

City Council Minutes

Meeting Date: Monday, August 29, 2016 5:30 PM

Pledge of Allegiance

Councilman Herndon led the Pledge of Allegiance.

Roll Call

Present: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)
Absent: None (0)

Approval of the Minutes

The minutes of meeting date, Monday, August 22, 2016, were distributed to Council. Council President Brooks ordered the minutes approved.

Council Announcements

Council members López, Kniech, and Brooks offered announcements.

Presentations

Communications

A letter dated August 25, 2016 from Brendan J. Hanlon, Manager of Finance, notifying City Council of the Department of Finance's intent to issue City and County of Denver, for and on behalf of the Wastewater Management Division of its Department of Public Works, Wastewater Enterprise Revenue Bonds, Series 2016 in a par amount not to exceed \$116,000,000 for the purpose of funding storm drainage projects primarily related to the Park to Platte Hill project and to pay associated costs of issuance was read in its entirety to Council.

Proclamations

CP16-0765 A proclamation recognizing September 2016 as Childhood Cancer Awareness Month.

Sponsored by Council members Brooks, Clark, Flynn, Ortega, Kniech, New, Susman, López, Kashmann, Gilmore, and Black.

A motion offered by Council President Brooks, duly seconded by Councilman Herndon, that CP16-0765 be adopted, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Councilman Espinoza asked to be added as a sponsor of CP16-0765.

CP16-0766 A proclamation recognizing and celebrating Denver's Sister City relationships and the success of Denver Sister Cities International.

Sponsored by Council members Black, Clark, Flynn, Ortega, New, Susman, López, Kashmann, Gilmore, and Brooks.

A motion offered by Councilwoman Black, duly seconded by Councilman Herndon, that CP16-0766 be adopted, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Resolutions

The Council Secretary read the following resolutions by titles.

Business, Arts, Workforce & Aeronautical Services

CR16-0601 A resolution approving and providing for the execution of proposed grant agreements between the City and County of Denver and the United States of America concerning the "Community Development Block Grant FY16" program and the funding therefor. (BUSINESS, ARTS, WORKFORCE, and AERONAUTICAL SERVICES)

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that CR16-0601, CR16-0607, CR16-0372, CR16-0591, CR16-0598, CR16-0604, CR16-0611, CR16-0593, CR16-0595, and CR16-0596 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: Espinoza (1)

CR16-0602 A resolution approving and providing for the execution of proposed grant agreement between the City and County of Denver and the United States of America concerning the "HOME FY16" program and the funding therefor. (BUSINESS, ARTS, WORKFORCE, and AERONAUTICAL SERVICES)

A motion offered by Councilman Herndon, duly seconded by Councilwoman Kniech, that CR16-0602 and CR16-0603 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: Ortega (1)

CR16-0603 A resolution approving and providing for the execution of proposed grant agreements between the City and County of Denver and the United States of America concerning the "Housing Opportunities for People with AIDS (HOPWA)" FY16 program and the funding therefor. (BUSINESS, ARTS, WORKFORCE, and AERONAUTICAL SERVICES)

A motion offered by Councilman Herndon, duly seconded by Councilwoman Kniech, that CR16-0602 and CR16-0603 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: Ortega (1)

CR16-0607 A resolution approving a proposed Agreement between the City and County of Denver and PetroPro Engineering, Inc. concerning the management and operation of seventy-five (75) oil and gas wells on the property of Denver International Airport. (BUSINESS, ARTS, WORKFORCE, and AERONAUTICAL SERVICES)

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that CR16-0601, CR16-0607, CR16-0372, CR16-0591, CR16-0598, CR16-0604, CR16-0611, CR16-0593, CR16-0595, and CR16-0596 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: Espinoza (1)

CR16-0608 A resolution approving a proposed Agreement between the City and County of Denver and Nossaman, LLP for special counsel concerning the Great Hall for Denver International Airport. (BUSINESS, ARTS, WORKFORCE, and AERONAUTICAL SERVICES)

A motion offered by Councilman Herndon, duly seconded by Councilwoman Susman, that CR16-0608 be adopted, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: Gilmore (1)

CR16-0610 A resolution approving a proposed Agreement between the City and County of Denver and Denver Great Hall LLC concerning the predevelopment phase that will include project planning and redesign concerning the Great Hall for Denver International Airport. (BUSINESS, ARTS, WORKFORCE, and AERONAUTICAL SERVICES)

A motion offered by Councilman Herndon, duly seconded by Councilwoman Susman, that CR16-0610 be adopted, carried by the following vote:

