

City Council Minutes

Meeting Date: Monday, April 11, 2016 5:30 PM

Pledge of Allegiance

Councilwoman Black led the Pledge of Allegiance.

Roll Call

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

Absent: Gilmore

Approval of the Minutes

The minutes of meeting date, Monday, April 4, 2016, were distributed to Council. Council President Herndon ordered the minutes approved.

Council Announcements

Council members Ortega, López, Brooks, and Herndon offered announcements.

Presentations

Communications

Proclamations

CP16-0263 A proclamation in support of "Start by Believing" Public Awareness Campaign.

Sponsored by Council members Ortega, Kashmann, New, Kniech, Flynn, Black, and Gilmore.

A motion, offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that CP16-0263 be adopted, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Gilmore (1)

Abstain: (None) (0)

Resolutions

The Council Secretary read the following resolutions by titles.

Business Development

CR16-0180 A resolution approving a proposed Airport Use and Lease Agreement between the City and County of Denver and Virgin America Inc. related to leased space at Denver International Airport. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Black, duly seconded by Councilman Brooks, that CR16-0180, CR16-0220, CR16-0221, CR16-0222, CR16-0199, CR16-0200, CR16-0202, CR16-0223, CR16-0201, CR16-0201, CR16-0203, and CR16-0207 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Gilmore (1)

Abstain: (None) (0)

CR16-0220 A resolution to set a public hearing for the dissolution of the 9th Avenue Business Improvement District. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Black, duly seconded by Councilman Brooks, that CR16-0180, CR16-0220, CR16-0221, CR16-0222, CR16-0199, CR16-0200, CR16-0202, CR16-0223, CR16-0201, CR16-0201, CR16-0203, and CR16-0207 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Gilmore (1)

Abstain: (None) (0)

CR16-0221 A resolution approving a proposed Amendment and Modification Agreement between the City and County of Denver and Montbello Volunteers of America Elderly Housing Inc. to amend the collateral pledged in the Loan Agreement. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Black, duly seconded by Councilman Brooks, that CR16-0180, CR16-0220, CR16-0221, CR16-0222, CR16-0199, CR16-0200, CR16-0202, CR16-0223, CR16-0201, CR16-0201, CR16-0203, and CR16-0207 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Gilmore (1)

Abstain: (None) (0)

CR16-0222 A resolution approving a proposed Loan Agreement between the City and County of Denver and Montbello II VOA LP for an affordable housing project for individuals age 62+ known as Montbello II VOA Elderly Housing at 4355 Carson Street. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Black, duly seconded by Councilman Brooks, that CR16-0180, CR16-0220, CR16-0221, CR16-0222, CR16-0199, CR16-0200, CR16-0202, CR16-0223, CR16-0201, CR16-0201, CR16-0203, and CR16-0207 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Gilmore (1)

Abstain: (None) (0)

Finance & Services

CR16-0199 A resolution approving a proposed Master Purchase Order between the City and County of Denver and McCandless Truck Center, Inc., for medium-heavy duty equipment and trailer parts. (FINANCE & SERVICES)

A motion offered by Councilwoman Black, duly seconded by Councilman Brooks, that CR16-0180, CR16-0220, CR16-0221, CR16-0222, CR16-0199, CR16-0200, CR16-0202, CR16-0223, CR16-0201, CR16-0201, CR16-0203, and CR16-0207 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Gilmore (1)

Abstain: (None) (0)

Governance & Charter Review

CR16-0200 A resolution approving the Mayor's appointment to the Denver

American Indian Commission. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilwoman Black, duly seconded by Councilman Brooks, that CR16-0180, CR16-0220, CR16-0221, CR16-0222, CR16-0199, CR16-0200, CR16-0202, CR16-0223, CR16-0201, CR16-0201, CR16-0203, and CR16-0207 be adopted en bloc, carried by the following vote:

