

## **City Council Minutes**

Meeting Date: Monday, August 22, 2016 5:30 PM

### **Pledge of Allegiance**

Councilman New led the Pledge of Allegiance.

### **Roll Call**

Present: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega (12)

Absent: Susman (1)

Councilwoman Ortega arrived late.

### **Approval of the Minutes**

The minutes of meeting date, Monday, August 15, 2016, were distributed to Council. Council President Brooks ordered the minutes approved.

### **Council Announcements**

Council members López, Herndon, Clark, Black, Espinoza, and Brooks offered announcements.

### **Presentations**

### **Communications**

### **Proclamations**

#### **CP16-0701 A proclamation recognizing the 125th Anniversary of the Historic Elitch Theatre.**

Sponsored by Council members Espinoza, Ortega, Susman, Kniech, Gilmore, Black, López, Kashmann, New, and Clark

A motion offered by Councilman Espinoza, duly seconded by Councilman Flynn, that CP16-0701 be adopted, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Susman (1)

Abstain: (None) (0)

## Resolutions

The Council Secretary read the following resolutions by titles.

### Business Development

**CR16-0587 A resolution approving a proposed Loan Agreement between the City and County of Denver 5 and La Clinica Tepeyac, Inc., to provide funds for the acquisition of the site 6 located at 4725 High Street. (BUSINESS DEVELOPMENT)**

A motion offered by Councilman New, duly seconded by Councilman Flynn, that CR16-0587, CR16-0550, CR16-0554, CR16-0584, CR16-0588, CR16-0586, CR16-0516, CR16-0582, CR16-0583, CR16-0491, and CR16-0546 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Susman (1)

Abstain: (None) (0)

### Finance & Governance

**CR16-0700 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the sum of Three Hundred and Sixty Thousand Dollars (\$360,000.00), payable to Stuart Shapiro for payment and satisfaction of all claims in Career Service Appeal No. 13-16 and all other related state and federal claims. (FINANCE & GOVERNANCE)**

A motion offered by Councilman New, duly seconded by Councilman Herndon, that CR16-0700 be adopted, carried by the following vote:

Passed

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

Against: Ortega (1)

Absent: Susman (1)

Abstain: (None) (0)

### Finance & Services

**CR16-0550 A resolution approving a proposed Design Services Agreement between the City and County of Denver and David Evans and Associates, Inc. for professional design services. (FINANCE & SERVICES)**

A motion offered by Councilman New, duly seconded by Councilman Flynn, that CR16-0587, CR16-0550, CR16-0554, CR16-0584, CR16-0588, CR16-0586, CR16-0516, CR16-0582, CR16-0583, CR16-0491, and CR16-0546 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Susman (1)

Abstain: (None) (0)

**CR16-0554 A resolution declaring the intent of the City and County of Denver, Colorado to use its best efforts to issue housing revenue bonds or mortgage credit certificates to provide financing of residential facilities for low- and middle-income families or persons; prescribing certain terms and conditions of such bonds and certificates; and containing other provisions relating to the proposed issuance of such bonds and certificates. (FINANCE & SERVICES)**

A motion offered by Councilman New, duly seconded by Councilman Flynn, that CR16-0587, CR16-0550, CR16-0554, CR16-0584, CR16-0588, CR16-0586, CR16-0516, CR16-0582, CR16-0583, CR16-0491, and CR16-0546 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Susman (1)

Abstain: (None) (0)

**CR16-0584 A resolution approving a proposed Master Purchase Order between the City and County of Denver and Staples Contract & Commercial Inc., operating as Staples Advantage for the purchase of janitorial supplies.**

A motion offered by Councilman New, duly seconded by Councilman Flynn, that CR16-0587, CR16-0550, CR16-0554, CR16-0584, CR16-0588, CR16-0586, CR16-0516, CR16-0582, CR16-0583, CR16-0491, and CR16-0546 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Susman (1)

Abstain: (None) (0)

**CR16-0588 A resolution approving an extension to a proposed Purchase Order between the City and County of Denver and Insight Public Sector, Inc., for Oracle Database maintenance renewal. (FINANCE & SERVICES)**

A motion offered by Councilman New, duly seconded by Councilman Flynn, that CR16-0587, CR16-0550, CR16-0554, CR16-0584, CR16-0588, CR16-0586, CR16-0516, CR16-0582, CR16-0583, CR16-0491, and CR16-0546 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Susman (1)

Abstain: (None) (0)

## **Governance & Charter Review**

### **CR16-0586 A resolution approving the Mayor's appointments to the Denver African American Commission. (GOVERNANCE & CHARTER REVIEW)**

A motion offered by Councilman New, duly seconded by Councilman Flynn, that CR16-0587, CR16-0550, CR16-0554, CR16-0584, CR16-0588, CR16-0586, CR16-0516, CR16-0582, CR16-0583, CR16-0491, and CR16-0546 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Susman (1)

Abstain: (None) (0)

## **Infrastructure & Culture**

### **CR16-0516 A resolution approving a proposed Contract between the City and County of Denver and BT Construction, Inc., for 33rd Street Outfall. (INFRASTRUCTURE & CULTURE)**

