

City Council Minutes

Meeting Date: Monday, August 31, 2015 5:30 PM

Pledge of Allegiance

Councilman López led the Pledge of Allegiance.

Roll Call

Present: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman

Absent: Clark

Approval of the Minutes

The minutes of meeting date, Monday, August 24, 2015, were distributed to Council. Council President Herndon ordered the minutes approved.

Council Announcements

Council members New and Herndon offered announcements.

Presentations

Communications

Proclamations

CP15-0589 A proclamation recognizing September 2015 as Childhood Cancer Awareness Month.

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

A motion offered by Councilman Espinoza, duly seconded by Councilman Flynn, that CP15-0589 be adopted, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Clark (1)

Abstain: (None) (0)

Councilwoman Ortega asked to be added as a sponsor of CP15-0589.

Resolutions

The Council Secretary read the following resolutions by titles.

Business Development

CR15-0579 A resolution approving a proposed Second Amendment to Office Space Lease between the City and County of Denver and Prospect International Airport Services, Inc. for office space at Denver International Airport. (BUSINESS DEVELOPMENT)

A motion offered by Councilman López, duly seconded by Councilman Flynn, that CR15-0579, CR15-0572, CR15-0582, CR15-0583, CR15-0576, CR15-0577, CR15-0580, and CR15-0628 be adopted en bloc, carried by the following vote:

Passed
For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (12)
Against: (None) (0)
Absent: Clark (1)
Abstain: (None) (0)

Infrastructure & Culture

CR15-0572 A resolution granting a revocable permit to Tim Paynter, to encroach into the right-of-way at 1130 South Federal Boulevard. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman López, duly seconded by Councilman Flynn, that CR15-0579, CR15-0572, CR15-0582, CR15-0583, CR15-0576, CR15-0577, CR15-0580, and CR15-0628 be adopted en bloc, carried by the following vote:

Passed
For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (12)
Against: (None) (0)
Absent: Clark (1)
Abstain: (None) (0)

CR15-0582 A resolution laying out, opening and establishing as part of the City street system a parcel of land as West 27th Avenue between Vallejo Street and Wyandot Street. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman López, duly seconded by Councilman Flynn, that

CR15-0579, CR15-0572, CR15-0582, CR15-0583, CR15-0576, CR15-0577, CR15-0580, and CR15-0628 be adopted en bloc, carried by the following vote:

Passed
For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (12)
Against: (None) (0)
Absent: Clark (1)
Abstain: (None) (0)

CR15-0583 A resolution laying out, opening and establishing as part of the City street system parcels of land as Belleview Avenue and Quebec Street near the intersection of Belleview Avenue and Quebec Street. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman López, duly seconded by Councilman Flynn, that CR15-0579, CR15-0572, CR15-0582, CR15-0583, CR15-0576, CR15-0577, CR15-0580, and CR15-0628 be adopted en bloc, carried by the following vote:

Passed
For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (12)
Against: (None) (0)
Absent: Clark (1)
Abstain: (None) (0)

Safety & Well-being

CR15-0576 A resolution approving the Mayor’s reappointments to the Denver Commission on Aging. (SAFETY & WELL-BEING)

A motion offered by Councilman López, duly seconded by Councilman Flynn, that CR15-0579, CR15-0572, CR15-0582, CR15-0583, CR15-0576, CR15-0577, CR15-0580, and CR15-0628 be adopted en bloc, carried by the following vote:

Passed
For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (12)
Against: (None) (0)
Absent: Clark (1)
Abstain: (None) (0)

CR15-0577 A resolution approving the Mayor’s reappointments and appointments to the Denver Women’s Commission. (SAFETY & WELL-BEING)

A motion offered by Councilman López, duly seconded by Councilman Flynn, that

CR15-0579, CR15-0572, CR15-0582, CR15-0583, CR15-0576, CR15-0577, CR15-0580, and CR15-0628 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Clark (1)

Abstain: (None) (0)

CR15-0580 A resolution approving the Mayor's youth appointments to the Advisory Commission on Youth. (SAFETY & WELL-BEING)

A motion offered by Councilman López, duly seconded by Councilman Flynn, that CR15-0579, CR15-0572, CR15-0582, CR15-0583, CR15-0576, CR15-0577, CR15-0580, and CR15-0628 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Clark (1)

Abstain: (None) (0)

CR15-0628 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the total sum of Eight Hundred Sixty Thousand Dollars (\$860,000.00) for full payment and satisfaction of all claims in Civil Action No. 10-cv-00651-JLK-MJW in the United States District Court for the District of Colorado issued as:

- **The sum of Seven Hundred Seventy-Five Thousand Dollars (\$775,000) payable to James D. Moore and his attorneys, Killmer, Lane & Newman, LLP; and**

- **The sum of Eighty-Five Thousand Dollars (\$85,000) payable to Killmer, Lane & Newman, LLP. (SAFETY & WELL-BEING)**

