

City Council Minutes

Meeting Date: Monday, July 25, 2016 5:30 PM

Pledge of Allegiance

Councilman Kashmann led the Pledge of Allegiance.

Roll Call

Present: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Absent: Brooks, Herndon (2)

Approval of the Minutes

The minutes of meeting date, Monday, July 18, 2016, were distributed to Council. Council President Pro-Tem Clark ordered the minutes approved.

Council Announcements

Council members López, Kashmann, Espinoza, Gilmore, and Ortega offered announcements.

Presentations

Communications

Proclamations

CP16-0543 A proclamation recognizing Xcel Energy to build largest wind farm in Colorado.

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

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that CP16-0543 be adopted, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

Council members Ortega, Kashmann, and Espinoza asked to be added as sponsors of CP16-0543.

CB16-0544 A proclamation recognizing the 2016 Achievement Award from the National Association of Counties awarded to Denver Public Works and Earth Force.

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

A motion offered by Councilman Clark, duly seconded by Councilwoman Kniech, that CP16-0544 be adopted, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

Resolutions

The Council Secretary read the following resolutions by titles.

Finance & Services

CR16-0495 A resolution approving a proposed Agreement by and between the City and County of Denver and Federal Engineering, Inc., to assist with the planning and procurement of a new Public Safety radio system. (FINANCE & SERVICES)

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that CR16-0495, CR16-0513, CR16-0496, CR16-0383, CR16-0384. CR16-0385, CR16-0386, CR16-0387, CR16-0388, CR16-0389, CR16-0390, CR16-0445, and CR16-0483 be adopted en bloc, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

CR16-0513 A resolution to set a public hearing on the Service Plan for one C.R.S. Title 32 metropolitan district: Midtown Metropolitan District. (FINANCE & SERVICES)

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that CR16-0495, CR16-0513, CR16-0496, CR16-0383, CR16-0384. CR16-0385, CR16-0386, CR16-0387, CR16-0388, CR16-0389, CR16-0390, CR16-0445, and CR16-0483 be adopted en bloc, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

Governance & Charter Review

CR16-0496 A resolution approving the Mayor's appointment to the Denver Welfare Reform Board. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that CR16-0495, CR16-0513, CR16-0496, CR16-0383, CR16-0384. CR16-0385, CR16-0386, CR16-0387, CR16-0388, CR16-0389, CR16-0390, CR16-0445, and CR16-0483 be adopted en bloc, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

Infrastructure & Culture

CR16-0383 A resolution approving a proposed Agreement between the City and County of Denver and AECOM Technical Services, Inc. for engineering services to support various Wastewater capital projects. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that CR16-0495, CR16-0513, CR16-0496, CR16-0383, CR16-0384. CR16-0385, CR16-0386, CR16-0387, CR16-0388, CR16-0389, CR16-0390, CR16-0445, and CR16-0483 be adopted en bloc, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

CR16-0384 A resolution approving a proposed Agreement between the City and County of Denver and CH2M Hill Engineers, Inc., for engineering services to support various Wastewater capital projects. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that CR16-0495, CR16-0513, CR16-0496, CR16-0383, CR16-0384. CR16-0385, CR16-0386, CR16-0387, CR16-0388, CR16-0389, CR16-0390, CR16-0445, and CR16-0483 be adopted en bloc, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

CR16-0385 A resolution approving a proposed Agreement between the City and County of Denver and Enginuity Engineering Solutions, LLC for engineering services to support various Wastewater capital projects. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that CR16-0495, CR16-0513, CR16-0496, CR16-0383, CR16-0384. CR16-0385, CR16-0386, CR16-0387, CR16-0388, CR16-0389, CR16-0390, CR16-0445, and CR16-0483 be adopted en bloc, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

CR16-0386 A resolution approving a proposed Agreement between the City and County of Denver and ICON ENGINEERING, INC., for engineering services to support various Wastewater capital projects. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that CR16-0495, CR16-0513, CR16-0496, CR16-0383, CR16-0384. CR16-0385, CR16-0386, CR16-0387, CR16-0388, CR16-0389, CR16-0390, CR16-0445, and CR16-0483 be adopted en bloc, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

