

# City Council Minutes

Meeting Date: Monday, April 24, 2017 5:30 PM

## PLEDGE OF ALLEGIANCE

Council member Herndon led the Pledge of Allegiance.

## ROLL CALL

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

## APPROVAL OF THE MINUTES

[17-0475](#) Minutes of Monday, April 17, 2017

The minutes of Monday, April 17, 2017 were approved.

## Approved

The minutes of meeting date, Monday, April 17, 2017, were distributed to Council. Council President Brooks ordered the minutes approved.

## COUNCIL ANNOUNCEMENTS

Council members Gilmore, Kashmann, Black, Espinoza, López, Susman, New, Ortega, and Brooks offered announcements.

## PRESENTATIONS

## COMMUNICATIONS

## PROCLAMATIONS

[17-0413](#) **A proclamation recognizing Sunday, April 30, 2017 as Dia del Niño Day.**

A motion offered by Councilman New, duly seconded by Councilwoman Kniech, that Proclamation 17-0413 be adopted. The motion carried by the following vote:

## Adopted

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

Nay: (None) (0)

[17-0418](#) **A proclamation in recognition of the Washington Street Community Center.**

A motion offered by Councilman Clark, duly seconded by Councilman Espinoza, that Proclamation 17-0418 be adopted. The motion carried by the following vote:

## Adopted

Councilwoman Ortega asked to be added as a sponsor of 17-0418.

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

Nay: (None) (0)

**17-0476 A proclamation thanking MSU Denver student volunteers for their service.**

A motion offered by Councilman Brooks, duly seconded by Councilman Espinoza, that Proclamation 17-0476 be adopted. The motion carried by the following vote:

**Adopted**

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

Nay: (None) (0)

**RESOLUTIONS**

**Business, Arts, Workforce & Aeronautical Services Committee**

Block Vote

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

**Approved the consent agenda**

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

Nay: (None) (0)

Absent: Espinoza (1)

**17-0395 A resolution approving a proposed Agreement between the City and County of Denver and DIA Retail Fashion, LLC concerning several concessions on Concourse B and C at Denver International Airport.**

Approves a concession use agreement with DIA Retail Fashion, LLC for ten years and to receive \$895,050 in annual revenue to construct, maintain, and manage three retail concessions spaces at Denver International Airport, and also to satisfy a settlement and release of claims and litigation involving the airport (201733877). The last regularly scheduled Council meeting within the 30-day review period is on 5-15-17. The Committee approved filing this resolution by consent on 4-12-17.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Kniech, that Resolution 17-0395 be adopted en bloc, carried by the following vote:

**Adopted**

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

Nay: (None) (0)

Absent: Espinoza (1)

**Land Use, Transportation & Infrastructure Committee**

**17-0349 A resolution approving a proposed Contract between the City and County of Denver and Concrete Works of Colorado, Inc. to improve drainage and construct a storm sewer system along the 33rd Street corridor.**

Approves a one-year \$6,556,720 contract with Concrete Works of Colorado, Inc. to improve the drainage conditions in the Lower Platte Valley and 36th and Downing Basins during a 5-year storm event, a phase of the 33rd Street outfall project to construct the storm sewer system and its associated facilities along the 33rd Street corridor starting at Blake Street and ending at Arapahoe Street in Council District 9 (201631819). The last regularly scheduled Council meeting within the 30-day review period is on 5-15-17. The Committee approved filing this resolution by consent on 3-21-17.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Kniech, that Resolution 17-0349 be adopted en bloc, carried by the following vote:

**Adopted**

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

**17-0364 A resolution approving a proposed Agreement between the City and County of Denver and Environmental Learning for Kids for construction of a community-based environmental education center.**