A motion offered by Councilman López, duly seconded by Councilman Flynn, that CR15-0579, CR15-0572, CR15-0582, CR15-0583, CR15-0576, CR15-0577, CR15-0580, and CR15-0628 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Clark (1)

Abstain: (None) (0)

Bills for Introduction

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

Finance & Services

CB15-0560 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Coffee Etcetera, LLC for leased space for the operation of a coffee shop in the Lindsey Flanigan Courthouse. (FINANCE & SERVICES)

A motion offered by Council President Herndon, duly seconded by Councilman López, that CB15-0560, CB15-0574, CB15-0554, CB15-0585, CB15-0586, CB15-0570, CB15-0571, CB15-0575, and CB15-0584 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Clark (1)

Abstain: (None) (0)

Governance & Charter Review

CB15-0574 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. (BUSINESS DEVELOPMENT)

A motion offered by Council President Herndon, duly seconded by Councilman López, that CB15-0560, CB15-0574, CB15-0554, CB15-0585, CB15-0586, CB15-0570, CB15-0571, CB15-0575, and CB15-0584 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Clark (1)

Abstain: (None) (0)

Infrastructure & Culture

CB15-0554 A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and WM Recycle America, L.L.C., for recycling and marketing services.

(INFRASTRUCTURE & CULTURE)

A motion offered by Council President Herndon, duly seconded by Councilman López, that CB15-0560, CB15-0574, CB15-0554, CB15-0585, CB15-0586, CB15-0570, CB15-0571, CB15-0575, and CB15-0584 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Clark (1)

Abstain: (None) (0)

Neighborhoods & Planning

CB15-0585 A bill for an ordinance amending Article I of Chapter 30 (Landmark Preservation) of the Revised Municipal Code. (NEIGHBORHOODS AND PLANNING)

A motion offered by Council President Herndon, duly seconded by Councilman López, that CB15-0560, CB15-0574, CB15-0554, CB15-0585, CB15-0586, CB15-0570, CB15-0571, CB15-0575, and CB15-0584 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Clark (1)

Abstain: (None) (0)

CB15-0586 A bill for an ordinance changing the zoning classifications for 4245 Fox Street, 4143-4159 Fox Street, 642 W. 43rd Avenue, 4211 Fox Street, and 4205 Fox Street, Denver, Colorado 80216. (NEIGHBORHOODS AND PLANNING)

A motion offered by Council President Herndon, duly seconded by Councilman López, that CB15-0560, CB15-0574, CB15-0554, CB15-0585, CB15-0586, CB15-0570, CB15-0571, CB15-0575, and CB15-0584 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Clark (1)

Abstain: (None) (0)

Safety & Well-being

CB15-0570 A bill for an ordinance approving a proposed Master Funding Agreement between the City and County of Denver and Colorado Housing and Finance Authority for the Denver Revolving Affordable Housing Loan Fund. (SAFETY AND WELL-BEING)

A motion offered by Council President Herndon, duly seconded by Councilman López, that CB15-0560, CB15-0574, CB15-0554, CB15-0585, CB15-0586, CB15-0570, CB15-0571, CB15-0575, and CB15-0584 be ordered published en bloc, carried by the following vote:

Passed
For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (12)
Against: (None) (0)
Absent: Clark (1)
Abstain: (None) (0)

CB15-0571 A bill for an ordinance amending Article III of Chapter 27 of the Revised Municipal Code of the City and County of Denver regarding Preservation of Affordable Housing. (SAFETY & WELL-BEING)

A motion offered by Council President Herndon, duly seconded by Councilman López, that CB15-0560, CB15-0574, CB15-0554, CB15-0585, CB15-0586, CB15-0570, CB15-0571, CB15-0575, and CB15-0584 be ordered published en bloc, carried by the following vote:

Passed
For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (12)
Against: (None) (0)
Absent: Clark (1)
Abstain: (None) (0)

CB15-0575 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Savio House to provide Out-of-Home Placement Services in a residential child care facility (RCFF) setting for children/youth in the custody of the Department of Human Services. (SAFETY & WELL-BEING)

A motion offered by Council President Herndon, duly seconded by Councilman López, that CB15-0560, CB15-0574, CB15-0554, CB15-0585, CB15-0586, CB15-0570, CB15-0571, CB15-0575, and CB15-0584 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Clark (1)

Abstain: (None) (0)

CB15-0584 A bill for an ordinance amending Ordinance No. 74, Series of 2013, concerning the "Metro Mortgage Assistance Plus Program" in the General Government Special Revenue Fund. (SAFETY & WELL-BEING)

A motion offered by Council President Herndon, duly seconded by Councilman López, that CB15-0560, CB15-0574, CB15-0554, CB15-0585, CB15-0586, CB15-0570, CB15-0571, CB15-0575, and CB15-0584 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Clark (1)

Abstain: (None) (0)