CR16-0387 A resolution approving a proposed Agreement between the City and County of Denver and Merrick & Company, for engineering services to support various Wastewater capital projects. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that CR16-0495, CR16-0513, CR16-0496, CR16-0383, CR16-0384. CR16-0385, CR16-0386, CR16-0387, CR16-0388, CR16-0389, CR16-0390, CR16-0445, and CR16-0483 be adopted en bloc, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

CR16-0388 A resolution approving a proposed Agreement between the City and County of Denver and Muller Engineering Company, Inc., for engineering services to support various Wastewater capital projects. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that CR16-0495, CR16-0513, CR16-0496, CR16-0383, CR16-0384. CR16-0385, CR16-0386, CR16-0387, CR16-0388, CR16-0389, CR16-0390, CR16-0445, and CR16-0483 be adopted en bloc, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

CR16-0389 A resolution approving a proposed Agreement between the City and County of Denver and Parsons Transportation Group, Inc., for engineering services to support various Wastewater capital projects. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that CR16-0495, CR16-0513, CR16-0496, CR16-0383, CR16-0384. CR16-0385, CR16-0386, CR16-0387, CR16-0388, CR16-0389, CR16-0390, CR16-0445, and CR16-0483 be adopted en bloc, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

CR16-0390 A resolution approving a proposed Agreement between the City and County of Denver and Wilson & Company, Inc., Engineers & Architects for engineering services to support various Wastewater capital projects. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that CR16-0495, CR16-0513, CR16-0496, CR16-0383, CR16-0384. CR16-0385, CR16-0386, CR16-0387, CR16-0388, CR16-0389, CR16-0390, CR16-0445, and CR16-0483 be adopted en bloc, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

CR16-0445 A resolution approving a proposed Third Amendatory Agreement between the City and County of Denver and Wenk Associates, Inc. for design services to improve Confluence Park. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that CR16-0495, CR16-0513, CR16-0496, CR16-0383, CR16-0384. CR16-0385, CR16-0386, CR16-0387, CR16-0388, CR16-0389, CR16-0390, CR16-0445, and CR16-0483 be adopted en bloc, carried by the following vote:

Passed
For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)
Against: (None) (0)
Absent: Brooks, Herndon (2)
Abstain: (None) (0)

Safety & Well-being

CR16-0483 A resolution approving a proposed Amendatory Agreement between the City and County of Denver and The Colorado Coalition for the Homeless to provide rental assistance to the homeless. (SAFETY & WELL-BEING)

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that CR16-0495, CR16-0513, CR16-0496, CR16-0383, CR16-0384. CR16-0385, CR16-0386, CR16-0387, CR16-0388, CR16-0389, CR16-0390, CR16-0445, and CR16-0483 be adopted en bloc, carried by the following vote:

Passed
For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)
Against: (None) (0)
Absent: Brooks, Herndon (2)
Abstain: (None) (0)

Bills for Introduction

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

Business Development

CB16-0493 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and United States Department of Agriculture, Animal and Plant Inspection Services, to implement the Federal Aviation Administration (FAA) approved Wildlife Hazard Management Plan (WHMP), addressing wildlife hazards observed during data collection at and in the vicinity of Denver International Airport. (BUSINESS DEVELOPMENT)

A motion offered by Council President Pro-Tem Clark, duly seconded by Councilman Kashmann, that CB16-0493, CB16-0485, CB16-0423, CB16-0494, and CB16-0498 be ordered published en bloc, carried by the following vote:

Passed
For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)
Against: (None) (0)
Absent: Brooks, Herndon (2)
Abstain: (None) (0)

Finance & Services

CB16-0485 A bill for an ordinance authorizing the City and County of Denver to convey to 9th Avenue (Denver) Land, LLC, its interest in a parcel of real estate located at approximately East 11th Avenue and Colorado Boulevard. (FINANCE & SERVICES)

A motion offered by Council President Pro-Tem Clark, duly seconded by Councilman Kashmann, that CB16-0493, CB16-0485, CB16-0423, CB16-0494, and CB16-0498 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

