

City Council Minutes

Meeting Date: Monday, April 17, 2017 5:30 PM

PLEDGE OF ALLEGIANCE

Council member New led the Pledge of Allegiance.

ROLL CALL

Present: Black, Brooks, Clark, Espinoza, Gilmore, Herndon,
Kashmann, Kniech, López, New, Ortega, Susman (12)
Absent: Flynn (1)

APPROVAL OF THE MINUTES

The minutes of meeting date, Monday, April 10, 2017 were distributed to Council. Council President Brooks ordered the minutes approved.

[17-0448](#) Minutes of Monday, April 10, 2017.

The minutes of Monday, April 10, 2017 were approved.

Approved

COUNCIL ANNOUNCEMENTS

Council members Gilmore and Brooks offered announcements.

PRESENTATIONS

COMMUNICATIONS

PROCLAMATIONS

[17-0452](#) **A proclamation reaffirming Denver's commitment to planet-friendly policies.**

A motion offered by Councilman Kashmann, duly seconded by Councilman López, that Proclamation 17-0452 be adopted. The motion carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Herndon,
Kashmann, Kniech, López, New, Ortega, Susman (12)
Nay: (None) (0)
Absent: Flynn (1)

RESOLUTIONS

Finance & Governance Committee

Block Vote

A motion offered by Councilman New, duly seconded by Councilman Clark, to approve the following items en bloc. The motion carried by the following vote:

Approved the consent agenda

Aye: Black, Brooks, Clark, Gilmore, Herndon, Kashmann, Kniech,
López, New, Ortega, Susman (11)
Nay: (None) (0)
Absent: Espinoza, Flynn (2)

17-0377 A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Roland Process Service & Investigations, LLC to provide legal process services.

Adds \$300,000 and two years to the contract with Roland Process Service & Investigations, LLC for a new total of \$710,000 and end date of 11-30-19 to provide writs, warrants, subpoenas, and other process services for legal matters (201525605-01). The last regularly scheduled Council meeting within the 30-day review period is on 5-8-17. The Committee approved filing this resolution by consent on 4-4-17.

A motion offered by Councilman New, duly seconded by Councilman Clark, that Resolution 17-0377 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (11)
Nay: (None) (0)
Absent: Espinoza, Flynn (2)

17-0382 A resolution approving a proposed amendment to a Master Purchase Order between the City and County of Denver and Traffic Signal Controls, Inc., to replace traffic signal control heads.

Adds \$250,000 to the master purchase order with Traffic Signal Controls, Inc. for a new total of \$720,000 for the remaining term to replace traffic signal control heads citywide (0155A0115). The last regularly scheduled Council meeting within the 30-day review period is on 5-8-17. The Committee approved filing this resolution by consent on 4-4-17.

A motion offered by Councilman New, duly seconded by Councilman Clark, that Resolution 17-0382 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (11)
Nay: (None) (0)
Absent: Espinoza, Flynn (2)

Land Use, Transportation & Infrastructure Committee

17-0376 A resolution granting a revocable permit to Sol W. Kutler to encroach into the right-of-way at 2590 Walnut Street.

Grants a revocable permit to Sol W. Kutler to encroach into the right-of-way with a new ADA ramp, existing stairs and a loading dock at 2590 Walnut Street in Council District 9. The Committee approved filing this resolution by consent on 4-4-17.

A motion offered by Councilman New, duly seconded by Councilman Clark, that Resolution 17-0376 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (11)
Nay: (None) (0)
Absent: Espinoza, Flynn (2)

17-0378 A resolution laying out, opening and establishing as part of the City street system parcels of land as a public alley near the intersection of East Evans Avenue and South Lafayette Street.

Dedicates a parcel of land as public right-of-way as public alley located at the intersection of East Evans Avenue and South Lafayette Street in Council District 6. The Committee approved filing this resolution by consent on 4-4-17.

A motion offered by Councilman New, duly seconded by Councilman Clark, that Resolution 17-0378 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (11)

Nay: (None) (0)

Absent: Espinoza, Flynn (2)

Safety, Housing, Education & Homelessness Committee

17-0380 A resolution approving a proposed Second Amendment and Modification Agreement between the City and County of Denver and Habitat for Humanity of Metro Denver, Inc. for the purpose of amending the City's collateral for the loan.