Recap of Bills to be Called Out

Pre-Recess Announcement

Tonight, there will be a required public hearing on CB15-0503, changing the zoning classification for 22 South Adams street and 44 South Adams Street. It is Council's intent to postpone final consideration of CB15-0498, changing the zoning classification for 6502 East Union Avenue with its public hearing to Monday, September 21, 2015. If you are here to speak on this matter we ask that you return on Monday, September 21, 2015. Anyone wishing to speak on CB15-0503, 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

CB15-0498 A bill for an ordinance changing the zoning classification for 6502 East Union Avenue. (NEIGHBORHOODS AND PLANNING)

A motion offered by Councilman López, duly seconded by Councilman Brooks, that CB15-0498 be placed upon final consideration and do pass, was followed by a motion offered by Councilwoman Susman, duly seconded by Councilwoman Ortega, that final consideration of CB15-0498 with its public hearing be postponed to Monday, September 21, 2015, which motion to postpone carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Clark (1)

Abstain: (None) (0)

CB15-0503 A bill for an ordinance changing the zoning classification for 22 South Adams Street and 44 South Adams Street. (NEIGHBORHOODS AND PLANNING)

A motion offered by Councilman López, duly seconded by Councilwoman Kniech, that CB15-0503 be placed upon final consideration and do pass, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Clark (1)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 6:18 PM, Council President Herndon presiding, to hear speakers on CB15-0503. Sean Maley, Michael Klein, and Susan Smernoff signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Abe Barge of Community Planning and Development delivered the Staff Report.

Bills for Final Consideration

Finance & Services

CB15-0561 A bill for an ordinance approving a proposed Second Amendatory Lease Agreement between the City and County of Denver and

Kew Realty Corporation for maintenance and storage facility for the Denver Sheriff’s Department at 3700 Havana Street. (FINANCE & SERVICES)

A motion offered by Councilman López, duly seconded by Councilwoman Kniech, that CB15-0561, CB15-0502, CB15-0565, CB15-0567, and CB15-0569 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed
For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (12)
Against: (None) (0)
Absent: Clark (1)
Abstain: (None) (0)

Safety & Well-being

CB15-0502 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Maple Star Colorado to provide supportive services to families caring for children in out-of-home care. (SAFETY & WELL-BEING)

A motion offered by Councilman López, duly seconded by Councilwoman Kniech, that CB15-0561, CB15-0502, CB15-0565, CB15-0567, and CB15-0569 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed
For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (12)
Against: (None) (0)
Absent: Clark (1)
Abstain: (None) (0)

CB15-0565 A bill for an ordinance authorizing the purchase of capital equipment from the General Fund and Planned Fleet Replacement Fund. (SAFETY & WELL-BEING)

A motion offered by Councilman López, duly seconded by Councilwoman Kniech, that CB15-0561, CB15-0502, CB15-0565, CB15-0567, and CB15-0569 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed
For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (12)
Against: (None) (0)
Absent: Clark (1)
Abstain: (None) (0)

CB15-0567 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 concerning the "Emergency Solutions Grant (ESG) FY15" program and the funding therefor. (SAFETY & WELL-BEING)

A motion offered by Councilman López, duly seconded by Councilwoman Kniech, that CB15-0561, CB15-0502, CB15-0565, CB15-0567, and CB15-0569 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed
For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (12)
Against: (None) (0)
Absent: Clark (1)
Abstain: (None) (0)

CB15-0569 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 Department of Health and Human Services concerning the "Head Start FY15-16" program and the funding therefor. (SAFETY & WELL-BEING)

A motion offered by Councilman López, duly seconded by Councilwoman Kniech, that CB15-0561, CB15-0502, CB15-0565, CB15-0567, and CB15-0569 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed
For: Black, Brooks, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (12)
Against: (None) (0)
Absent: Clark (1)
Abstain: (None) (0)

Announcement

Council President Herndon announced that on Monday, September 28, 2015, there will be a required public hearing on CB15-0586, changing the zoning classifications for 4245 Fox Street, 4143-4159 Fox Street, 642 W. 43rd Avenue, 4211 Fox Street, and 4205 Fox Street, Denver, Colorado 80216.

On Monday, September 28, 2015, there will be a required public hearing on CB15-0586, changing the zoning classifications for 4245 Fox Street, 4143-4159 Fox Street, 642 W. 43rd Avenue, 4211 Fox Street, and 4205 Fox Street, Denver, Colorado 80216. Any protests against CB15-0586 must be filed with the Council Offices no later than Monday, September 21, 2015.

Adjourn

There being no further business before the City Council, Council President Herndon adjourned the meeting at 6:45 PM.

Pending

For 9-14-15

CB15-0535 A bill for an ordinance changing the zoning classification for 4400 Fox Street.

**Required Public Hearing
Final Consideration (NEIGHBORHOODS AND PLANNING)**

For 9-14-15

CB15-0536 A bill for an ordinance changing the zoning classification for 2500 and 2600 Lawrence Street, with a waiver.

**Required Public Hearing
Final Consideration (NEIGHBORHOODS AND PLANNING)**