

City Council Minutes

Meeting Date: Monday, February 27, 2017 5:30 PM

PLEDGE OF ALLEGIANCE

Council member Clark led the Pledge of Allegiance.

ROLL CALL

Present: Black, Brooks, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New (10)

Absent: Espinoza, Ortega, Susman (3)

APPROVAL OF THE MINUTES

The minutes of meeting date, Monday, February 21, 2017, were distributed to Council. Council President Brooks ordered the minutes approved.

[17-0275](#) Minutes of Tuesday, February 27, 2017

The minutes of Monday, February 21, 2017 were approved.

Approved

COUNCIL ANNOUNCEMENTS

Council members Kashmann, Black, and New offered announcements.

PRESENTATIONS

COMMUNICATIONS

PROCLAMATIONS

[17-0280](#) A proclamation honoring the 90th anniversary of the West Point Society of Denver.

A motion offered by Councilman Herndon, duly seconded by Councilman Clark, that Proclamation 17-0280 be adopted. The motion carried by the following vote:

Adopted

Council members Kashmann and Gilmore asked to be added as a sponsor of 17-0280.

Aye: Black, Brooks, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New (10)

Nay: (None) (0)

Absent: Espinoza, Ortega, Susman (3)

RESOLUTIONS

Business, Arts, Workforce & Aeronautical Services Committee

[17-0163](#) A resolution approving a proposed Agreement between the City and County of Denver and SIXTEEN CAL LLC to provide goods and services to the public and other customers located at 1601 California Street.

Approves a Business Incentive Fund (BIF) contract with 16 CAL, LLC for twenty years and for \$4 million for the completion and operation of a strategic retail store on the 16th Street Mall at 1601 California Street in Council District 9 (OEDEV-201733017-00). The last regularly scheduled Council meeting within the 30-day review period is on 3-20-17. The Committee approved filing this bill at its meeting on 2-15-17.

A motion offered by Councilman Clark, duly seconded by Councilman López, that Resolution 17-0163 be adopted and Council Bill 156 be ordered published en bloc. The motion carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Flynn, Gilmore, Kashmann, López, New (8)

Nay: Kniech (1)

Absent: Espinoza, Herndon, Ortega, Susman (4)

Block Vote

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

Approved the consent agenda

Aye: Black, Brooks, Clark, Flynn, Gilmore, Kashmann, Kniech, López, New (9)

Nay: (None) (0)

Absent: Espinoza, Herndon, Ortega, Susman (4)

Land Use, Transportation & Infrastructure Committee

[17-0147](#) A resolution approving a proposed Amendatory Agreement by and between the City and County of Denver and Zonar Systems, Inc., to increase funds to provide GPS technology in street maintenance and solid waste vehicles.

Amends a contract with Zonar Systems, Inc. by adding \$600,000 for a new total contract amount of \$1,584,527.62 for GPS technology used by Street Maintenance and Solid Waste vehicles to maximize route planning, reduce fuel consumption, and lower emissions citywide. No change to contract duration (201312449-01). The last regularly scheduled Council meeting within the 30-day review period is on 3-20-17. The Committee approved filing this resolution by consent on 2-14-17.

A motion offered by Councilman Clark, duly seconded by Councilman López, that Resolution 17-0147 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Flynn, Gilmore, Kashmann, Kniech, López, New (9)

Nay: (None) (0)

Absent: Espinoza, Herndon, Ortega, Susman (4)

[17-0154](#) A resolution approving a proposed Amendatory Lease and Agreement between the City and County of Denver and Boys and Girls Clubs of Metro Denver, Inc. for the real property and improvements located at 4395 and 4397 Crown Court, Denver, Colorado to provide youth programs.

Amends a contract with the Boys and Girls Club of Metro Denver, Inc. by adjusting the reporting deadline, exhibit modifications, and other provisions for existing youth programming including health, arts, leadership development, gang prevention, and athletics at the former Montbello Recreation Center in Council District 8. No change to contract amount or duration (RC3A009). The last regularly scheduled Council meeting within the 30-day review period is on 3-20-17. The Committee approved filing this resolution by consent on 2-14-17.

A motion offered by Councilman Clark, duly seconded by Councilman López, that Resolution 17-0154 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Flynn, Gilmore, Kashmann, Kniech, López, New (9)

Nay: (None) (0)

Absent: Espinoza, Herndon, Ortega, Susman (4)

[17-0164](#) A resolution approving a proposed Contract between the City and County of Denver and CTM Inc. for site development, landscape and irrigation construction services.