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

CR16-0202 A resolution approving the Mayor’s appointment to the Denver African American Commission. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilwoman Black, duly seconded by Councilman Brooks, that CR16-0180, CR16-0220, CR16-0221, CR16-0222, CR16-0199, CR16-0200, CR16-0202, CR16-0223, CR16-0201, CR16-0201, CR16-0203, and CR16-0207 be adopted en bloc, carried by the following vote:

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

CR16-0223 A resolution approving the appointment of Deputy Sheriff Sgt. Anthony Mazzei to the Deferred Compensation Plan Committee. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilwoman Black, duly seconded by Councilman Brooks, that CR16-0180, CR16-0220, CR16-0221, CR16-0222, CR16-0199, CR16-0200, CR16-0202, CR16-0223, CR16-0201, CR16-0201, CR16-0203, and CR16-0207 be adopted en bloc, carried by the following vote:

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

Infrastructure & Culture

CR16-0201 A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Coggins Consultants LLC for on-call project implementation manager services. (FINANCE & SERVICES)

A motion offered by Councilwoman Black, duly seconded by Councilman Brooks, that CR16-0180, CR16-0220, CR16-0221, CR16-0222, CR16-0199, CR16-0200, CR16-0202, CR16-0223, CR16-0201, CR16-0201, CR16-0203, and CR16-0207 be adopted en bloc, carried by the following vote:

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

CR16-0203 A resolution approving two proposed Purchase Orders between the City and County of Denver, Trans-West Truck Inc., and O J Watson Equip Co Inc., to procure five Freightliner 114SD Cab and Chassis and five Monroe Dump bodies and plow systems. (FINANCE & SERVICES)

A motion offered by Councilwoman Black, duly seconded by Councilman Brooks, that CR16-0180, CR16-0220, CR16-0221, CR16-0222, CR16-0199, CR16-0200, CR16-0202, CR16-0223, CR16-0201, CR16-0201, CR16-0203, and CR16-0207 be adopted en bloc, carried by the following vote:

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

CR16-0207 A resolution accepting and approving the plat of Exempla Saint Joseph Hospital Campus Filing No.2. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Black, duly seconded by Councilman Brooks, that CR16-0180, CR16-0220, CR16-0221, CR16-0222, CR16-0199, CR16-0200, CR16-0202, CR16-0223, CR16-0201, CR16-0201, CR16-0203, and CR16-0207 be adopted en bloc, carried by the following vote:

Passed
For: Black, Brooks, Clark, Espinoza, Flynn, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (12)
Against: (None) (0)
Absent: Gilmore (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 except for CB16-0264 are ordered published.

Governance & Charter Review

CB16-0204 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. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Council President Herndon, duly seconded by Councilwoman Black, that CB16-0204, CB16-0206, CB16-0149, and CB16-0215 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Gilmore (1)

Abstain: (None) (0)

CB16-0206 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. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Council President Herndon, duly seconded by Councilwoman Black, that CB16-0204, CB16-0206, CB16-0149, and CB16-0215 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Gilmore (1)

Abstain: (None) (0)

Infrastructure & Culture

CB16-0149 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Union Pacific Railroad Company to construct and operate a storm facility that crosses Union Pacific Property as part of the 33rd Street Outfall Project. (INFRASTRUCTURE & CULTURE)

A motion offered by Council President Herndon, duly seconded by Councilwoman Black, that CB16-0204, CB16-0206, CB16-0149, and CB16-0215 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Gilmore (1)

Abstain: (None) (0)

Neighborhoods & Planning

CB16-0215 A bill for an ordinance designating 4655 Humboldt Street, the Stadium Arena, as a structure for preservation. (NEIGHBORHOODS AND PLANNING)

A motion offered by Council President Herndon, duly seconded by Councilwoman Black, that CB16-0204, CB16-0206, CB16-0149, and CB16-0215 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Gilmore (1)

Abstain: (None) (0)

