

City Council Minutes

Meeting Date: Monday, November 23, 2015 5:30 PM

Pledge of Allegiance

Councilwoman Ortega led the Pledge of Allegiance.

Roll Call

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

Absent: None

Approval of the Minutes

The minutes of meeting date, Monday, November 16, 2015, were distributed to Council. Council President Herndon ordered the minutes approved.

Council Announcements

Council members Brooks, Gilmore, Kashmann, Ortega, and New offered announcements.

Presentations

Communications

Proclamations

Resolutions

The Council Secretary read the following resolutions by titles.

Finance & Services

CR15-0867 A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and Advoco, Inc., to improve the efficiency and effectiveness of the Enterprise Asset Management system. (FINANCE & SERVICES)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that CR15-0867, CR15-0857, CR15-0858, CR15-0859, CR15-0860, CR15-

0864, CR15-0866, CR15-0855, CR15-0861, and CR15-0869 be adopted en bloc, carried by the following vote:

Passed
For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (13)
Against: (None) (0)
Absent: (None) (0)
Abstain: (None) (0)

Governance & Charter Review

CR15-0857 A resolution approving a proposed Agreement between the City and County of Denver and United Healthcare Insurance Company to provide 2016 medical insurance to eligible employees. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that CR15-0867, CR15-0857, CR15-0858, CR15-0859, CR15-0860, CR15-0864, CR15-0866, CR15-0855, CR15-0861, and CR15-0869 be adopted en bloc, carried by the following vote:

Passed
For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (13)
Against: (None) (0)
Absent: (None) (0)
Abstain: (None) (0)

CR15-0858 A resolution approving a proposed Agreement between the City and County of Denver and Denver Health Medical Plan, Inc. to provide 2016 medical insurance to eligible employees. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that CR15-0867, CR15-0857, CR15-0858, CR15-0859, CR15-0860, CR15-0864, CR15-0866, CR15-0855, CR15-0861, and CR15-0869 be adopted en bloc, carried by the following vote:

Passed
For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (13)
Against: (None) (0)
Absent: (None) (0)
Abstain: (None) (0)

CR15-0859 A resolution approving a proposed Agreement between the City

and County of Denver and Colorado Dental Services, Inc. dba Delta Dental of Colorado to provide 2016 dental insurance to eligible employees. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that CR15-0867, CR15-0857, CR15-0858, CR15-0859, CR15-0860, CR15-0864, CR15-0866, CR15-0855, CR15-0861, and CR15-0869 be adopted en bloc, carried by the following vote:

Passed
For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (13)
Against: (None) (0)
Absent: (None) (0)
Abstain: (None) (0)

CR15-0860 A resolution approving a proposed Agreement between the City and County of Denver and Standard Insurance Company to provide 2016 employee life and disability insurance benefits to eligible employees. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that CR15-0867, CR15-0857, CR15-0858, CR15-0859, CR15-0860, CR15-0864, CR15-0866, CR15-0855, CR15-0861, and CR15-0869 be adopted en bloc, carried by the following vote:

Passed
For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (13)
Against: (None) (0)
Absent: (None) (0)
Abstain: (None) (0)

CR15-0864 A resolution approving a proposed Agreement between the City and County of Denver and Kaiser Foundation Health Plan of Colorado to provide medical insurance coverage in 2015 to eligible employees. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that CR15-0867, CR15-0857, CR15-0858, CR15-0859, CR15-0860, CR15-0864, CR15-0866, CR15-0855, CR15-0861, and CR15-0869 be adopted en bloc, carried by the following vote:

Passed
For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (13)
Against: (None) (0)

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

CR15-0866 A resolution approving a proposed Agreement between the City and County of Denver and Denver Health Medical Plan, Inc. to provide medical insurance in 2015 to eligible employees. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that CR15-0867, CR15-0857, CR15-0858, CR15-0859, CR15-0860, CR15-0864, CR15-0866, CR15-0855, CR15-0861, and CR15-0869 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Infrastructure & Culture