Approves a contract with CTM, Inc. for three years and for \$2.5 million for on-call site development, landscape and irrigation construction services including demolition, site grading, landscape planting, and other miscellaneous work citywide (201631142). The last regularly scheduled Council meeting within the 30-day review period is on 3-20-17. The Committee approved filing this resolution by consent on 2-14-17.

A motion offered by Councilman Clark, duly seconded by Councilman López, that Resolution 17-0164 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Flynn, Gilmore, Kashmann, Kniech, López, New (9)

Nay: (None) (0)

Absent: Espinoza, Herndon, Ortega, Susman (4)

[17-0165](#) A resolution approving a proposed Contract between the City and County of Denver and Colorado Designsapes, Inc. for site development, landscape and irrigation construction services.

Approves a contract with Colorado Designsapes, Inc. for three years and for \$2.5 million for on-call site development, landscape and irrigation construction services including demolition, site grading, landscape planting, and other miscellaneous work citywide (201631171). The last regularly scheduled Council meeting within the 30-day review period is on 3-20-17. The Committee approved filing this resolution by consent on 2-14-17.

A motion offered by Councilman Clark, duly seconded by Councilman López, that Resolution 17-0165 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Flynn, Gilmore, Kashmann, Kniech,
López, New (9)
Nay: (None) (0)
Absent: Espinoza, Herndon, Ortega, Susman (4)

[17-0166](#) A resolution approving a proposed Contract between the City and County of Denver and ECI Site Construction Management, Inc. for site development, landscape and irrigation construction services.

Approves a contract with ECI Site Construction Management, Inc. for three years and for \$2.5 million for on-call site development, landscape and irrigation construction services including demolition, site grading, landscape planting, and other miscellaneous work citywide (201631146). The last regularly scheduled Council meeting within the 30-day review period is on 3-20-17. The Committee approved filing this resolution by consent on 2-14-17.

A motion offered by Councilman Clark, duly seconded by Councilman López, that Resolution 17-0166 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Flynn, Gilmore, Kashmann, Kniech,
López, New (9)
Nay: (None) (0)
Absent: Espinoza, Herndon, Ortega, Susman (4)

Safety, Housing, Education & Homelessness Committee

[17-0146](#) A resolution approving the Mayor’s reappointments to the Denver Asian Pacific American Commission.

Approves the Mayoral reappointments of Michelle Yi, Tejaswinhi Srinivas, Gil Asakawa, Soyon Bueno, Rachele Espiritu, Nozomu Higashide, Peter Seung-Woo Lee, Tri Ma, Jennifer Nguyen, and Sylvia S. Smith-Brown to the Denver Asian Pacific American Commission for terms effective immediately and expiring on 1-22-19, or until successors are duly appointed. The Committee approved filing this resolution by consent on 2-15-17.

A motion offered by Councilman Clark, duly seconded by Councilman López, that Resolution 17-0146 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Flynn, Gilmore, Kashmann, Kniech,
López, New (9)
Nay: (None) (0)
Absent: Espinoza, Herndon, Ortega, Susman (4)

[17-0157](#) A resolution approving a proposed Agreement between the City and County of Denver and Colorado Health Network, Inc., dba Denver Colorado Aids Project, granting funds for various services to low-income households affected by HIV/AIDS citywide.

Approves a contract with Colorado Health Network, Inc., doing business as Colorado AIDS Project, from HOPWA grant funds in the amount of \$1,335,575 to provide a variety of services to low-income households affected by HIV/AIDS citywide (OEDEV-201732704-00). The last regularly scheduled Council meeting within the 30-day review period is on 3-20-17. The Committee approved filing this resolution by consent on 2-15-17.

A motion offered by Councilman Clark, duly seconded by Councilman López, that Resolution 17-0157 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Flynn, Gilmore, Kashmann, Kniech, López, New (9)
Nay: (None) (0)
Absent: Espinoza, Herndon, Ortega, Susman (4)

[17-0158](#) A resolution approving a proposed Sixth Amendment between the City and County of Denver and 2300 Welton, LLC to modify the terms of the Loan Agreement.