Special Issues: Marijuana Moratorium

CB16-0264 A bill for an ordinance concerning the licensing of marijuana businesses, amending the Denver Retail Marijuana Code, Article V of Chapter 6, D.R.M.C. and the Denver Medical Marijuana Code, Art. XII of Chapter 24, D.R.M.C. by capping the total number of licensed locations where marijuana cultivation and sales may be permitted in the city, adopting new procedures for the issuance of retail marijuana cultivation and sales licenses, prohibiting the issuance of new medical marijuana cultivation and sales licenses, and adopted other related amendments. (Special Issues Marijuana Moratorium)

Recap of Bills to be Called Out

Pre-Recess Announcement

Tonight there will be a required public hearing on CB16-0129, changing the

zoning classification for 210 Saint Paul Street; a required public hearing on CB16-0130, changing the zoning classification for 3200 Walnut Street, 3220 Walnut Street, 3254 Walnut Street, and 3235 Larimer Street; and a one-hour courtesy public hearing on CB16-0264, concerning the marijuana moratorium to impose a city-wide cap on the total number of locations where licensed marijuana cultivation and sales may occur in Denver. 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 Reconvenes and Resumes its Regular Session

Public Hearings - Bills for Final Consideration

Neighborhoods & Planning

CB16-0129 A bill for an ordinance changing the zoning classification for 210 Saint Paul Street. (NEIGHBORHOODS AND PLANNING)

A motion offered by Councilwoman Black, duly seconded by Councilwoman Susman, that CB16-0129 be placed upon final consideration and do pass, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Gilmore (1)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 6:25 p.m., Council President Herndon presiding, to hear speakers on CB16-0129. Marcus Pachner and Matt Joblon signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Theresa Lucero of Community Planning and Development delivered the Staff Report.

CB16-0130 A bill for an ordinance changing the zoning classification for 3200 Walnut St., 3220 Walnut St., 3254 Walnut St. and 3235 Larimer St. (NEIGHBORHOODS AND PLANNING)

A motion offered by Councilwoman Black, duly seconded by Councilwoman Susman, that CB16-0130 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Black, Brooks, Clark, Flynn, Herndon, Kashmann, Kniech, Lopez, New, Ortega, Susman (11)

Against: Espinoza (1)

Absent: Gilmore (1)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 6:42 p.m., Council President Herndon presiding, to hear speakers on CB16-0130. Todd Triggs, Jared Carlon, Bobby Long, Ryan Seelay, Josh Kaatz, Ryan Arnold, and Jamie Licko signed up to speak in favor of the bill. Laura Phelps Rogers signed up to speak in opposition of the bill. Steve Nalley Lucero of Community Planning and Development delivered the Staff Report.

Public Hearings - Bills for Introduction

Special Issues: Marijuana Moratorium

CB16-0264 A bill for an ordinance concerning the licensing of marijuana businesses, amending the Denver Retail Marijuana Code, Article V of Chapter 6, D.R.M.C. and the Denver Medical Marijuana Code, Art. XII of Chapter 24, D.R.M.C. by capping the total number of licensed locations where marijuana cultivation and sales may be permitted in the city, adopting new procedures for the issuance of retail marijuana cultivation and sales licenses, prohibiting the issuance of new medical marijuana cultivation and sales licenses, and adopted other related amendments. (Special Issues Marijuana Moratorium)

A motion offered by Councilwoman Black, duly seconded by Councilwoman Susman, that CB16-0264 be ordered published, was followed by a motion offered by Councilman Clark, duly seconded by Councilman Fynn, that CB16-0264 be amended in the following particulars: on page 4, line 12, add the following definition: "(11) Statistical neighborhood means the geographical neighborhood boundaries established by the City and County of Denver in 1970 in conjunction with the Community Renewal Program, consisting of combinations of census tracts to which the city has assigned geographic place names corresponding to commonly used names of subdivisions and historical parts of the City." On page 6, line 13, strike the language after the word "appeal." Strike lines 14-20. On page 7, line 33, add the following: "6. Prior to the first annual open application process administered by the director under this section, the director shall determine the number of licensed locations where medical marijuana centers, retail marijuana stores, or both, exist in each statistical neighborhood of the city. Likewise, the director shall determine the number of licensed locations where medical marijuana optional premises cultivation facilities, retail marijuana cultivation facilities, or both, exist in each statistical neighborhood of the city. The director shall then identify the five statistical neighborhoods where the highest number of licensed marijuana sales locations exist, and the five statistical neighborhoods where the highest number of licensed marijuana cultivation locations exist. The statistical neighborhoods thus identified by the director shall be considered neighborhoods of undue concentration of marijuana business licensing, and shall be prohibited from further licensing as a part of the annual open application process for the year in question. To the extent there is a tie in the number of licensed locations among two or more statistical neighborhoods with the fifth most licensed locations, then all such neighborhoods shall be treated as