Amends a loan agreement with Habitat for Humanity of Metro Denver for Neighborhood Stabilization II Funds from the Department of Housing and Urban Development (HUD) by substituting one affordable housing covenant on a unit located at 2668 South Decatur Street in Council District 7 for one located at 15136 East Andrews Drive in Council District 11. No change to loan amount or duration (OEDEV-GE1A008-02). The last regularly scheduled Council meeting within the 30-day review period is on 5-8-17. The Committee approved filing this resolution by consent on 4-5-17.

A motion offered by Councilman New, duly seconded by Councilman Clark, that Resolution 17-0380 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (11)

Nay: (None) (0)

Absent: Espinoza, Flynn (2)

17-0450 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the sum of Nine Hundred Ninety-Nine Thousand Nine Hundred Ninety-Nine Dollars (\$999,999.00), payable to Jose Hernandez and Laura Rosales, c/o Rathod Mohamedbhai, LLC, in full payment and satisfaction of all claims related to the shooting death of Jessica Hernandez.

Settles a claim involving the Denver Police Department. This resolution was approved for filing at the Mayor-Council meeting on 4-11-17.

A motion offered by Councilman New, duly seconded by Councilman Clark, that Resolution 17-0450 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (11)

Nay: (None) (0)

Absent: Espinoza, Flynn (2)

BILLS FOR INTRODUCTION

Land Use, Transportation & Infrastructure Committee

[17-0362](#) A bill for an ordinance changing the zoning classification for 689 West 39th Avenue, 700 West 40th Avenue, and 725 West 39th Avenue in Globeville.

Approves an official map amendment to rezone property located at 689 West 39th Avenue, 700 West 40th Avenue, and 725 West 39th Avenue from I-B, UO-2 and I-A, UO-2 to C-MX-20 (industrial to commercial-mixed use) in Council District 9. The Committee approved filing this bill at its meeting on 4-4-17.

Final Consideration

Required Public Hearing

This Bill 17-0362 was ordered published with future required public hearing 5-17-17.

Ordered published with future required public hearing

[17-0366](#) A bill for an ordinance changing the zoning classification for 3505-3507 West 3rd Avenue and 332 Lowell Boulevard in Barnum.

Approves an official map amendment to rezone property located at 3505-3507 West 3rd Avenue and 332 Lowell Boulevard from E-SU-Dx to CMP-EI2 (adding to the existing campus and unifying the zone district) in Council District 3. The Committee approved filing this bill at its meeting on 4-4-17.

Final Consideration

Required Public Hearing

This Bill 17-0366 was ordered published with future required public hearing 5-17-17.

Ordered published with future required public hearing

[17-0368](#) A bill for an ordinance changing the zoning classification for 2880 West Holden Place, 1155 North Decatur Street, 1201 North Decatur Street and 1101 North Decatur Street in Sun Valley.

Approves an official map amendment to rezone property located at 2880 West Holden Place, 1155 North Decatur Street, 1201 North Decatur Street and 1101 North Decatur Street from PUD 487 to C-MX-5, (planned development to commercial-mixed use) in Council District 3. The Committee approved filing this bill at its meeting on 4-4-17.

Final Consideration

Required Public Hearing

This Bill 17-0368 was ordered published with future required public hearing 5-17-17.

Ordered published with future required public hearing

[17-0381](#) **A bill for an ordinance approving the License between the City and County of Denver and Magellan Pipeline Company, L.P. relating to relocation of a pipeline into City-owned land north of 56th Avenue in Stapleton.**

Approves a license agreement to allow the Magellan Pipeline Company to construct and operate pipeline facilities in City-owned land in Stapleton north of 56th Avenue. The last regularly scheduled Council meeting within the 30-day review period is on 5-8-17. The Committee approved filing this bill by consent on 4-4-17.

This Bill 17-0381 was ordered published on first reading.

Ordered published on first reading

Special Issues: Marijuana

[17-0324](#) AS AMENDED a bill for an ordinance amending sections 6-206 and 24-508, Denver Revised Municipal Code regarding the hours of operation of retail marijuana stores and medical marijuana centers.

Allows licensed marijuana stores to remain open until 10:00 pm. The Committee approved filing this bill at its meeting on 4-3-17. Amended 4-17-17 to clearly communicate to the public and to the marijuana industry the first date upon which any retail marijuana store or medical marijuana center may remain open until 10:00 p.m. will be Monday, May 1.

This Bill 17-0324 was ordered published on first reading.