A motion offered by Councilman New, duly seconded by Councilman Flynn, that CR16-0587, CR16-0550, CR16-0554, CR16-0584, CR16-0588, CR16-0586, CR16-0516, CR16-0582, CR16-0583, CR16-0491, and CR16-0546 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Susman (1)

Abstain: (None) (0)

### **CR16-0582 A resolution laying out, opening and establishing as part of the City street system parcels of land as Lafayette Street at the intersection of 38th Street and Lafayette Street.**

A motion offered by Councilman New, duly seconded by Councilman Flynn, that CR16-0587, CR16-0550, CR16-0554, CR16-0584, CR16-0588, CR16-0586, CR16-0516, CR16-0582, CR16-0583, CR16-0491, and CR16-0546 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Susman (1)

Abstain: (None) (0)

**CR16-0583 A resolution laying out, opening and establishing as part of the City street system parcel of land as a public alley located near the intersection of East 2nd Avenue and Saint Paul Street.**

A motion offered by Councilman New, duly seconded by Councilman Flynn, that CR16-0587, CR16-0550, CR16-0554, CR16-0584, CR16-0588, CR16-0586, CR16-0516, CR16-0582, CR16-0583, CR16-0491, and CR16-0546 be adopted en bloc, carried by the following vote:

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

**Safety & Well-being**

**CR16-0491 A resolution approving a proposed Agreement between the City and County of Denver and 5 Community Education Centers, Inc., for community corrections services. (SAFETY & WELL-BEING)**

A motion offered by Councilman New, duly seconded by Councilman Flynn, that CR16-0587, CR16-0550, CR16-0554, CR16-0584, CR16-0588, CR16-0586, CR16-0516, CR16-0582, CR16-0583, CR16-0491, and CR16-0546 be adopted en bloc, carried by the following vote:

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

**CR16-0546 A resolution approving a proposed Third Amendatory Agreement between 5 the City and County of Denver and Custom Environmental Services, Inc., to 6 provide on-call services for the management of hazardous materials and 7 regulated wastes. (SAFETY & WELL-BEING)**

A motion offered by Councilman New, duly seconded by Councilman Flynn, that CR16-0587, CR16-0550, CR16-0554, CR16-0584, CR16-0588, CR16-0586, CR16-0516, CR16-0582, CR16-0583, CR16-0491, and CR16-0546 be adopted en bloc, carried by the following vote:

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

## **Bills for Introduction**

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

### **Finance & Services**

**CB16-0553 A bill for an ordinance referring a question to the ballot at the November 8, 2016 coordinated election concerning the retention and continuation of the .03% sales and use tax increase to provide additional funding for the Denver Preschool Program, as originally approved by the voters at the November 4, 2014 election. (FINANCE & SERVICES)**

A motion offered by Council President Herndon, duly seconded by Councilman New, that CB16-0553, CB16-0564, CB16-0515, and CB16-0589 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Susman (1)

Abstain: (None) (0)

**CB16-0564 A bill for an ordinance approving a proposed Agreement by and between the City and County of Denver and Cellco Partnership, dba Verizon Wireless LLC for installation of a Distributed Antenna System (DAS). (FINANCE & SERVICES)**

A motion offered by Council President Herndon, duly seconded by Councilman New, that CB16-0553, CB16-0564, CB16-0515, and CB16-0589 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Susman (1)

Abstain: (None) (0)

### **Infrastructure & Culture**

**CB16-0515 A bill for an ordinance approving and providing for the execution of a proposed 7 Intergovernmental Agreement between the City and County of Denver and the 8 Colorado Department of Transportation (CDOT) concerning the "Sheridan 9 Sidewalks Improvements" project and the funding therefor. (INFRASTRUCTURE & CULTURE)**

A motion offered by Council President Herndon, duly seconded by Councilman New, that CB16-0553, CB16-0564, CB16-0515, and CB16-0589 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Susman (1)

Abstain: (None) (0)

**CB16-0589 A bill for an Ordinance amending Ordinance Number 426, Series of 2007, as amended by Ordinance Number 335, Series of 2009, Ordinance Number 148, Series of 2010, Ordinance Number 11, Series of 2011, Ordinance Number 191, Series of 2011, Ordinance Number 258, Series of 2011, Ordinance Number 630, Series of 2011, Ordinance Number 63, Series of 2013, Ordinance Number 73, Series of 2014, Ordinance Number 376, Series of 2014, and Ordinance Number 738, Series of 2014 designating the project to be undertaken and funded with the proceeds of the Better Denver bonds. (INFRASTRUCTURE & CULTURE)**

A motion offered by Council President Herndon, duly seconded by Councilman New, that CB16-0553, CB16-0564, CB16-0515, and CB16-0589 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Susman (1)

Abstain: (None) (0)

## **Bills for Final Consideration**

### **Governance & Charter Review**

**CB16-0548 A bill for an ordinance amending 38-158 the Denver Revised Municipal Code to clarify the behaviors which are indicative of someone trying to engage in acts that further the practice of prostitution. (GOVERNANCE & CHARTER REVIEW)**

