

City Council Minutes

Meeting Date: Monday, August 18, 2014 5:30 PM

Pledge of Allegiance

Councilwoman Shepherd 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, August 11, 2014, were distributed to Council. Council President Herndon ordered the minutes approved.

Council Announcements

Councilmembers López, Shepherd, and Herndon offered announcements.

Presentations

Communications

Proclamations

Resolutions

The Council Secretary read the following resolutions by titles.

Infrastructure & Culture

CR14-0685 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the sum of Forty-Two Thousand, Five Hundred Dollars (\$42,500.00), payable to GEORGE J. NICHOLS, III, P.C., RANDY LIVINGSTON and XEROX RECOVERY SERVICES, in full payment and satisfaction of all claims in Civil Action No. 2013CV32870 in Denver District Court. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Shepherd, duly seconded by Councilman López, that CR14-0685, CR14-0621, CR14-0632, and CR14-0635 be adopted 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)

Safety & Well-being

CR14-0621 A resolution approving the Mayor's reappointments and appointments to the Denver Housing Authority Board. (SAFETY & WELL-BEING)

A motion offered by Councilwoman Shepherd, duly seconded by Councilman López, that CR14-0685, CR14-0621, CR14-0632, and CR14-0635 be adopted 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)

CR14-0632 A resolution approving the Mayor's appointment to the Denver African American Commission. (SAFETY & WELL-BEING)

A motion offered by Councilwoman Shepherd, duly seconded by Councilman López, that CR14-0685, CR14-0621, CR14-0632, and CR14-0635 be adopted 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)

CR14-0635 A resolution approving the Mayor's appointments to the Denver Women's Commission. (SAFETY & WELL-BEING)

A motion offered by Councilwoman Shepherd, duly seconded by Councilman López, that CR14-0685, CR14-0621, CR14-0632, and CR14-0635 be adopted 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)

Bills for Introduction

The Council Secretary read the following bills by titles. Council Present Herndon announced that all other bills, except for CB14-0625, are ordered published.

Business Development

CB14-0596 A bill for an ordinance approving an Agreement between Revision International and the City and County of Denver to utilize funds for acquisition of the property at 3738 Morrison Road with the intention of developing a neighborhood food hub. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Shepherd, duly seconded by Councilman López, that CB14-0596 be ordered published was followed by a motion offered by Councilman López, duly seconded by Councilwoman Montero, that CB14-0596 be held in committee and first reading postponed to Monday, August 25, 2014, which motion to hold in committee, 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)

CB14-0598 A bill for an ordinance approving an Agreement between the City and County of Denver and Menalto L.L.C. for the acquisition of the property at 3727 Delgany to accommodate business relocation within the Brighton corridor. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Shepherd, duly seconded by Councilman López, that CB14-0598 be ordered published, 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)

CB14-0608 A bill for an ordinance approving a proposed First Amendment to Agreement between the City and County of Denver and Concessions Colorado, LLC concerning a concession at Denver International Airport. (BUSINESS DEVELOPMENT)

A motion offered by Council President Herndon, duly seconded by Councilwoman Shepherd, that CB14-0608, CB14-0609, CB14-0618, CB14-0643, CB14-0610, CB14-0644, and CB14-0600 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)

CB14-0609 A bill for an ordinance approving a proposed Concession Space Agreement between the City and County of Denver and Paradies-Taste 5280, LLC concerning a concession at Denver International Airport. (BUSINESS DEVELOPMENT)

A motion offered by Council President Herndon, duly seconded by Councilwoman Shepherd, that CB14-0608, CB14-0609, CB14-0618, CB14-0643, CB14-0610, CB14-0644, and CB14-0600 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)

CB14-0618 A bill for an ordinance approving a proposed Amendment to the Airport Cargo Facilities Lease Agreement between the City and County of Denver and Air General, Inc. related to leased space at Denver International Airport. (BUSINESS DEVELOPMENT)

A motion offered by Council President Herndon, duly seconded by Councilwoman Shepherd, that CB14-0608, CB14-0609, CB14-0618, CB14-0643, CB14-0610, CB14-0644, and CB14-0600 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)

CB14-0643 A bill for an ordinance approving a proposed Airport Joint Use Agreement between the City and County of Denver, and the United States of America concerning usage of ground space at Denver International Airport. (BUSINESS DEVELOPMENT)

