

City Council Minutes

Meeting Date: Monday, June 22, 2015 5:30 PM

Pledge of Allegiance

Councilwoman Ortega led the Pledge of Allegiance.

Roll Call

Present: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero,
Nevitt, Ortega, Robb, Shepherd, Susman

Absent: None

Approval of the Minutes

The minutes of meeting date, Monday, June 15, 2015, were distributed to Council. Council President Herndon ordered the minutes approved.

Council Announcements

Council members Brooks, López, and Montero offered announcements.

Presentations

Communications

Proclamations

CP15-0384 A proclamation designating the week of June 22 through June 26 as "Bike Week" and Wednesday, June 24, as "Bike to Work Day" in Denver.

Sponsored by Council Members Shepherd, Brooks, Lehmann, Robb, Ortega, Kniech, Montero and Brown.

A motion offered by Councilwoman Shepherd, duly seconded by Councilman Brooks, that CP15-0384 be adopted, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CP15-0427 A proclamation celebrating the Colorado Convention Center's 25th Anniversary.

Sponsored by Council Members Brown, Brooks, Ortega, Kniech, Robb, Faatz, Montero and Lehmann.

A motion offered by Councilman Brown, duly seconded by Councilwoman Susman, that CP15-0427 be adopted, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Council members Susman and Montero asked to be added as a sponsor of CP15-0427.

Resolutions

The Council Secretary read the following resolutions by titles.

Business Development

CR15-0372 A resolution approving the Mayor's reappointments and appointment to the Denver Convention Center Hotel Authority Board. (BUSINESS DEVELOPMENT COMMITTEE)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that CR15-0372 and CR15-0387 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd (12)

Against: (None) (0)

Absent: Susman (1)

Abstain: (None) (0)

CR15-0387 A resolution approving the Mayor's appointment to the Fax-Mayfair Business Improvement District Board of Directors (BUSINESS DEVELOPMENT COMMITTEE)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that CR15-0372 and CR15-0387 be adopted en bloc, carried by the

following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd (12)

Against: (None) (0)

Absent: Susman (1)

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.

Business Development

CB15-0382 A bill for an Ordinance amending Article V of Chapter 6, Section 6-213 and Article XII of Chapter 24, Section 24-509, Denver Revised Municipal Code concerning non-licensed cultivation of marijuana and licensing for marijuana businesses. (BUSINESS DEVELOPMENT)

A motion offered by Council President Herndon, duly seconded by Councilwoman Ortega, that CB15-0382, CB15-0397, CB15-0398, CB15-0379, CB15-0366, CB15-0396, CB15-0293, and CB15-0368 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB15-0397 A bill for an ordinance approving a proposed DEN Use and Cargo Facilities Lease Agreement between the City and County of Denver and DHL Express (USA), Inc., related to leased space at Denver International Airport. (BUSINESS DEVELOPMENT COMMITTEE)

A motion offered by Council President Herndon, duly seconded by Councilwoman Ortega, that CB15-0382, CB15-0397, CB15-0398, CB15-0379, CB15-0366, CB15-0396, CB15-0293, and CB15-0368 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

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

CB15-0398 A bill for an ordinance approving a proposed Airport Use and Cargo Facilities Lease Agreement between the City and County of Denver and Bemidji Aviation Services, Inc., related to leased space at Denver International Airport. (BUSINESS DEVELOPMENT COMMITTEE)

A motion offered by Council President Herndon, duly seconded by Councilwoman Ortega, that CB15-0382, CB15-0397, CB15-0398, CB15-0379, CB15-0366, CB15-0396, CB15-0293, and CB15-0368 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB15-0402 A bill for an ordinance referring to the ballot at the November 3, 2015 coordinated election a question concerning the approval of an Amendatory Intergovernmental Agreement between the City and County of Denver and Adams County governing the development and use of certain property at Denver International Airport. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Susman, that CB15-0402 be ordered published, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Susman (12)

Against: (None) (0)

Absent: (None) (0)

Abstain: Shepherd (1)