CR15-0855 A resolution laying out, opening and establishing as part of the City street system a parcel of land as Rio Court at the intersection of West 13th Avenue and Rio Court. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that CR15-0867, CR15-0857, CR15-0858, CR15-0859, CR15-0860, CR15-0864, CR15-0866, CR15-0855, CR15-0861, and CR15-0869 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CR15-0861 A resolution approving a proposed Fourth Amendatory Agreement between the City and County of Denver and 303 Software, Incorporated to undertake and perform website development and hosting services. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that CR15-0867, CR15-0857, CR15-0858, CR15-0859, CR15-0860, CR15-0864, CR15-0866, CR15-0855, CR15-0861, and CR15-0869 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CR15-0869 A resolution accepting and approving the plat of Boulevard One Filing No. 7. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that CR15-0867, CR15-0857, CR15-0858, CR15-0859, CR15-0860, CR15-0864, CR15-0866, CR15-0855, CR15-0861, and CR15-0869 be adopted en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, 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.

Infrastructure & Culture

CB15-0845 A bill for an Ordinance approving an Amendment to Agreement with Urban Drainage and Flood Control District regarding design and construction of drainage and flood control improvements for Weir Gulch from Sheridan Boulevard to Hooker Street. (INFRASTRUCTURE & CULTURE)

A motion offered by Council President Herndon, duly seconded by Councilwoman Ortega, that CB15-0845 and CB15-0828 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Neighborhoods & Planning

**CB15-0828 A bill for an ordinance designating 5115 W. 29th Avenue, the Lambourns' View House, as a structure for preservation.
(NEIGHBORHOODS AND PLANNING)**

A motion offered by Council President Herndon, duly seconded by Councilwoman Ortega, that CB15-0845 and CB15-0828 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Recap of Bills to be Called Out

Pre-Recess Announcement

Tonight there will be a required public hearing on CB15-0676, changing the zoning classification for South Sloan's Lake Subdivision Filing 1, Block 2, Lots 1 and 2 located at the southeast corner of 17th Avenue and Raleigh Street; and a required public hearing on CB15-0722, relating to the Denver Zoning Code to establish the new S-MX-2A, S-MX-3A, S-MX-5A, S-MX-8A, and S-MX-12A Zone Districts. Anyone wishing to speak on either 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

**CB15-0676 A bill for an ordinance changing the zoning classification for South Sloan's Lake Subdivision Filing 1, Block 2, Lots 1 and 2 located at the southeast corner of 17th Avenue and Raleigh Street.
(NEIGHBORHOODS AND PLANNING)**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Brooks, that CB15-0676 be placed upon final consideration and do pass, carried by the following vote:

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

A motion offered by Councilman Flynn, duly seconded by Councilman New, that final consideration of CB15-0676 be postponed to Tuesday, January 19, 2016, which motion to postpone, failed to carry by the following vote:

Failed
For: Flynn, New (2)
Against: Black, Brooks, Clark, Espinoza, Gilmore, Herndon, Kashmann, Kniech, Lopez, Ortega, Susman (11)
Absent: (None) (0)
Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 6:31 PM, Council President Herndon presiding, to hear speakers on CB15-0676. Cameron Bertron, Megan Yonke, Kim Kucera, and Dan Shah signed up to speak in favor of the bill. Larry Ambrose and Corinna Carlsgaard signed up to speak in opposition of the bill. Terry Carlsgaard, Brenda Lawson, Meghan Doyle, and Rachel Klein signed up to speak neither in favor or nor in opposition of the bill. Theresa Lucero of Community Planning and Development delivered the Staff Report.

CB15-0722 A bill for an ordinance relating to the Denver Zoning Code, to establish the new S-MX-2A, S-MX-3A, S-MX-5A, S-MX-8A, and S-MX-12A Zone Districts. (NEIGHBORHOODS AND PLANNING)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Susman, that CB15-0722 be placed upon final consideration and do pass, carried by the following vote:

Passed
For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (13)
Against: (None) (0)
Absent: (None) (0)
Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 7:59 PM, Council

President Herndon presiding, to hear speakers on CB15-0722. Ferd Belz signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Kyle Dalton of Community Planning and Development delivered the Staff Report.