Infrastructure & Culture

CB16-0423 A bill for an ordinance to vacate the cross alley bounded by Hooker Street, Irving Street, West 17th Avenue and West 18th Avenue, without reservations. (INFRASTRUCTURE & CULTURE)

A motion offered by Council President Pro-Tem Clark, duly seconded by Councilman Kashmann, that CB16-0493, CB16-0485, CB16-0423, CB16-0494, and CB16-0498 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

CB16-0494 A bill for an Ordinance approving a proposed donation of books from the Denver Public Library of the City and County of Denver to the Denver Public Library Friends Foundation. (INFRASTRUCTURE & CULTURE)

A motion offered by Council President Pro-Tem Clark, duly seconded by Councilman Kashmann, that CB16-0493, CB16-0485, CB16-0423, CB16-0494, and CB16-0498 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

Neighborhoods & Planning

CB16-0498 A bill for an ordinance providing for a moratorium prohibiting the use of the Denver Zoning Code's pre-existing small zone lot parking exemption for certain projects for a period of approximately seven months. (NEIGHBORHOODS & PLANNING)

A motion offered by Council President Pro-Tem Clark, duly seconded by Councilman Kashmann, that CB16-0493, CB16-0485, CB16-0423, CB16-0494, and CB16-0498 be ordered published en bloc, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Kashmann, Kniech, López, New, Ortega, Susman (9)

Against: Flynn, Gilmore (2)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

CB16-0541 A bill for an ordinance providing for a moratorium prohibiting the approval of site development plans and the amendment of approved site development plans for construction of buildings using the Garden Court building form in the Denver Zoning Code for a period of approximately twelve months.

A motion offered by Councilman Kashmann, duly seconded by Councilwoman Ortega, that CB16-0541 be ordered published, was followed by a motion offered by Councilman New, duly seconded by Councilwoman Ortega, that CB16-0541 be amended in the following particulars: On page 1, line 6, strike the word "prohibiting" and insert the word "on"; on page 1, line 8, after the words "construction of", insert the word "certain"; on page 2, line 5, after the words "be approved", strike the words ", in order to permit, and insert a comma and the words ", with some"; on page 2, line 6, begin the sentence with the word "exceptions, and insert the words "in order to permit"; on page 2, line 13, Section 1; after the words "under the Code" add the following language: "Notwithstanding the foregoing, applications proposing to use the Garden Court building form may be processed, so long as they comply with all applicable requirements of the Code and meet the following condition: notwithstanding the street-facing courtyard width defined in the district specific standards of the Code, the proposed street-facing courtyard width is equal to or greater than the maximum height in feet of the proposed building(s) abutting the courtyard. On page 2, line 14, strike the entire Section 2 language, and insert the following language as the new Section 2: "Section 2. For purposes of administering Section 1, above, the term Garden Court shall mean: a Multi Unit Dwelling development where dwelling units arranged side-by-side, and no part of any dwelling unit is constructed vertically above any part of another dwelling unit and each building bounding the courtyard shall contain at least one dwelling. A minimum of fifty percent (50%) of the surface of the courtyard shall be permeable." On page 2, line 19, strike the entire Section 3 language, and insert the following language as the new Section 3: "Section 3. The provisions of Section 12.3.3.12 of the Code dealing with inactive applications shall not apply to site development plan applications that have been submitted to the City but that have not been approved on or before the effective date of this ordinance ("pending applications"); however, upon expiration of this moratorium the provisions of Section 12.3.3.12 shall apply to pending applications. On page 2, after Section 3, insert the following language as the new Section 4: "Section 4. This moratorium shall expire August 26, 2017," which motion to amend carried by the following vote:

Passed

For: Black, Clark, Espinoza, Kashmann, Kniech, López, New, Ortega, Susman (9)

Against: Flynn, Gilmore (2)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

A motion offered by Councilman Kashmann, duly seconded by Councilwoman Ortega, that CB16-0541 be ordered published as amended, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Kashmann, Kniech, López, New, Ortega, Susman (9)

Against: Flynn, Gilmore (2)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

A motion offered by Councilman New, duly seconded by Councilman López, that CB16-0541 be re-referred to committee to August, 22, 2016, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