Finance & Services

CB15-0379 A bill for an ordinance submitting to a vote of the qualified and registered electors of the City and County of Denver at a special municipal election to be held on Tuesday, November 3, 2015, the question of whether the City shall be authorized to issue bonds or other financial obligations for the purpose of financing the following tourism related projects: the National Western Center and improvements to the Colorado Convention Center; and in connection therewith to eliminate the expiration date of the lodger's tax and the auto rental tax at a rate equal to 1.75%;

providing the form of the ballot question; providing for other details in connection therewith; and ratifying action previously taken. (FINANCE & SERVICES)

A motion offered by Council President Herndon, duly seconded by Councilwoman Ortega, that CB15-0382, CB15-0397, CB15-0398, CB15-0379, CB15-0366, CB15-0396, CB15-0293, and CB15-0368 be ordered published en bloc, carried by the following vote:

Passed
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)
Against: (None) (0)
Absent: (None) (0)
Abstain: (None) (0)

Infrastructure & Culture

CB15-0366 A bill for an Ordinance approving an Amendment to Agreement with Urban Drainage and Flood Control District regarding final design, right-of-way acquisition and construction of drainage and flood control improvements for Westerly Creek from Kelly Road Dam to 13th Avenue. (INFRASTRUCTURE & CULTURE)

A motion offered by Council President Herndon, duly seconded by Councilwoman Ortega, that CB15-0382, CB15-0397, CB15-0398, CB15-0379, CB15-0366, CB15-0396, CB15-0293, and CB15-0368 be ordered published en bloc, carried by the following vote:

Passed
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)
Against: (None) (0)
Absent: (None) (0)
Abstain: (None) (0)

CB15-0381 A bill for an ordinance approving a proposed Intergovernmental Agreement between the City and County of Denver and the Colorado Department of Transportation, the High Performance Transportation Enterprise and the Bridge Enterprise regarding Montclair and Park Hill basin drainage improvement and I-70 transportation enhancements. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Ortega, duly seconded by Councilman López, that CB15-0381 be ordered published was followed by a motion offered by Councilwoman Montero, duly seconded by Councilwoman Lehmann, that CB15-0381 be amended in the following particulars: **On page 1, line 17, strike City**

Clerk’s Filing No. 2015-0265 and insert City Clerk’s Filing No. 2015-0265-A, which motion to amend carried by the following vote:

Passed
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)
Against: (None) (0)
Absent: (None) (0)
Abstain: (None) (0)

A motion offered by Councilwoman Ortega, duly seconded by Councilman López, that CB15-0381 be ordered published as amended, carried by the following vote:

Passed
For: Brooks, Brown, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Robb, Susman (10)
Against: Faatz (1)
Absent: (None) (0)
Abstain: Ortega, Shepherd (2)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that final consideration of CB15-0381 with a one-hour courtesy public hearing be postponed to Monday, July 13, failed to carry by the following vote:

Failed
For: Kniech, Ortega, Robb, Shepherd (4)
Against: Brooks, Brown, Faatz, Herndon, Lehmann, Lopez, Montero, Nevitt, Susman (9)
Absent: (None) (0)
Abstain: (None) (0)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that final consideration of CB15-0381 with a one-hour courtesy public hearing be postponed to Monday, July 6, carried by the following vote:

Passed
For: Brooks, Brown, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)
Against: Faatz (1)
Absent: (None) (0)
Abstain: (None) (0)

Safety & Well-being

CB15-0376 A bill for an ordinance approving a proposed Loan Agreement between the City and County of Denver and St. Charles Holding Company LLC, for resident relocation costs. (SAFETY & WELL-BEING)

A motion offered by Councilwoman Ortega, duly seconded by Councilman Brooks, that CB15-0376 be ordered published, carried by the following vote:

Passed
For: Brooks, Brown, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb (10)
Against: Faatz (1)
Absent: Shepherd, Susman (2)
Abstain: (None) (0)