Amends a loan agreement with 2300 Welton, LLC in the amount of \$1,069,742 from HOME funds from the U.S. Housing and Urban Development agency (HUD) to allow partial subordination of the City's collateral to the Colorado Housing and Finance Authority (CHFA) Partial Subordination to Land Use Restriction Agreement. There is no change to the loan amount only the technical subordination change (OEDEV-CE63028-06). The last regularly scheduled Council meeting within the 30-day review period is on 3-20-17. The Committee approved filing this resolution by consent on 2-15-17.

A motion offered by Councilman Clark, duly seconded by Councilman López, that Resolution 17-0158 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Flynn, Gilmore, Kashmann, Kniech, López, New (9)
Nay: (None) (0)
Absent: Espinoza, Herndon, Ortega, Susman (4)

BILLS FOR INTRODUCTION

Finance & Governance Committee

[16-1202](#) A bill for an ordinance amending the Denver Code of Ethics, and making conforming amendments to the Article V of Chapter 2, D.R.M.C. concerning financial disclosure requirements.

Approves amending the Denver Code of Ethics. The Committee approved filing this bill at its meeting on 2-21-17. This bill was approved for filing by title only by Council President Brooks.

This Bill 16-1202 was ordered published on first reading.

Ordered published on first reading

Land Use, Transportation & Infrastructure Committee

[17-0143](#) A bill for an ordinance amending golf course fees under sub-section 39-121(2) and amending event facilities fees under sub-subsections 39-121(10) (b) and (c) of the Revised Municipal Code.

Amends Sections 39-121(2), 39-121(10)(b), and (c) of the Denver Revised Municipal Code to change golf fees, event permitting, and event facilities fees at various locations citywide. The Committee approved filing this bill by consent on 2-14-17.

This Bill 17-0143 was ordered published on first reading.

Ordered published on first reading

[17-0153](#) A bill for an ordinance vacating a portion of an alley bounded by 15th Street, Wynkoop Street, Wazee Street and the Cherry Creek, with reservations. Vacates a portion of the public alley bounded by 15th Street and the Cherry Creek and Wynkoop Street and Wazee Street, with reservations, in Council District 9. The Committee approved filing this bill by consent on 2-14-17.

A motion offered by Councilman Clark, duly seconded by Councilwoman Kniech, that Bill 17-0153 be ordered published on first reading. The motion carried by the following vote:

Ordered published on first reading

Aye: Black, Brooks, Clark, Flynn, Gilmore, Kashmann, Kniech, López, New (9)

Nay: (None) (0)

Absent: Espinoza, Herndon, Ortega, Susman (4)

[17-0155](#) A bill for an ordinance agreeing to the State of Colorado's abandonment of that portion of State Highway 265, known as Brighton Boulevard, from the north right of way line of 47th Avenue northerly along Brighton Boulevard to the City and County of Denver boundary to be owned and maintained by the City and County of Denver.

Accepts the State of Colorado's abandonment of a portion of State Highway 265, known as Brighton Boulevard, to be owned and maintained by the City located near 47th Avenue and Brighton Boulevard in Council District 9. The Committee approved filing this bill by consent on 2-14-17.

This Bill 17-0155 was ordered published on first reading.

Ordered published on first reading

[17-0161](#) A bill for an ordinance amending the Denver Zoning Code to revise parking exemptions for pre-existing small zone lots.

Approves a text amendment to the Denver Zoning Code to revise the Pre-Existing Small Zone Lot parking exemption. IF ORDERED PUBLISHED, A PUBLIC HEARING WILL BE HELD ON THIS ITEM. REFER TO THE "PENDING" SECTION OF THE FUTURE COUNCIL MEETING AGENDAS FOR THE DATE. The Committee approved filing this bill at its meeting on 2-14-17.

This Bill 17-0161 was referred. to the Land Use, Transportation & Infrastructure Committee due back on 3/20/2017.

Referred

Aye: Black, Brooks, Clark, Flynn, Gilmore, Kashmann, Kniech,
López, New (9)
Nay: (None) (0)
Absent: Espinoza, Herndon, Ortega, Susman (4)

[17-0277](#) A bill for an ordinance providing for an extension of approximately two months of an existing moratorium enacted by Ordinance 20160498, Series of 2016, prohibiting the use of the Denver Zoning Code's pre-existing small zone lot parking exemption for certain projects.

Extends an existing moratorium prohibiting the use of the Denver Zoning Code's pre-existing small zone lot parking exemption for certain projects by adding approximately two months to the original moratorium adopted in August of 2016. IF ORDERED PUBLISHED, A PUBLIC HEARING WILL BE HELD ON THIS ITEM. REFER TO THE "PENDING" SECTION OF THE FUTURE COUNCIL MEETING AGENDAS FOR THE DATE. This bill was approved for filing on the floor by Councilmember Brooks on 2-23-17.

