

## **City Council Minutes**

Meeting Date: Monday, March 02, 2015 5:30 PM

### **Pledge of Allegiance**

Councilwoman Susman led the Pledge of Allegiance.

### **Roll Call**

Present: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman

Absent: None

### **Approval of the Minutes**

The minutes of meeting date, Monday, February 23, 2014, were distributed to Council. Council President Herndon ordered the minutes approved.

### **Council Announcements**

Councilmembers López, Shepherd, and Herndon offered announcements.

### **Presentations**

### **Communications**

### **Proclamations**

**CP15-0102 A proclamation honoring Sandy Sardella, owner of PISMO Art Glass Galleries, on the occasion of her retirement.**

**Sponsored by Councilmembers Robb, López, Lehmann, and Brooks.**

A motion offered by Councilwoman Robb, duly seconded by Councilwoman Lehmann, that CP15-0102 be adopted, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Councilwoman Ortega asked to be added as a sponsor of CP15-0102.

## Resolutions

The Council Secretary read the following resolution by title.

### Safety & Well-being

**CR15-0120 A resolution authorizing and approving payment to Bachus & Schanker, LLC, in full payment and satisfaction of all claims in Case No. 14-cv-02358-KMT in the United States District Court for the District of Colorado. (SAFETY & WELL-BEING)**

A motion offered by Councilwoman Susman, duly seconded by Councilwoman Lehmann, that CR15-0120 be adopted, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

## Bills for Introduction

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

### Business Development

**CB15-0009 A bill for an ordinance approving a proposed Loan Agreement between the City and County of Denver and 48Race, LLC, for a land acquisition loan for 4800 Race Street and 4800 Vine Street. (BUSINESS DEVELOPMENT)**

A motion offered by Council President Herndon, duly seconded by Councilwoman Susman, that CB15-0009, CB15-0078, CB15-0086, CB15-0096, CB15-0020, CB15-0062, CB15-0091, CB15-0012, CB15-0047, and CB15-0097 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**CB15-0078 A bill for an ordinance approving a proposed First Amendment to Airport Use and Lease Agreement between the City and County of Denver and GoJet Airlines LLC related to leased space at Denver International Airport. (BUSINESS DEVELOPMENT COMMITTEE)**

A motion offered by Council President Herndon, duly seconded by Councilwoman Susman, that CB15-0009, CB15-0078, CB15-0086, CB15-0096, CB15-0020, CB15-0062, CB15-0091, CB15-0012, CB15-0047, and CB15-0097 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
Abstain: (None) (0)

**CB15-0086 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and The Denver Urban Renewal Authority to administer a single family rehabilitation program. (BUSINESS DEVELOPMENT)**

A motion offered by Council President Herndon, duly seconded by Councilwoman Susman, that CB15-0009, CB15-0078, CB15-0086, CB15-0096, CB15-0020, CB15-0062, CB15-0091, CB15-0012, CB15-0047, and CB15-0097 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
Abstain: (None) (0)

**CB15-0096 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Intermountain Electric Inc. concerning preventive maintenance of electric power switchgears at Denver International Airport. (BUSINESS DEVELOPMENT COMMITTEE)**

A motion offered by Council President Herndon, duly seconded by Councilwoman Susman, that CB15-0009, CB15-0078, CB15-0086, CB15-0096, CB15-0020, CB15-0062, CB15-0091, CB15-0012, CB15-0047, and CB15-0097 be ordered published en bloc, carried by the following vote:

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

Against: (None) (0)  
Absent: (None) (0)  
Abstain: (None) (0)

## **Infrastructure & Culture**

### **CB15-0020 A bill for an ordinance approving a proposed Intergovernmental Agreement between the City and County of Denver and the Regional Transportation District (RTD), relating to the 16th Street Mall Intersection Improvements and the funding therefor. (INFRASTRUCTURE & CULTURE)**

A motion offered by Council President Herndon, duly seconded by Councilwoman Susman, that CB15-0009, CB15-0078, CB15-0086, CB15-0096, CB15-0020, CB15-0062, CB15-0091, CB15-0012, CB15-0047, and CB15-0097 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

### **CB15-0062 A bill for an ordinance approving a proposed Third Amendatory Design Service Agreement between the City and County of Denver and Wilson & Company, Inc., Engineers & Architects, for additional design services for the 33rd Street Outfall Project at 31st and 36th Streets. (INFRASTRUCTURE & CULTURE)**

A motion offered by Council President Herndon, duly seconded by Councilwoman Susman, that CB15-0009, CB15-0078, CB15-0086, CB15-0096, CB15-0020, CB15-0062, CB15-0091, CB15-0012, CB15-0047, and CB15-0097 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