CB15-0377 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Savio House to provide out-of-home Placement Services for children. (SAFETY & WELL-BEING)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that CB15-0377 be ordered published was followed by a motion offered by Councilman López, duly seconded by Councilwoman Kniech that CB15-0377 be amended in the following particulars: **On page 1, line 7, strike the “out-of-home Placement Services” and insert “core services for families involved in the child welfare system.” On page 1, line 8, strike “for children”, which motion to amend carried by the following vote:**

Passed
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd (12)
Against: (None) (0)
Absent: (None) (0)
Abstain: (None) (0)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Lehmann, that CB15-0377 be ordered published as amended, carried by the following vote:

Passed
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd (12)
Against: (None) (0)
Absent: Susman (1)
Abstain: (None) (0)

CB15-0378 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Signal Behavioral Health Network dba Signal to provide Out-of-Home Placement Services for children. (SAFETY & WELL-BEING)

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

that CB15-0378 be ordered published was followed by a motion offered by Councilman López, duly seconded by Councilman Brooks, that CB15-0378 be amended in the following particulars: **on page 1, line 8, strike “Out-of-home Placement Services for children” and insert “core services for families involved in the child welfare system” which motion to amend, carried by the following vote:**

Passed
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd (12)
Against: (None) (0)
Absent: Susman (1)
Abstain: (None) (0)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Lehmann, that CB15-0378 be ordered published as amended, carried by the following vote:

Passed
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd (12)
Against: (None) (0)
Absent: Susman (1)
Abstain: (None) (0)

CB15-0396 A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and National Medical Services, Inc., for laboratory testing services. (SAFETY & WELL-BEING)

A motion offered by Council President Herndon, duly seconded by Councilwoman Ortega, that CB15-0382, CB15-0397, CB15-0398, CB15-0379, CB15-0366, CB15-0396, CB15-0293, and CB15-0368 be ordered published en bloc, carried by the following vote:

Passed
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)
Against: (None) (0)
Absent: (None) (0)
Abstain: (None) (0)

Technology & Governance

CB15-0293 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Jackson Lewis, P.C. to provide legal services. (TECHNOLOGY & GOVERNANCE)

A motion offered by Council President Herndon, duly seconded by Councilwoman Ortega, that CB15-0382, CB15-0397, CB15-0398, CB15-0379, CB15-0366, CB15-0396, CB15-0293, and CB15-0368 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB15-0368 A bill for an ordinance approving a proposed donation of surplus video equipment from the City and County of Denver to Auraria Higher Education Center. (TECHNOLOGY & GOVERNANCE)

A motion offered by Council President Herndon, duly seconded by Councilwoman Ortega, that CB15-0382, CB15-0397, CB15-0398, CB15-0379, CB15-0366, CB15-0396, CB15-0293, and CB15-0368 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Recap of Bills to be Called Out

Recess

Council did not take a recess.

Council Reconvenes and Resumes its Regular Session

Bills for Final Consideration

Finance & Services

CB15-0360 A bill for an ordinance approving a proposed Master Purchase Order between the City and County of Denver and Motion and Flow Control Products, Inc., dba Hydraulic Energy Products for hydraulic parts and repairs. (FINANCE & SERVICES)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that CB15-0360, CB15-0361, CB15-0362, CB15-0365, and CB15-0374 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd (12)
Against: (None) (0)
Absent: Susman (1)
Abstain: (None) (0)

CB15-0361 A bill for an ordinance approving a proposed Master Purchase Order between the City and County of Denver and Front Range Fire Apparatus for fire truck parts. (FINANCE & SERVICES)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that CB15-0360, CB15-0361, CB15-0362, CB15-0365, and CB15-0374 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd (12)
Against: (None) (0)
Absent: Susman (1)
Abstain: (None) (0)

CB15-0362 A bill for an ordinance approving a proposed Master Purchase Order between the City and County of Denver and Rush Medium Duty Truck Centers of Colorado, Inc., for medium and heavy duty truck parts. (FINANCE & SERVICES)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that CB15-0360, CB15-0361, CB15-0362, CB15-0365, and CB15-0374 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd (12)
Against: (None) (0)
Absent: Susman (1)
Abstain: (None) (0)