Approves a \$500,000 contract with Environmental Learning for Kids through 05-30-20 with grant funding from Great Outdoors Colorado towards the construction of a community-based environmental educational center that features terrestrial and aquatic habitat, walking trails, interpretative kiosks, and areas for science and environmental education to be located at 12680 East Albrook Drive in Council District 8 (201733545). The last regularly scheduled Council meeting within the 30-day review period is on 5-15-17. The Committee approved filing this resolution by consent on 3-28-17.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Kniech, that Resolution 17-0364 be adopted en bloc, carried by the following vote:

**Adopted**

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

**[17-0383](#) A resolution approving and providing for the execution of a proposed amendment to the Grant Agreement between the City and County of Denver and the State of Colorado, concerning the "Flood Mitigation at Sanderson Gulch" project and the funding therefor.**

Adds \$6,172,369 to the grant agreement with the Division of Homeland Security and Emergency Management for a new total of \$6,172,370 for partial funding of flood mitigation and infrastructure improvements on Sanderson Gulch from South Lipan Street and extending southeast to the confluence of the South Platte River in Council District 7 (201628916). The last regularly scheduled Council meeting within the 30-day review period is on 5-15-17. The Committee approved filing this resolution by consent on 4-4-17.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Kniech, that Resolution 17-0383 be adopted en bloc, carried by the following vote:

**Adopted**

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

Nay: (None) (0)

Absent: Espinoza (1)

**[17-0384](#) A resolution approving a Grant Agreement between the City and County of Denver and the State of Colorado, concerning the "Flood Mitigation at Sanderson Gulch" project and the funding therefor.**

Approves a grant agreement with the State of Colorado and the Division of Homeland Security and Emergency Management (DHSEM) for \$881,767 and for two years to partially fund flood mitigation and infrastructure improvements of Sanderson Gulch, located near South Platte River Drive between West Florida Avenue and South Jason Street in Council District 7 (201733801). The last regularly scheduled Council meeting within the 30-day review period is on 5-15-17. The Committee approved filing this resolution by consent on 4-4-17.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Kniech, that Resolution 17-0384 be adopted en bloc, carried by the following vote:

**Adopted**

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

Nay: (None) (0)

Absent: Espinoza (1)

**[17-0393](#) A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Deighton Associates Ltd to continue providing transportation asset management consulting services.**

Adds \$634,644 and one year to the contract with Deighton Associates, LTD for a new total of \$916,621 and end date of 12-31-17 for asset management consulting services for city streets, including the collection of distress data, a network analysis with recommendations for a multi-year paving program, analysis of pedestrian ramps and prioritization of rehabilitation of those ramps, and other services citywide (201627262). The last regularly scheduled Council meeting within the 30-day review period is on 5-15-17. The Committee approved filing this resolution by consent on 4-11-17.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Kniech, that Resolution 17-0393 be adopted en bloc, carried by the following vote:

**Adopted**

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

**[17-0405](#) A resolution laying out, opening and establishing as part of the City street system parcels of land as Archer Place, Lowry Boulevard and South Pontiac Street near the intersection of Lowry Boulevard and South Quebec Street.**

Dedicates City-owned land as public right-of-way as Archer Place, Lowry Boulevard, and South Pontiac Street located near the intersection of Lowry Boulevard and South Quebec Street in Council District 5. The Committee approved filing this resolution by consent on 4-11-17.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Kniech, that Resolution 17-0405 be adopted en bloc, carried by the following vote:

**Adopted**

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

**[17-0407](#) A resolution approving a proposed Parks Use Agreement between the City and County of Denver and Downtown Denver Events, Inc. for the use of Skyline Park for a multi-day event.**

Approves a park use agreement with Downtown Denver Events, Inc. for three years to operate food and beverage concessions in Skyline Park in Council District 9 (PARKS 201733626). The last regularly scheduled Council meeting within the 30-day review period is on 5-15-17. The Committee approved filing this resolution by consent on 4-11-17.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Kniech, that Resolution 17-0407 be adopted en bloc, carried by the following vote:

**Adopted**

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

Absent: Espinoza (1)

**Safety, Housing, Education & Homelessness Committee**

**17-0110 A resolution approving a proposed Agreement between the City and County of Denver and Compass Group USA, Inc. to provide beverage and snack vending products at the Denver County Jail.**

Approves a contract with Compass Group USA, Inc. for \$50,000 in revenue, and for two years through 12-31-18 for beverage and food vending machines at the Denver County Jail (201632221). The last regularly scheduled Council meeting within the 30-day review period is on 5-15-17. The Committee approved filing this resolution by consent on 2-1-17.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Kniech, that Resolution 17-0110 be adopted en bloc, carried by the following vote:

**Adopted**

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

Nay: (None) (0)

Absent: Espinoza (1)

**BILLS FOR INTRODUCTION**

**Land Use, Transportation & Infrastructure Committee**

**17-0391 A bill for an ordinance vacating an alley near the intersection of West 4th Avenue and Kalamath Street, with reservations.**

Vacates the alley located at West 4th Avenue and Kalamath Street, with reservations, in Council District 7. The Committee approved filing this bill by consent on 4-11-17.

Council Bill 17-0391 was ordered published on first reading.

**Ordered published on first reading**

**17-0392 A bill for an ordinance relinquishing four easements dedicated to the City by the Denver Connection West Filing No. 1 subdivision, recorded with the Denver Clerk & Recorder at Reception Number 2016106834.**

Relinquishes certain easements conveyed in the Denver Connection West Filing No. 1 Subdivision, recorded on 08-12-16 with reception no. 2016106834, located along Kittredge Street from Warner Drive to Elk Drive in Council District 11. The last regularly scheduled Council meeting within the 30-day review period is on 5-15-17. The Committee approved filing this bill by consent on 4-11-17.

Council Bill 17-0392 was ordered published on first reading.

**Ordered published on first reading**

**[17-0394](#) A bill for an ordinance authorizing the purchase of capital equipment from the Asphalt Plant Fund.**

Approves a capital equipment expenditure for \$1.1 million for the purchase of an asphalt crushing and screening system to recycle existing materials for the production of asphalt for street paving operations citywide. The Committee approved filing this bill by consent on 4-11-17.

Council Bill 17-0394 was ordered published on first reading.

**Ordered published on first reading**

**[17-0402](#) A bill for an ordinance authorizing the purchase of capital equipment from the Wastewater Management Enterprise Fund.**

Approves a one-time capital equipment expenditure for \$210,000 to procure two utility trucks for use in Public Works manhole adjustment operations to adjust manhole castings in conjunction with the Street Maintenance overlay program on a yearly basis citywide. The Committee approved filing this bill by consent on 4-11-17.

Council Bill 17-0402 was ordered published on first reading.

**Ordered published on first reading**

**[17-0406](#) A bill for an ordinance relinquishing a portion of the easement established by Ordinance No. 793, Series of 2002, located at 2520 East Alameda Circle.**

Relinquishes a portion of the easement established in Vacating Ordinance No. 793, Series of 2002, located at 2520 East Alameda Circle in Council District 10. The last regularly scheduled Council meeting within the 30-day review period is on 5-15-17. The Committee approved filing this bill by consent on 4-11-17.

Council Bill 17-0406 was ordered published on first reading.

**Ordered published on first reading**

**BILLS FOR FINAL CONSIDERATION**

**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 Herndon, duly seconded by Councilman Flynn, that Council Bill 17-0324 as amended be placed upon final consideration and do pass, was followed by a motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that Bill 17-0324 as amended be further amended regarding pending applications. A friendly amendment was offered to delete the unnecessary word "for" from the motion and accepted by the mover of the motion to amend Councilwoman Ortega, and the seconder of the motion to amend Councilman Herndon. The motion failed by the following vote:

**Failed to amend**

Aye: Espinoza, Herndon, New, Ortega (4)  
Nay: Black, Brooks, Clark, Flynn, Gilmore, Kashmann, Kniech,  
López, Susman (9)

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that Bill 17-0324 as amended be further amended regarding pending disciplinary action. The motion failed by the following vote:

**Failed to amend**

Aye: Brooks, Espinoza, Herndon, Ortega (4)  
Nay: Black, Clark, Flynn, Gilmore, Kashmann, Kniech, López, New,  
Susman (9)

A motion offered by Councilman Herndon, duly seconded by Councilwoman Ortega, that Bill 17-0324 as amended be further amended to change the store hours to 9:00 a.m. to 9:00 p.m. was changed with permission of the mover of the motion to amend, Councilman Herndon, and the seconder of the motion to amend, Councilwoman Ortega, to change the store hours to 9:00 a.m. to 10:00 p.m. The motion failed by the following vote:

**Failed to amend**

Aye: Espinoza, Gilmore, Herndon, López, New, Ortega (6)  
Nay: Black, Brooks, Clark, Flynn, Kashmann, Kniech, Susman (7)

A motion offered by Councilman Espinoza, duly seconded by Councilwoman Ortega, that Bill 17-0324 as amended be further amended to change the effective date from May 1, 2017 to June 21, 2017. The motion failed by the following vote:

**Failed to amend**

Aye: Espinoza, Herndon, Ortega (3)  
Nay: Black, Brooks, Clark, Flynn, Gilmore, Kashmann, Kniech,  
López, New, Susman (10)

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that Bill 17-0324 be placed upon final consideration and do pass as amended with store hours of 8:00 a.m. to 10:00 p.m. The motion carried by the following vote:

**Placed upon final consideration and do pass as amended**

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Kashmann,  
Kniech, López, New, Susman (11)  
Nay: Herndon, Ortega (2)



**Land Use, Transportation & Infrastructure Committee**

**[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.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Kniech, that Bill 17-0381 be placed upon final consideration and do pass en bloc, carried by the following vote:

**Placed upon final consideration and do pass**

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

**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 17-0311, approving a text amendment to the Denver Zoning Code comprised of multiple substantive, clarification, and usability changes across the entirety of the code, prioritized in response to customer and community feedback, industry changes and other factors, to maintain a citywide zoning code that is modern, clear and user-friendly. 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**

**Land Use, Transportation & Infrastructure Committee**

**[17-0311](#) A bill for an ordinance to amend Chapter 59 (Zoning) of the Denver Revised Municipal Code relating to the Denver Zoning Code and to amend and restate the Denver Zoning Code.**

Approves a text amendment to the Denver Zoning Code comprised of multiple substantive, clarification, and usability changes across the entirety of the code, prioritized in response to customer and community feedback, industry changes and other factors, to maintain a citywide zoning code that is modern, clear and user-friendly. The Committee approved filing this bill at its meeting on 3-14-17.

This Bill 17-0311 was placed upon final consideration and do pass.

**Placed upon final consideration and do pass**

A motion offered by Councilwoman Susman, duly seconded by Councilwoman Kniech, that Bill 17-0311 be amended. The motion carried by the following vote:

**Amended**

Council sat as a Committee of the Whole commencing at 8:38 p.m., Council President Brooks presiding, to hear speakers on Council Bill 17-0311. No speakers signed up to speak in favor of nor against the bill. Sara White of Community Planning and Development delivered the Staff Report.

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

Nay: Espinoza (1)

A motion offered by Councilman Herndon, duly seconded by Councilwoman Kniech, that Bill 17-0311 be placed upon final consideration and do pass as amended. The motion carried by the following vote:

**Placed upon final consideration and do pass as amended**

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

Nay: (None) (0)

**PRE-ADJOURNMENT ANNOUNCEMENT**

**ADJOURN**

There being no further business before the City Council, Council President Brooks adjourned the meeting at 8:54 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