neighborhoods of undue licensing and shall be prohibited from further licensing as part of the annual open application process. Entry into the lottery for a retail marijuana store license shall be denied for any applicant proposing to locate a retail marijuana store in any statistical neighborhood determined by the director to be a neighborhood of undue concentration based upon the current number of locations of medical marijuana centers, retail marijuana stores, or both, in the statistical neighborhood. Entry into the lottery for a retail marijuana cultivation facility license shall be denied for any applicant proposing to locate a retail marijuana cultivation facility in any statistical neighborhood determined by the director to be a neighborhood of undue concentration based upon the current number of locations of medical marijuana optional premises cultivation facilities, retail marijuana stores, or both, in the statistical neighborhood. Upon the completion of the first annual open application process, the director shall report to the council regarding the implementation of this subsection, along with a recommendation about whether or not to continue to restrict licensing in identified statistical neighborhoods in future open application processes, which motion to amend, carried by the following vote:

Passed

For: Black, Brooks, Clark, Flynn, Herndon, Kashmann, Kniech, Lopez, Susman (9)
Against: Espinoza, New, Ortega (3)
Absent: Gilmore (1)
Abstain: (None) (0)

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that CB16-0264 be amended in the following particulars: on page 4, line 12, add the following definition: "(11) Statistical neighborhood means the geographical neighborhood boundaries established by the City and County of Denver in 1970 in conjunction with the Community Renewal Program, consisting of combinations of census tracts to which the city has assigned geographic place names corresponding to commonly used names of subdivisions and historical parts of the City." On page 13, line 43, strike "Any" and insert, "Except as provided herein, any". On page 14, after line 4, insert the following: "Any application pending on May 1, 2016 for a medical marijuana center license, a retail marijuana store, a medical marijuana optional premises cultivation license, or a retail marijuana cultivation facility license shall not be approved by the director if the premises proposed for licensing is located within any of the following statistical neighborhoods: Elyria Swansea, Overland, Northeast Park Hill, Montbello, Valverde, College View, Lincoln Park/La Alma, Sunnyside, Baker, Athmar Park, Five Points, Globeville, Sun Valley. Any application pending on May 1, 2016 for a medical marijuana optional premises cultivation license or a retail marijuana cultivation facility license shall not be approved by the director if the proposed location would be within 1000 feet of a school or a residential zone district as prohibited by sections 6-214 (d) and 24-512 (f)(1). In addition, any pending applicant shall be required to supplement their application with a letter from the office of the superintendent of Denver Public Schools indicating whether or not the school district has any plans to approve or establish a school in the next ensuing year within 1000 feet of the location proposed for licensing. If the school district indicates any such plan, the director shall deny the pending application", which motion to amend, failed to carry by the following vote:

Failed

For: Brooks, Espinoza, Herndon, Lopez, New, Ortega (6)
Against: Black, Clark, Flynn, Kashmann, Kniech, Susman (6)
Absent: Gilmore (1)
Abstain: (None) (0)