This Bill 17-0277 was ordered published with future required public hearing. to the Land Use, Transportation & Infrastructure Committee due back on 3/20/2017.

Ordered published with future required public hearing

LATE FILING

Finance & Governance Committee

[17-0156](#) A bill for an ordinance making supplemental appropriations from the General Contingency Fund to the General Government Special Revenue Fund. Approves a \$4 million supplemental appropriation from the City's General Fund Contingency to the Office of Economic Development to support the Business Incentive Fund's support of a general merchandise mass retail store on the 16th Street Mall at 1601 California Street in Council District 9. The Committee approved filing this bill at its meeting on 2-21-17. This bill was approved for late filing by Council President Brooks.

A motion offered by Councilwoman Kniech, duly seconded by Councilman Clark, that Bill 17-0156 be The Rules of Procedure be suspended to allow for the introduction of this item as a late filing. The motion carried by the following vote:

The rules of procedure be suspended to allow for the introduction of this item as

Aye: Black, Brooks, Clark, Flynn, Gilmore, Kashmann, Kniech,
López, New (9)
Nay: (None) (0)
Absent: Espinoza, Herndon, Ortega, Susman (4)

A motion offered by Councilman Clark, duly seconded by Councilman López, that Resolution 17-0163 be adopted and Council Bill 156 be ordered published en bloc. The motion carried by the following vote:

Ordered published on first reading

Aye: Black, Brooks, Clark, Flynn, Gilmore, Herndon, Kashmann,
López, New (9)
Nay: Kniech (1)
Absent: Espinoza, Ortega, Susman (3)

BILLS FOR FINAL CONSIDERATION

Finance & Governance Committee

[17-0134](#) A bill for an ordinance amending Section 14-33(a) and Section 14-68(a) of the Denver Revised Municipal Code to establish a uniform definition of Domestic Violence.

Amends Chapter 14 of the Denver Revised Municipal Code by replacing the City’s multiple definitions of “domestic violence” with the state definition, C.R.S. 18-6-800.3, to create uniformity, avoid disparate treatment for the same conduct, provide clearer officer training, and ensure proper use of habitual domestic violence offender status. The Committee approved filing this bill by consent on 2-7-17.

A motion offered by Councilman Clark, duly seconded by Councilman López, that Bill 17-0134 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, Kashmann, Kniech, López, New (9)
- Nay: (None) (0)
- Absent: Espinoza, Herndon, Ortega, Susman (4)

Land Use, Transportation & Infrastructure Committee

[17-0123](#) A bill for an ordinance approving a proposed Funding Agreement between the City and County of Denver and State of Colorado, acting by and through the Department of Natural Resources, to restore wetlands, riparian areas, native uplands and to improve water quality relating to Westerly Creek from East 13th to East 11th Avenue and the funding therefor.

Approves a grant agreement from the State of Colorado Department of Natural Resources in the amount of \$500,000 for riparian seeding, wetland plantings, and channel restoration work to improve water quality, provide for stream restoration and additional trail and park improvements at Westerly Creek and 11th Avenue in Council District 5 (201732379). The last regularly scheduled Council meeting within the 30-day review period is on 3-13-17. The Committee approved filing this bill by consent on 2-7-17.

A motion offered by Councilman Clark, duly seconded by Councilman López, that Bill 17-0123 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, Kashmann, Kniech, López, New (9)
- Nay: (None) (0)
- Absent: Espinoza, Herndon, Ortega, Susman (4)

RECAP OF BILLS TO BE CALLED OUT

PRE-RECESS ANNOUNCEMENT

RECESS

COUNCIL RECONVENES AND RESUMES ITS REGULAR SESSION

PUBLIC HEARINGS - BILLS FOR FINAL CONSIDERATION

PRE-ADJOURNMENT ANNOUNCEMENT

Council President Brooks announced that on Monday, March 20, 2017, Council will hold a required public hearing on Council Bill 17-0277, providing for an extension of approximately two months of an existing moratorium prohibiting the use of the Denver Zoning Code’s pre-existing small zone lot parking exemption for certain project.

ADJOURN

There being no further business before the City Council, Council President Brooks adjourned the meeting at 6:25 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