CB15-0365 A bill for an ordinance approving a proposed Master Purchase Order between the City and County of Denver and NAPA Genuine Parts Co., to provide automotive batteries in support of the needs of the City's fleet vehicles. (FINANCE & SERVICES)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that CB15-0360, CB15-0361, CB15-0362, CB15-0365, and CB15-0374 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd (12)
Against: (None) (0)
Absent: Susman (1)
Abstain: (None) (0)

CB15-0374 A bill for an ordinance making an appropriation to the Denver Preschool Program Special Revenue Fund and the means for authorizing expenditures from such fund. (FINANCE & SERVICES)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that CB15-0360, CB15-0361, CB15-0362, CB15-0365, and CB15-0374 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd (12)
Against: (None) (0)
Absent: Susman (1)
Abstain: (None) (0)

Adjourn

There being no further business before the City Council, Council President Herndon adjourned the meeting at 8:27 PM.

Pending

For 6-29-15

CB15-0298 AS AMENDED 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.

**Required Public Hearing
Final Consideration (NEIGHBORHOODS & PLANNING)**

For 6-29-15

CB15-0345 A bill for an ordinance changing the zoning classification for approximately 99 Quebec Street.

**Required Public Hearing
Final Consideration (NEIGHBORHOODS AND PLANNING)**

For 6-29-15

CB15-0346 A bill for an ordinance changing the zoning classification of 301 S. Cherokee Street.

**Final Consideration
Required Public Hearing (NEIGHBORHOODS & PLANNING)**

For 7-6-15 (Special Meeting)

CB15-0312 AS AMENDED A bill for an ordinance relating to the Denver Zoning Code, enacting the Scottish Village Conservation Overlay (CO-3).

**Combined Required Public Hearing with CB15-0313
Final Consideration (NEIGHBORHOODS & PLANNING)**

For 7-6-15 (Special Meeting)

CB15-0313 A bill for an ordinance changing the zoning classification for multiple properties roughly bounded by 32nd Avenue, Clay Street, Dunkeld Place and Zuni Street.

**Combined Required Public Hearing with CB15-0312
Final Consideration (NEIGHBORHOODS & PLANNING)**

For 7-6-15 (Special Meeting)

CB15-0319 AS AMENDED A bill for an ordinance relating to the Denver Zoning Code, enacting the Potter Highlands Conservation Overlay (CO-4).

**Combined Public Hearing with CB15-0321
Final Consideration (NEIGHBORHOODS & PLANNING)**

For 7-6-15 (Special Meeting)

CB15-0321 A bill for an ordinance changing the zoning classification for multiple properties roughly bounded by 38th Avenue, Federal Boulevard, 32nd Avenue and Zuni Street.

**Combined Public Hearing with CB15-0319
Final Consideration (NEIGHBORHOODS & PLANNING)**

For 7-6-15 (Special Meeting)

CB15-0322 AS AMENDED A bill for an ordinance relating to the Denver Zoning Code, enacting the Side Interior Setback Design Overlay (DO-4).

**Combined Public Hearing with CB15-0323
Final Consideration (NEIGHBORHOODS & PLANNING)**

For 7-6-15 (Special Meeting)

CB15-0323 A bill for an ordinance changing the zoning classification for multiple properties in the Highland statistical neighborhood.

**Combined Public Hearing with CB15-0322
Final Consideration (NEIGHBORHOODS & PLANNING)**

For 7-6-15

CB15-0324 AS AMENDED A bill for an ordinance relating to the Denver Zoning Code, to create Campus-National Western Center (CMP-NWC) Zone District.

**Required Public Hearing
Final Consideration (NEIGHBORHOODS & PLANNING)**

For 7-6-15

CB15-0325 A bill for an ordinance changing the zoning classification for certain properties within the National Western Center Campus located in north Denver in the Elyria neighborhood.

**Required Public Hearing
Final Consideration (NEIGHBORHOODS & PLANNING)**

For 7-13-15

CB15-0356 A bill for an ordinance vacating a portion of right-of-way at 2329 Eliot Street, without reservations.

Final Consideration (INFRASTRUCTURE & CULTURE)