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that CB16-0264 be amended in the following particulars: on page 1, lines 11-12, amend the title by striking the words, "number of licensed locations where marijuana cultivation and sales may be permitted in the city" and inserting "number of new licenses for marijuana sales, marijuana cultivation, and marijuana products manufacturing that may be issued in the city." On line 13, after the word "licenses" insert "and both retail and medical marijuana products manufacturing licenses." On page 2, strike lines 23 through 37 and insert the following: "(2) Cap on marijuana cultivation licenses. A maximum of 275 medical marijuana optional premises cultivation licenses or retail marijuana cultivation facility licenses." On page 3, strike lines 1-13, and insert the following: "(3) Cap on marijuana sales licenses means a maximum of 250 medical marijuana center licenses or retail marijuana store licenses." On page 3, line 14, insert a new subsection (4) and renumber succeeding subsections accordingly: "(4) Cap on marijuana manufacturing licenses means a maximum of 150 medical marijuana-infused products licenses or retail marijuana product manufacturing facility licenses." On page 5, strike lines 37-39, and substitute the following: "marijuana cultivation licenses, the cap on marijuana sales licenses, and the cap on marijuana manufacturing licenses, with these caps to be administered and enforced by the director in accordance with this section." Strike lines 41-46 and renumber each succeeding subsection accordingly. On line 49, strike "and" and substitute a comma. On page 6, line 1, after the comma insert "medical marijuana-infused products licenses or retail marijuana product manufacturing facility licenses." On line 2, strike "licensed locations" and insert "licenses." Strike lines 3-5 and insert the following: "licenses, the cap on marijuana cultivation licenses, and the cap on marijuana manufacturing licenses, respectively." On line 6, strike "sales locations." Strike lines 9-20 and renumber succeeding subsections accordingly. On page 7, line 11, strike "and" and substitute a comma. After the second "licenses" insert "and marijuana products manufacturing licensing, to the extent capacity for new licenses exists under any of the respective caps." On page 8, line 44, insert a new Section 5 of the council bill, and renumber succeeding subsections accordingly: "Section 5. That the introductory sentence of section 6-213, D.R.M.C. shall be amended by adding the language underlined to read: "Sec. 6-213. - Licensing requirements - Retail marijuana products manufacturer. Effective May 1, 2016, the director shall not receive or act upon any application for a retail marijuana products manufacturer license except through the annual open application process set forth in Section 6-203. In addition to the requirements set forth in the Colorado Retail Marijuana Code and any rules or regulations adopted pursuant thereto, the following requirements shall apply to the issuance of any local license for ~~medical marijuana-infused products manufacturing~~ a retail marijuana products manufacturer:" On page 12, line 8, insert a new section of the council bill, and renumber succeeding section accordingly. "Section _____. That Section Sec. 24-509. - Licensing requirements - Medical marijuana-infused products manufacturing license. Effective May1, 2016, the director shall not receive or act upon any application for a medical marijuana-infused products manufacturing license except through the annual open application process set forth in Section 6-203. In addition to the requirements set forth in the CMMC, the following requirements shall apply to the issuance of any local license for medical marijuana-infused products

manufacturing:," which motion to amend, failed to carry by the following vote:

Failed

For: Brooks, Flynn, Ortega (3)

Against: Black, Clark, Espinoza, Herndon, Kashmann, Kniech, Lopez, New, Susman (9)

Absent: Gilmore (1)

Abstain: (None) (0)

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Kniech, that CB16-0264 be amended in the following particulars: on page 13, line 42, add a new Section 12 to the Council Bill and renumber succeeding sections accordingly: "Section 12. That section 12-96 (b), D.R.M.C. shall be amended by adding the language underlined, to read as follows: Sec. 12-96. - Notification. (b) The following agencies of the city shall be responsible for the following notification: Proposed Action: Application for any type of new business license under the Denver Medical Marijuana Code or the Denver Retail Marijuana Code, in any location in an I-A or I-B industrial zone district as defined by the Denver Zoning Code, or any proposal to change the location of an existing marijuana business license to a new location in such zone districts. Responsible City Agency for Notification: Excise and Licenses," which motion to amend, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Gilmore (1)

Abstain: (None) (0)