Ordered published on first reading

BILLS FOR FINAL CONSIDERATION

Finance & Governance Committee

Aye: Black, Brooks, Clark, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (11)

Nay: (None) (0)

Absent: Espinoza, Flynn (2)

RECAP OF BILLS TO BE CALLED OUT

PRE-RECESS ANNOUNCEMENT

Tonight there will be a required public hearing on Council Bill 17-0263, changing the zoning classification for 3033 East 1st Avenue in Cherry Creek; and, a one-hour courtesy public hearing on Council Bill 17-0324, allowing licensed marijuana stores to remain open until 10:00 p.m. Anyone wishing to speak on either 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 RECONVENES AND RESUMES ITS REGULAR SESSION

PUBLIC HEARINGS - BILLS FOR FINAL CONSIDERATION

Land Use, Transportation & Infrastructure Committee

17-0263 A bill for an ordinance changing the zoning classification for 3033 East 1st Avenue in Cherry Creek.

Approves an official map amendment to rezone property located at 3033 East 1st Avenue from PUD #55 to C-CCN-8, planned unit development to Cherry Creek North zoning, in Council District 10. The Committee approved filing this bill at its meeting on 3-7-17.

A motion offered by Councilman New, duly seconded by Councilman Herndon, that Bill 17-0263 be placed upon final consideration and do pass. The motion carried by the following vote:

Placed upon final consideration and do pass

Council sat as a Committee of the Whole commencing at 6:32 p.m., Council President Brooks presiding, to hear speakers on Council Bill 17-0263. Bob Mattucci and Blake Mourer signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Theresa Lucero of Community Planning and Development delivered the Staff Report.

- Aye: Black, Brooks, Clark, Espinoza, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (12)
- Nay: (None) (0)
- Absent: Flynn (1)

PUBLIC HEARINGS - BILLS ON INTRODUCTION

Special Issues: Marijuana

17-0324 AS AMENDED a bill for an ordinance amending sections 6-206 and 24-508, Denver Revised Municipal Code regarding the hours of operation of retail marijuana stores and medical marijuana centers.

Allows licensed marijuana stores to remain open until 10:00 pm. The Committee approved filing this bill at its meeting on 4-3-17. Amended 4-17-17 to clearly communicate to the public and to the marijuana industry the first date upon which any retail marijuana store or medical marijuana center may remain open until 10:00 p.m. will be Monday, May 1.

A motion offered by Councilman New, duly seconded by Councilwoman Kniech that Council Bill 17-0324 be ordered published, was followed by a motion offered by Councilwoman Black, duly seconded by Councilwoman Kniech, that Bill 17-0324 be amended. The motion carried by the following vote:

Amended

Council sat as a Committee of the Whole commencing at 6:51 p.m., Council President Brooks presiding, to hear speakers on Council Bill 17-0324. John Edward Cero, Rudolph Gonzales, Nick LoVuolo, Tiffany Goldman, Dr. Aubrey Lavizzo, Margie Valdez, Kevin Gallagher, Kristi Kelly, and Rodolfo Gonzalez signed up to speak in favor of the bill. Henny Lasley signed up to speak in opposition of the bill. Councilwoman Black provided an overview of the bill.

- Aye: Black, Brooks, Clark, Espinoza, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (12)
- Nay: (None) (0)
- Absent: Flynn (1)

A motion offered by Councilman New, duly seconded by Councilwoman Kniech, that Bill 17-0324 be ordered published as amended. The motion carried by the following vote:

Ordered published as amended

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Herndon, Kashmann, Kniech, López, New, Susman (11)

Nay: (None) (0)

Absent: Flynn (1)

Abstain: Ortega (1)

PRE-ADJOURNMENT ANNOUNCEMENT

Council President Brooks announced that on Monday, May 15, 2017, Council will hold a required public hearing on Council Bill 17-0362, changing the zoning classification for 689 West 39th Avenue, 700 West 40th Avenue, and 725 West 39th Avenue in Globeville; a required public hearing on Council Bill 17-0366, changing the zoning classification for 3505-3507 West 3rd Avenue and 332 Lowell Boulevard in Barnum; and, a required public hearing on Council Bill 17-0368, changing the zoning classification for 2880 West Holden Place, 1155 North Decatur Street, 1201 North Decatur Street and 1101 North Decatur Street in Sun Valley. Any protests against Council Bill 17-0362, 17-0366, or 17-0368 must be filed with the Council Offices no later than Monday, May 8, 2017.

There being no further business before the City Council, Council President Brooks adjourned the meeting at 7:31 p.m.

ADJOURN

There being no further business before the City Council, Council President Brooks adjourned the meeting at 7:31 p.m.

President

Attested by me with the Corporate Seal of the City and County of Denver

Clerk and Recorder, Ex-Officio Clerk
of the City and County of Denver