## **Neighborhoods & Planning**

### **CB15-0091 A bill for an ordinance approving the National Western Center Master 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 AND PLANNING)**

A motion offered by Council President Herndon, duly seconded by Councilwoman Susman, that CB15-0009, CB15-0078, CB15-0086, CB15-0096, CB15-0020, CB15-0062, CB15-0091, CB15-0012, CB15-0047, and CB15-0097 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
Abstain: (None) (0)

**Safety & Well-being**

**CB15-0012 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Denver Health and Hospital Authority dba Denver Health Medical Center to provide treatment services to chronically homeless individuals. (SAFETY & WELL-BEING)**

A motion offered by Council President Herndon, duly seconded by Councilwoman Susman, that CB15-0009, CB15-0078, CB15-0086, CB15-0096, CB15-0020, CB15-0062, CB15-0091, CB15-0012, CB15-0047, and CB15-0097 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
Abstain: (None) (0)

**CB15-0047 A bill for an ordinance approving a proposed Revival and Third Amendatory Agreement between the City and County of Denver and Urban Peak Denver to provide housing and services for homeless youth who have aged out of foster care. (SAFETY & WELL-BEING)**

A motion offered by Council President Herndon, duly seconded by Councilwoman Susman, that CB15-0009, CB15-0078, CB15-0086, CB15-0096, CB15-0020, CB15-0062, CB15-0091, CB15-0012, CB15-0047, and CB15-0097 be ordered published en bloc, carried by the following vote:

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

Against: (None) (0)  
Absent: (None) (0)  
Abstain: (None) (0)

**CB15-0097 A bill for an ordinance approving and providing for the execution of a proposed amendment to the Grant Agreement between the City and County of Denver and the United States of America, concerning the "FEMA Public Assistance" program and the funding therefor. (SAFETY & WELL-BEING)**

A motion offered by Council President Herndon, duly seconded by Councilwoman Susman, that CB15-0009, CB15-0078, CB15-0086, CB15-0096, CB15-0020, CB15-0062, CB15-0091, CB15-0012, CB15-0047, and CB15-0097 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

## **Recap of Bills to be Called Out**

### **Pre-Recess Announcement**

Council President Herndon announced that there will be a required public hearing on CB14-1096, changing the zoning classification for 7200 E. 36th Avenue.

**Tonight there will be a required public hearing on CB14-1096, changing the zoning classification for 7200 E. 36th Avenue. 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**

**CB14-1096 A bill for an ordinance changing the zoning classification for 7200 E. 36th Avenue. (NEIGHBORHOODS & PLANNING)**

A motion offered by Councilwoman Lehmann, duly seconded by Councilman Brooks, that CB14-1096 be placed upon final consideration and do pass, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 6:19 PM, Council President Herndon presiding, to hear speakers on CB14-1096. Jeff Grazi signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Deirdre Oss of Community Planning and Development delivered the Staff Report.

**Bills for Final Consideration**

**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 Councilwoman Susman, duly seconded by Councilwoman Lehmann, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
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 Councilwoman Susman, duly seconded by Councilwoman Lehmann, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

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 Councilwoman Susman, duly seconded by Councilwoman Lehmann, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

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 Councilwoman Susman, duly seconded by Councilwoman Lehmann, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt,



Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
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 Councilwoman Susman, duly seconded by Councilwoman Lehmann, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
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 Councilwoman Susman, duly seconded by Councilwoman Lehmann, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
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 Councilwoman Susman, duly seconded by Councilwoman Lehmann, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-

0081, and CB15-0082 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
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 Councilwoman Susman, duly seconded by Councilwoman Lehmann, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
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 Councilwoman Susman, duly seconded by Councilwoman Lehmann, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
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 Councilwoman Susman, duly seconded by Councilwoman Lehmann, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
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 Councilwoman Susman, duly seconded by Councilwoman Lehmann, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
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 Councilwoman Susman, duly seconded by Councilwoman Lehmann, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
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 Councilwoman Susman, duly seconded by Councilwoman Lehmann, that CB15-0063, CB15-0079, CB15-0104, CB15-0053, CB15-0054, CB15-055, CB15-0069, CB15-0070, CB15-0071, CB15-0072, CB15-0077, CB15-0081, and CB15-0082 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
Abstain: (None) (0)

## **Adjourn**

There being no further business before the City Council, Council President Herndon adjourned the meeting at 6:31 PM.

## **Pending**

**For 3-16-15**

**CB15-0030 A bill for an ordinance changing the zoning classification for 1410 & 1420 S. Santa Fe Drive.**

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