A motion offered by Councilman López, duly seconded by Councilman Flynn, that CB16-0264 be amended in the following particulars: on page 4, line 12, add the following definition: "(11) Statistical neighborhood means the geographical neighborhood boundaries established by the City and County of Denver in 1970 in conjunction with the Community Renewal Program, consisting of combinations of census tracts to which the city has assigned geographic place names corresponding to commonly used names of subdivisions and historical parts of the City". On page 8, line 43, add a new Section 5 to the bill, and renumber each succeeding section accordingly: "Section 5. That Section 6-211 shall be further amended by the addition of a new subsection (f) to read as follows: Sec. 6-211. - Licensing requirements - Retail marijuana stores. (d) Effective May 1, 2016 no application shall be received and no license shall be issued for any new retail marijuana store in any of the following statistical neighborhoods: (1) Overland, (2) Elyria Swansea, (3) Five Points, (4) Northeast Park Hill, (5) Valverde, (6) Baker, (7) Sunnyside, (8) Globeville, (9) Montbello, (10) Capitol Hill, (11) College View, (12) Platt Park, (13) Civic Center, (14) Cole, (15) Hampden, (16) Lincoln Park/La Alma, (17) Rosedale, (18) Ruby Hill, (19) Speer." On page 10, line 33, add a new subsection (e) to read as follows: "(d) Effective May 1, 2016 no application shall be received and no approval shall be given for a change of location of any existing license for a retail

marijuana store to a new location in any of the following statistical neighborhoods: (1) Overland, (2) Elyria Swansea, (3) Five Points, (4) Northeast Park Hill, (5) Valverde, (6) Baker, (7) Sunnyside, (8) Globeville, (9) Montbello, (10) Capitol Hill, (11) College View, (12) Platt Park, (13) Civic Center, (14) Cole, (15) Hampden, (16) Lincoln Park/La Alma, (17) Rosedale, (18) Ruby Hill, (19) Speer." On page 13, line 42, add a new subsection (g) to read as follows: "(g) Effective May 1, 2016 no application shall be received and no approval shall be given for a change of location of any existing license for a medical marijuana center to a new location in any of the following statistical neighborhoods: (1) Overland, (2) Elyria Swansea, (3) Five Points, (4) Northeast Park Hill, (5) Valverde, (6) Baker, (7) Sunnyside, (8) Globeville, (9) Montbello (10) Capitol Hill, (11) College View, (12) Platt Park, (13) Civic Center, (14) Cole, (15) Hampden, (16) Lincoln Park/La Alma, (17) Rosedale, (18) Ruby Hill, (19) Speer." On page 13, line 43, strike "Any" and insert, "Except as provided herein, any". On page 14, after line 4, insert the following: "Any application pending on May 1, 2016 for a medical marijuana optional premises license or a retail marijuana cultivation facility license shall not be approved by the director if the premises proposed for licensing is located within any of the following statistical neighborhoods: (1) Overland, (2) Elyria Swansea, (3) Five Points, (4) Northeast Park Hill, (5) Valverde, (6) Baker, (7) Sunnyside, (8) Globeville, (9) Montbello, (10) Capitol Hill, (11) College View, (12) Platt Park, (13) Civic Center, (14) Cole, (15) Hampden, (16) Lincoln Park/La Alma, (17) Rosedale, (18) Ruby Hill, (19) Speer," which motion to amend, failed to carry by the following vote:

Failed

For: Brooks, Herndon, Lopez, Ortega (4)

Against: Black, Clark, Espinoza, Flynn, Kashmann, Kniech, New, Susman (8)

Absent: Gilmore (1)

Abstain: (None) (0)

