street, 2190 South Downing Street, 2190 South Marion Street and a portion of 1316 East Evans Avenue on Monday, October 7, 2013. Any protests against CB13-0557, CB13-0565, or cB13-0572 must be filed

## **Pending**

**For 9-23-13**

**CB13-0556 A bill for an ordinance changing the zoning classification of 3345, 3403 and 3457 Brighton Boulevard.**

### **Required Public Hearing**

#### **Final Consideration (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that CB13-0556 be taken out of order, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that final consideration of CB13-0556 with its public hearing be postponed to Monday, September 30, 2013, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lehmann (1)

Abstain: (None) (0)

## **Adjourn**

There being no further business before the City Council, Council President Susman adjourned the meeting at 9:02 PM.

---

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

City Council public documents are available upon request in alternate formats.  
Prepared by Kelly Velez