Passed

For: Black, Brooks, Clark, Espinoza, Flynn, Herndon, Kashmann, López, New, Susman (10)

Against: Kniech, Ortega (2)

Absent: (None) (0)

Abstain: Gilmore (1)

Infrastructure & Culture

CR16-0372 A resolution approving a proposed First Amendment To License Agreement between the City and County of Denver and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless to add additional funds and extend the term of the agreement. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that CR16-0601, CR16-0607, CR16-0372, CR16-0591, CR16-0598, CR16-0604, CR16-0611, CR16-0593, CR16-0595, and CR16-0596 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: Espinoza (1)

Land Use, Transportation & Infrastructure

CR16-0591 A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and Barker Rinker Seacat Architecture, P.C. for professional design services.

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that CR16-0601, CR16-0607, CR16-0372, CR16-0591, CR16-0598, CR16-0604, CR16-0611, CR16-0593, CR16-0595, and CR16-0596 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: Espinoza (1)

CR16-0598 A resolution laying out, opening and establishing as part of the City street system parcels of land as Brighton Boulevard near the intersection of 40th Street and Brighton Boulevard.

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that CR16-0601, CR16-0607, CR16-0372, CR16-0591, CR16-0598, CR16-0604, CR16-0611, CR16-0593, CR16-0595, and CR16-0596 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: Espinoza (1)

Safety, Housing, Education & Homelessness

CR16-0604 A resolution approving the Mayor's appointment to the Head Start Policy Council. (SAFETY, HOUSING, EDUCATION, and HOMELESSNESS)

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that CR16-0601, CR16-0607, CR16-0372, CR16-0591, CR16-0598, CR16-0604, CR16-0611, CR16-0593, CR16-0595, and CR16-0596 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: Espinoza (1)

CR16-0611 A resolution approving the Council appointments of Yvette Evans and Marilyn Halpern to the Denver Head Start Policy Council. (Safety, Housing, Education, and Homelessness)

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that CR16-0601, CR16-0607, CR16-0372, CR16-0591, CR16-0598, CR16-0604, CR16-0611, CR16-0593, CR16-0595, and CR16-0596 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: Espinoza (1)

Finance & Governance

CR16-0593 A resolution approving the Mayor's appointment to the Denver Urban Renewal Authority Board of Directors. (FINANCE & GOVERNANCE)

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that CR16-0601, CR16-0607, CR16-0372, CR16-0591, CR16-0598, CR16-0604, CR16-0611, CR16-0593, CR16-0595, and CR16-0596 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: Espinoza (1)

CR16-0595 A resolution approving a proposed In-Building Service Enhancement Agreement by and between the City and County of Denver and AT&T Mobility National Accounts LLC for the installation of a Distributed Antenna System (DAS) in the Richard T. Castro Building. (FINANCE & GOVERNANCE)

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that CR16-0601, CR16-0607, CR16-0372, CR16-0591, CR16-0598, CR16-0604, CR16-0611, CR16-0593, CR16-0595, and CR16-0596 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: Espinoza (1)

CR16-0596 A resolution approving a proposed In-Building Service Enhancement Agreement by and between the City and County of Denver and AT&T Mobility National Accounts LLC for the installation of a Distributed Antenna System (DAS) in the Wellington E. Webb Municipal Office Building. (FINANCE & GOVERNANCE)

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that CR16-0601, CR16-0607, CR16-0372, CR16-0591, CR16-0598, CR16-0604, CR16-0611, CR16-0593, CR16-0595, and CR16-0596 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: Espinoza (1)

Bills for Introduction

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

Business Arts Workforce & Aeronautical Services

CB16-0609 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and FC Stapleton II, LLC relating to the land sale of a parcel of former Stapleton land located in Denver and known as Section 10 Arsenal Railroad Parcel. (BUSINESS, ARTS, WORKFORCE, and AERONAUTICAL SERVICES)

A motion offered by Council President Brooks, duly seconded by Councilman Herndon, that CB16-0609, CB16-0605, CB16-0606, CB16-0585, CB16-0549, CB16-0551, and CB16-0597 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Finance & Governance

CB16-0605 A bill for an ordinance amending the Classification and Pay Plan to conform with the Fair Labor Standards Act's exemption salary threshold and abolishes certain classes and pay grades. (FINANCE & GOVERNANCE)

A motion offered by Council President Brooks, duly seconded by Councilman Herndon, that CB16-0609, CB16-0605, CB16-0606, CB16-0585, CB16-0549, CB16-0551, and CB16-0597 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB16-0606 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. (FINANCE & GOVERNANCE)