A motion offered by Councilman López, duly seconded by Councilwoman Ortega, that CB16-0264 be amended in the following particulars: on page 4, line 12, add the following definition: "(11) Statistical neighborhood means the geographical neighborhood boundaries established by the City and County of Denver in 1970 in conjunction with the Community Renewal Program, consisting of combinations of census tracts to which the city has assigned geographic place names corresponding to commonly used names of subdivisions and historical parts of the City". On page 9, line 27, add a new subsection (e) to read as follows: "(e) Effective May 1, 2016 no application shall be received and no license shall be issued for any new retail marijuana cultivation facility in any of the following statistical neighborhoods: (1) Elyria Swansea, (2) Overland, (3) Northeast Park Hill, (4) Montbello, (5) Valverde, (6) College View, (7) Lincoln Park/La Alma, (8) Sunnyside, (9) Baker, (10) Athmar Park, (11) Five Points, (12) Globeville, (13) Sun Valley". On page 10, line 33, add a new subsection (e) to read as follows: "(d) Effective May 1, 2016 no application shall be received and no approval shall be given for a change of location of any existing license for a retail marijuana cultivation facility to a new location in any of the following statistical neighborhoods: (1) Elyria Swansea, (2) Overland, (3) Northeast Park Hill, (4) Montbello, (5) Valverde, (6) College View, (7) Lincoln Park/La Alma, (8) Sunnyside, (9) Baker, (10) Athmar Park, (11) Five Points, (12)

Globeville, (13) Sun Valley". On page 13, line 42, add a new subsection (g) to read as follows: "(g) Effective May 1, 2016 no application shall be received and no approval shall be given for a change of location of any existing license for a medical marijuana optional premises cultivation facility to a new location in any of the following statistical neighborhoods:" On page 13, line 43, strike "Any" and insert, "Except as provided herein, any". On page 14, line 4, insert the following: "Any application pending on May 1, 2016 for a medical marijuana optional premises cultivation license or a retail marijuana cultivation facility license shall not be approved by the director if the premises proposed for licensing is located within any of the following statistical neighborhoods: (1) Elyria Swansea, (2) Overland, (3) Northeast Park Hill, (4) Montbello, (5) Valverde, (6) College View, (7) Lincoln Park/La Alma, (8) Sunnyside, (9) Baker, (10) Athmar Park, (11) Five Points, (12) Globeville, (13) Sun Valley," which motion to amend, failed to carry by the following vote:

Failed

For: Brooks, Herndon, Lopez, New, Ortega (5)

Against: Black, Clark, Espinoza, Flynn, Kashmann, Kniech, Susman (7)

Absent: Gilmore (1)

Abstain: (None) (0)

A motion offered by Councilwoman Black, duly seconded by Councilwoman Kniech, that CB16-0264 be ordered published as amended, failed to carry by the following vote:

Failed

For: Black, Clark, Espinoza, Kashmann, Kniech, Susman (6)

Against: Brooks, Flynn, Herndon, Lopez, New, Ortega (6)

Absent: Gilmore (1)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 7:59 p.m., Council President Herndon presiding, to hear speakers on CB16-0264. Rita Tsalyuk, Lindsey Gillis, Brooke Gehring, Brian Keagan, Kristi Kelly, John Menquez, Michael Leibowitz, Truman Bradley, Mike Elliott, Tiffany Goldman, Amanda Gonzalez, Abby Rowe, Michael Lord, Anna Hatch, Cierra Morse, Meg Sanders, Holly Keating, and Scott Jackson signed up to speak in favor of the bill. Mickey Zeppelin, Brenda Moya, Holliday Aguilar, Nick LoVuolo, Martha Flores, Mike Wolf, Carl Chaney Littlejohn, Tyler Henson, Nadav Aschner, Paul Andrews, Angelina Torres, Benjamin Roldan, Ray Conyers, Logan Goolsby, Wanda James, Marisol Vasquez, Bob Eschino, Teresa Valdina, Teri Robnett, Aaron Drew, Dave Maggio, Rick Scarpeno, Jordan Dietrich, Nancy Grandys-Jones, and Nola Miguel signed up to speak in opposition of the bill. Gregory Right, Brent Beckman, Lisa Simoes-Correra, Anne Elizabeth, Florieth Beckman, Jennifer Schuchman, Scott Pack, Nathan Mendel, Patrick O'Malley, and Benjamin Bourque signed up to speak neither in favor or nor against the bill. Councilwoman Kniech and David Broadwell of the City Attorney's Office provided an overview.