Bills for Final Consideration

Neighborhoods & Planning

CB16-0249 A bill for an ordinance changing the zoning classification for 30-50 South Colorado Boulevard. (NEIGHBORHOODS AND PLANNING)

A motion offered by Councilman Kashmann, duly seconded by Councilwoman Susman, that CB16-0249 be taken out of order, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

A motion offered by Councilwoman Susman, duly seconded by Councilwoman Black, that CB16-0249 be postponed to after the Council recess, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Against: (None) (0)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

A motion offered by Councilman Kashmann, duly seconded by Councilwoman Kniech, that CB16-0249 be placed upon final consideration and do pass, failed to carry by the following vote:

Failed

For: (None) (0)

Against: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega, Susman (11)

Absent: Brooks, Herndon (2)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 7:07 p.m., Council President Pro-Tem Clark presiding, to hear speakers on CB16-0249. Douglas McKinnon signed up to speak in favor of the bill. Jay McCormick signed up to speak in opposition of the bill. Theresa Lucero of Community Planning and Development delivered the updated Staff Report.

Recap of Bills to be Called Out

Pre-Recess Announcement

Council President Pro-Tem Clark announced that tonight, it is Council's intent to reopen the public hearing on CB16-0249, changing the zoning classification for 30-50 South Colorado Boulevard. Also, tonight there will be a one-hour courtesy public hearing on CB16-0473, renaming a portion of Weir Gulch Park to Ruth "Lucille" Dreiling Park; and, a one-hour courtesy public hearing on CB16-0474, renaming Barnum North Park to J.L. Sam Sandos Park. Anyone wishing to speak on any of these matters must see the Council Secretary to receive a speaker card to fill out and return to her during the recess of Council.

Recess

Council took a recess.

Council Reconvenes and Resumes its Regular Session

Public Hearings - Bills for Final Consideration

Infrastructure & Culture

CB16-0473 A bill for an ordinance renaming a portion of Weir Gulch Park located north of West Alameda Avenue, south of West Bayaud Avenue, north and west of South Weir Drive, and south and east of South Windsor Drive, as "Ruth 'Lucille' Dreiling Park". (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman Kashmann, duly seconded by Councilman López, that CB16-0473 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega (10)

Against: (None) (0)

Absent: Brooks, Herndon, Susman (3)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 8:07 p.m., Council President Pro-Tem Clark presiding, to hear speakers on CB16-0473. Bill Dreiling, Paul Sandos, April Crumley, Ethel Sandos, Tim Sandos, Ericka Pilon, and Debby Dreiling signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Happy Haynes of Parks and Recreation delivered the Staff Report.

CB16-0474 A bill for an ordinance renaming Barnum North Park located north of 6th Avenue/U.S. 6, west of Federal Boulevard and east of Knox Court as "M.L. 'Sam' Sandos Park". (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that CB16-0474 be placed upon final consideration and do pass, carried by the following vote:

Passed
For: Black, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega (10)
Against: (None) (0)
Absent: Brooks, Herndon, Susman (3)
Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 8:41 p.m., Council President Pro-Tem Clark presiding, to hear speakers on CB16-0474. Jo Ann Phillips, Debby Dreiling, Bill Dreiling, Paul Sandos, Tim Sandos, Dan Sandos, and Ethel Sandos signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Happy Haynes of Parks and Recreation delivered the Staff Report

Announcement

Council President Pro-Tem Clark announced that on Monday, August 22, 2016, Council will hold a required public hearing on CB16-0498, providing for a moratorium prohibiting the use of the Denver Zoning Code’s pre-existing small zone lot parking exemption for certain projects for a period of approximately seven months; and, a required public hearing on CB16-0541, providing for a moratorium prohibiting the approval of site development plans and the amendment of approved site development plans for construction of buildings using the Garden Court building form in the Denver Zoning Code for a period of approximately twelve months.

Adjourn

There being no further business before the City Council, Council President Pro-Tem Clark adjourned the meeting at 9:37 p.m.

President

Attested by me with the Corporate Seal
of the City and County of Denver

Clerk and Recorder, Ex-Officio Clerk