A motion offered by Councilman New, duly seconded by Councilman Herndon, that CB16-0548 and CB16-0552 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Susman (1)

Abstain: (None) (0)

### **Infrastructure & Culture**

**CB16-0552 A bill for an Ordinance approving a Modification of Agreement with the U.S. Forest Service for collection of Denver fees at Summit Lake Park. (INFRASTRUCTURE & CULTURE)**

A motion offered by Councilman New, duly seconded by Councilman Herndon, that CB16-0548 and CB16-0552 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Susman (1)

Abstain: (None) (0)

## Recap of Bills to be Called Out

### Pre-Recess Announcement

Council President Brooks announced that tonight, there will be a required public hearing on CB16-0498, providing for a moratorium prohibiting the use of the Denver Zoning Code's pre-existing small zone lot parking exemption; a required public hearing on CB16-0541 as amended, providing a moratorium prohibiting the approval of site development plans and the amendment of approved site development for construction of buildings using the Garden Court building form; and, a required public hearing on CB16-0566, designating 1400 Lafayette Street the First Unitarian Society of Denver Church as a structure of preservation. Anyone wishing to speak on any of these matters must see the Council Secretary to receive a speaker card to fill out and return to her during the recess of Council.

### Recess

Council took a recess.

## Council Reconvenes and Resumes its Regular Session

### Public Hearings - Bills for Final Consideration

#### Neighborhoods & Planning

**CB16-0498 A bill for an ordinance providing for a moratorium prohibiting the use of the Denver Zoning Code's pre-existing small zone lot parking exemption for certain projects for a period of approximately seven months. (NEIGHBORHOODS & PLANNING)**

This item be placed upon final consideration and do pass.

Passed

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

Against: (None) (0)

Absent: Susman (1)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 6:20 p.m., Council President Brooks presiding, to hear speakers on CB16-0498. Bob Hickman, Margie Valdez, Craig (Bill) Vanderlan, David Engelken, Kim Hytes, and Hilleary Waters signed up to speak in favor of the bill. Doug Gragg, Frank Locantore, and Johan Barrios signed up to speak in opposition of the bill. Councilman Kashmann provided an overview. Kyle Dalton of Community Planning and Development answered questions.



**CB16-0541 AS AMENDED a bill for an ordinance providing for a moratorium prohibiting the approval of site development plans and the amendment of approved site development plans for construction of buildings using the Garden Court building form in the Denver Zoning Code for a period of approximately twelve months.**

This item be placed upon final consideration and do pass.

A motion offered by Councilman New, duly seconded by Councilman Clark, that CB16-0541 be placed upon final consideration and do pass, was followed by a motion offered by Councilman New, duly seconded by Councilman Clark, that CB16-0541 be amended in the following particulars: 1) On page 2, line 17, strike the word "courtyard" and replace with "garden court". 2) On page 2, line 18, strike the word "courtyard" and replace with "garden court". 3) On page 2 lines 18 and 19, strike the words "building9s) abutting the courtyard" and replace with "building whose facade bounds the garden court". 4) On page 2, line 20, insert the word "building form" after the words "Garden Court". 5) On page 2, line 21, insert the word "are" after the word "units". 6) On page 2, line 23, strike the word "courtyard" and replace with "garden court". 7) On page 2, line 24, strike the word "courtyard" and replace with "garden court". 8) On page 2, line 31, add a new section that reads as follows: "Section 5. This moratorium shall not apply to complete applications for a mandatory concept review pursuant to Section 12.3.2.2 of the Denver Zoning Code, which are submitted in advance of a required site development plan per Section 12.4.3.3 of the Denver Zoning Code and accepted by Community Planning and Development on or before the effective date of this ordinance." of which motion to amend carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Susman (2)

Abstain: (None) (0)

A motion offered by Councilman New, duly seconded by Councilman López, that CB16-0541 be placed upon final consideration and do pass as amended, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Susman (2)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 7:42 p.m., Council President Brooks presiding, to hear speakers on CB16-0541 as amended. Robbie Hobein, Margie Valdez, Robert Vogel, Byron Bergman, John Albers, Cindy Piggott, Rob Piggott, Anne Cox, Paula Arnold, and John Frazee signed up to speak in favor of the bill. Nathan Adams, Frank Locantore, Justin Archuletta, and Johan Barrios signed up to speak in opposition of the bill. Angela Steiner, Peter Wall, Peter Benson, and Evelinda Urman signed up to speak neither in favor of nor against the bill. Councilman New provided an overview.

**CB16-0566 A bill for an ordinance designating 1400 Lafayette Street, the First Unitarian Society of Denver Church, as a structure for preservation. (NEIGHBORHOODS AND PLANNING)**

A motion offered by Councilman New, duly seconded by Councilwoman Ortega, that CB16-0566 be placed upon final consideration and do pass, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon, Susman (2)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 9:20 p.m., Council President Brooks presiding, to hear speakers on CB16-0498. Susan Robertson, Karen Derrick-Davis, and John Olson signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Karen Hahn of Community Planning and Development delivered the Staff Report.

**Adjourn**

There being no further business before the City Council, Council President Brooks adjourned the meeting at 9:44 p.m.

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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