Bills for Final Consideration

Business Development

CB16-0146 A bill for an ordinance approving a proposed Lease Agreement between the City and County of Denver and Regional Transportation District, related to the commuter rail transit system at Denver International Airport. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Black, duly seconded by Councilwoman Susman, that CB16-0146, CB16-0181, CB16-0182, CB16-0148, CB16-0147, CB16-0189, and CB16-0192 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Gilmore (1)

Abstain: (None) (0)

CB16-0181 A bill for an ordinance approving a proposed Interagency Agreement – DIA Peña Station Water Facilities between the City and County of Denver and Board of Water Commissioners, to provide water service at the Denver International Airport Rail Property. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Black, duly seconded by Councilwoman Susman, that CB16-0146, CB16-0181, CB16-0182, CB16-0148, CB16-0147, CB16-0189, and CB16-0192 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Gilmore (1)

Abstain: (None) (0)

CB16-0182 A bill for an ordinance approving a proposed Non-Exclusive License Agreement between the City and County of Denver and Aviation Station North Metropolitan District No. 1, to construct infrastructure at the Denver International Airport Rail Property. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Black, duly seconded by Councilwoman Susman, that CB16-0146, CB16-0181, CB16-0182, CB16-0148, CB16-0147, CB16-0189, and CB16-0192 be placed upon final consideration and do pass en bloc,

carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Gilmore (1)

Abstain: (None) (0)

Finance & Services

CB16-0148 A bill for an ordinance making a supplemental appropriation from the General Contingency Fund for the operations of the new Mayor's Office of the National Western Center to support delivery of the November 3, 2015 voter approved ballot measure 2C to design and construct Phases 1 and 2 of the National Western Center. (FINANCE & SERVICES)

A motion offered by Councilwoman Black, duly seconded by Councilwoman Susman, that CB16-0146, CB16-0181, CB16-0182, CB16-0148, CB16-0147, CB16-0189, and CB16-0192 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Gilmore (1)

Abstain: (None) (0)

Infrastructure & Culture

CB16-0147 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 "I-25 and Broadway Interchange Reconstruction" project and the funding therefor. (IINFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Black, duly seconded by Councilwoman Susman, that CB16-0146, CB16-0181, CB16-0182, CB16-0148, CB16-0147, CB16-0189, and CB16-0192 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Gilmore (1)

Abstain: (None) (0)

CB16-0189 A bill for an ordinance approving a proposed Third Amendment to Intergovernmental Agreement between the City and County of Denver and Town of Morrison, to extend the term and provide additional wastewater treatment services to Red Rocks Amphitheater. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Black, duly seconded by Councilwoman Susman, that CB16-0146, CB16-0181, CB16-0182, CB16-0148, CB16-0147, CB16-0189, and CB16-0192 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Gilmore (1)

Abstain: (None) (0)

CB16-0192 A bill for an ordinance creating a Fund Number in the Grant Projects Fund for the "Denver Water Intergovernmental Agreement" project and the funding therefor. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Black, duly seconded by Councilwoman Susman, that CB16-0146, CB16-0181, CB16-0182, CB16-0148, CB16-0147, CB16-0189, and CB16-0192 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Gilmore (1)

Abstain: (None) (0)

Announcement

Dependent upon publication on Monday, April 18, 2016, Council will hold a required public hearing on CB16-0215 designating 4655 Humboldt Street, the Stadium Arena, as a structure for preservation.

Adjourn

There being no further business before the City Council, Council President Herndon adjourned the meeting at 1:05 a.m.

Pending

For 4-25-16

CB16-0183 A bill for an ordinance relating to the Denver Zoning Code, Amending the Provisions of the Airport Influence Overlay Zone District.

Required Public Hearing

Final Consideration (NEIGHBORHOODS AND PLANNING)

For 5-2-16

CB16-0174 A bill for an ordinance changing the zoning classification for 2765 S. Colorado Blvd.

Required Public Hearing

Final Consideration (NEIGHBORHOODS AND PLANNING)

For 5-2-16

CB16-0191 A bill for an ordinance changing the zoning classification for 4100 and 4050 North Kittredge Street.

Required Public Hearing

Final Consideration (NEIGHBORHOODS AND PLANNING)