A motion offered by Council President Brooks, duly seconded by Councilman Herndon, that CB16-0609, CB16-0605, CB16-0606, CB16-0585, CB16-0549, CB16-0551, and CB16-0597 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB16-0585 A bill for an ordinance approving a Service Plan for the creation of Denver Connection West Metropolitan District. (FINANCE & SERVICES)

A motion offered by Council President Brooks, duly seconded by Councilman Herndon, that CB16-0609, CB16-0605, CB16-0606, CB16-0585, CB16-0549, CB16-0551, and CB16-0597 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Land Use Transportation & Infrastructure

CB16-0549 A bill for an ordinance changing the zoning classification for 3201 Walnut Street. (NEIGHBORHOODS AND PLANNING)

A motion offered by Council President Brooks, duly seconded by Councilman Herndon, that CB16-0609, CB16-0605, CB16-0606, CB16-0585, CB16-0549, CB16-0551, and CB16-0597 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB16-0551 A bill for an ordinance changing the zoning classification for 4402 Umatilla Street. (NEIGHBORHOODS AND PLANNING)

A motion offered by Council President Brooks, duly seconded by Councilman Herndon, that CB16-0609, CB16-0605, CB16-0606, CB16-0585, CB16-0549, CB16-0551, and CB16-0597 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB16-0597 A bill for an ordinance changing the zoning classification for approximately 99 Monaco Street Parkway. (LAND USE TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Council President Brooks, duly seconded by Councilman Herndon, that CB16-0609, CB16-0605, CB16-0606, CB16-0585, CB16-0549, CB16-0551, and CB16-0597 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Bills for Final Consideration

Finance & Governance

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 Councilman Herndon, duly seconded by Councilman Flynn, that CB16-0553, CB16-0564, CB16-0515, and CB16-0589 be placed upon final consideration and do pass, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

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 Councilman Herndon, duly seconded by Councilman Flynn, that CB16-0553, CB16-0564, CB16-0515, and CB16-0589 be placed upon final consideration and do pass, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Land Use, Transportation & Infrastructure

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

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that CB16-0553, CB16-0564, CB16-0515, and CB16-0589 be placed upon final consideration and do pass, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

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 Councilman Herndon, duly seconded by Councilman Flynn, that CB16-0553, CB16-0564, CB16-0515, and CB16-0589 be placed upon final consideration and do pass, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

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 Council Bill 16-0482, changing the zoning classification for 45 North Harrison Street; a required public hearing on Council Bill 16-0507, changing the zoning classification for 1145 and 1165 South Broadway; and a required public hearing on Council Bill 16-0508, changing the zoning classification for 3801 Himalaya Road. 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

CB16-0482 A bill for an ordinance changing the zoning classification for 45 N. Harrison St., with a waiver. (NEIGHBORHOODS AND PLANNING)

A motion offered by Councilman Herndon, duly seconded by Councilwoman Kniech, that CB16-0482 be placed upon final consideration and do pass, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 8:20 p.m., Council President Brooks presiding, to hear speakers on CB16-0482. Reid Phillips signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Courtland Hyser of Community Planning and Development delivered the Staff Report.

CB16-0507 A bill for an ordinance changing the zoning classification for 1145 and 1165 S. Broadway. (NEIGHBORHOODS AND PLANNING)

A motion offered by Councilman Herndon, duly seconded by Councilwoman Susman, that CB16-0507 be placed upon final consideration and do pass, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 8:34 p.m., Council President Brooks presiding, to hear speakers on CB16-0507. No speakers signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Ryan Winterberg-Lipp of Community Planning and Development delivered the Staff Report.

CB16-0508 A bill for an ordinance changing the zoning classification for 3801 Himalaya Road. (NEIGHBORHOODS & PLANNING)

A motion offered by Councilman Herndon, duly seconded by Councilwoman Susman, that CB16-0508 be placed upon final consideration and do pass, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 8:48 p.m., Council President Brooks presiding, to hear speakers on CB16-0508. Layla Rosales signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Tim Watkins of Community Planning and Development delivered the Staff Report.

Announcement

Council President Brooks announced that on Monday, September 26, 2016, Council will hold a required public hearing on CB16-0549, changing the zoning classification for 3201 Walnut Street; a required public hearing on CB16-0551, changing the zoning classification for 4402 Umatilla Street; and, a required public hearing on CB16-0597, changing the zoning classification for 99 Monaco Street Parkway.

Adjourn

There being no further business before the City Council, Council President Brooks adjourned the meeting at 9:11 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