Bills for Final Consideration

Business Development

CB15-0811 A bill for an ordinance adopting a new Article XII in Chapter 10 of the Denver Revised Municipal Code, concerning construction defect claims in common interest communities. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Ortega, duly seconded by Councilman Brooks, was followed by a motion offered by Councilman Flynn, duly seconded by Councilwoman Susman, that CB15-0811 be amended in the following particulars: on page 7, line 27, strike the words "at least"; on page 7, line 19, strike "(a)" and substitute "(b)"; on line 25, strike "(b)" and substitute "(c)"; and on line 33, strike "(c)" and substitute "(d)", which motion to amend, carried by the following vote:

Passed
For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (13)
Against: (None) (0)
Absent: (None) (0)
Abstain: (None) (0)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Susman, that CB15-0811 be placed upon final consideration and do pass as amended, carried by the following vote:

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

Finance & Services

CB15-0829 A bill for an ordinance to appropriate the 2015 Revenue Based Winter Park Parks and Recreation Capital Fund. (FINANCE & SERVICES)

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that CB15-0829, CB15-0830, CB15-0839, CB15-0840, CB15-0841, and CB15-0831 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, Lopez, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB15-0830 A bill for an ordinance making appropriations from the State Conservation Trust Fund for the purchase of land from Xcel Energy. (FINANCE & SERVICES)

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that CB15-0829, CB15-0830, CB15-0839, CB15-0840, CB15-0841, and CB15-0831 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, Lopez, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB15-0839 A bill for an ordinance making appropriations to pay the expenses of conducting the public business for the year 2016 and for the purposes required by the Charter and by other law. (FINANCE AND SERVICES)

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that CB15-0829, CB15-0830, CB15-0839, CB15-0840, CB15-0841, and CB15-0831 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, Lopez, New, Ortega, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB15-0840 A bill for an ordinance re-naming an "Alternative Fuel Station" fund in the Public Health Special Revenue Fund and the means for collecting revenues and authorizing expenditures from such fund. (FINANCE AND SERVICES)

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn,

that CB15-0829, CB15-0830, CB15-0839, CB15-0840, CB15-0841, and CB15-0831 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, Lopez, New, Ortega, Susman (13)
Against: (None) (0)
Absent: (None) (0)
Abstain: (None) (0)

CB15-0841 A bill for an ordinance establishing a “Police/Fire Pension” fund in the Public Safety Special Revenue Fund and the means for collecting revenue and authorizing expenditures from such fund. (FINANCE AND SERVICES)

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that CB15-0829, CB15-0830, CB15-0839, CB15-0840, CB15-0841, and CB15-0831 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, Lopez, New, Ortega, Susman (13)
Against: (None) (0)
Absent: (None) (0)
Abstain: (None) (0)

Infrastructure & Culture

CB15-0831 A bill for an ordinance amending the legal description in Ordinance No. 15-0354, Series of 2015 to vacate a portion of the right-of-way between 2345 7th Street and 695 Water Street, with reservations. (INFRASTRUCTURE AND CULTURE)

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that CB15-0829, CB15-0830, CB15-0839, CB15-0840, CB15-0841, and CB15-0831 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, Lopez, New, Ortega, Susman (13)
Against: (None) (0)
Absent: (None) (0)
Abstain: (None) (0)

Announcement

On Monday, November 30, 2015, there will be a required public hearing on CB15-0828, designating 5115 West 29th Avenue, the Lambourns' View House, as a structure for preservation.

Adjourn

There being no further business before the City Council, Council President Herndon adjourned the meeting at 8:31 PM.

Pending

For 12-7-15

CB15-0775 A bill for an ordinance changing the zoning classification for 2901 Grove Street, 2921 Grove Street, 2890 Hazel Court, and 3120 West 29th Avenue.

Final Consideration

Required Public Hearing (NEIGHBORHOODS AND PLANNING)

For 12-14-15

CB15-0827 A bill for an ordinance changing the zoning classification for 510 E. 51st Avenue, 480 E. 51st Avenue, 4855 Pearl Street, 4871 Pearl Street, and 4877 Pearl Street.

Required Public Hearing

Final Consideration (NEIGHBORHOODS AND PLANNING)

For 1-25-16

CB15-0625 A bill for an ordinance changing the zoning classification for 3268 West 32nd Avenue.

Required Public Hearing

Final Consideration (NEIGHBORHOODS AND PLANNING)