A motion offered by Council President Herndon, duly seconded by Councilwoman Shepherd, that CB14-0608, CB14-0609, CB14-0618, CB14-0643, CB14-0610, CB14-0644, and CB14-0600 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)

Neighborhoods & Planning

CB14-0610 A bill for an ordinance amending Chapter 59 (Zoning) of the Denver Revised Municipal Code relating to Former Chapter 59 uses and limitations. (NEIGHBORHOODS & PLANNING)

A motion offered by Council President Herndon, duly seconded by Councilwoman Shepherd, that CB14-0608, CB14-0609, CB14-0618, CB14-0643, CB14-0610, CB14-0644, and CB14-0600 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)

Safety & Well-being

CB14-0625 A bill for an ordinance to amend Article IV of Chapter 27 (Housing) of the Revised Municipal Code relating to affordable housing. (SAFETY & WELL-BEING)

CB14-0644 A bill for an ordinance authorizing the Mayor and other proper officials of the City and County of Denver to enter into a Collective Bargaining Agreement with the Denver Police Protective Association for the years 2015, 2016 and 2017. (SAFETY & WELL-BEING)

A motion offered by Council President Herndon, duly seconded by Councilwoman Shepherd, that CB14-0608, CB14-0609, CB14-0618, CB14-0643, CB14-0610, CB14-0644, and CB14-0600 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)

Government & Finance

CB14-0600 A bill for an ordinance approving a proposed Sixth Amendatory Agreement by and between the City and County of Denver and Trustwave Holdings, Inc., to update the scope of work and extend the agreement to July 31, 2015. (GOVERNMENT & FINANCE)

A motion offered by Council President Herndon, duly seconded by Councilwoman Shepherd, that CB14-0608, CB14-0609, CB14-0618, CB14-0643, CB14-0610, CB14-0644, and CB14-0600 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

Pre-Recess Announcement

Council President Herndon announced that tonight there will be a required public hearing on CB14-0612, regarding the Fax-Mayfair Business Improvement District; a required public hearing on CB14-0613, regarding the Santa Fe Business Improvement District; a required public hearing on CB14-0504, changing the zoning classification for 3300 East 1st Avenue; and a one-hour courtesy public hearing on CB14-0625, proposing amendments to the Inclusionary Housing

Ordinance.

Tonight there will be a required public hearing on CB14-0612, regarding the Fax-Mayfair Business Improvement District; a required public hearing on CB14-0613, regarding the Santa Fe Business Improvement District; a required public hearing on CB14-0504, changing the zoning classification for 3300 East 1st Avenue; and an one-hour courtesy public hearing on CB14-0625, proposing amendments to the Inclusionary Housing Ordinance. Anyone wishing to speak on any of these matters must see the Council Secretary to sign up during the recess of Council.

Recess

Council Reconvenes and Resumes its Regular Session

Public Hearings - Bills for Final Consideration

Business Development

CB14-0612 A bill for an ordinance creating and establishing the Fax-Mayfair Business Improvement District, appointing the initial members of the Board of Directors of the District, and approving the Initial Operating Plan and preliminary 2014-15 budget therefor. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Shepherd, duly seconded by Councilman Brooks, that CB14-0612 be placed upon final consideration and do pass, 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 sat as a Committee of the Whole commencing at 6:35 PM, Council President Herndon presiding, to hear speakers on CB14-0612. Hilarie Partell, Norman F. Kron, Jr., Elizabeth Starkey, Jamie Harris, Chairman Seku, Barbara MacFarlane, Dan Murray, Dan Beyer, Peter Meer, Amy Ford, and Marcia Johnson signed up to speak in favor of the bill. No speakers signed up to speak in opposition to the bill. Andrew Johnston of the Department of Finance offered the Staff Report.

CB14-0613 A bill for an ordinance creating and establishing the Santa Fe Business Improvement District, appointing the initial members of the

Board of Directors of the District, and approving the Initial Operating Plan and 2015 budget therefor. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Shepherd, duly seconded by Councilwoman Susman, that CB14-0613 be placed upon final consideration and do pass, 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 sat as a Committee of the Whole commencing at 7:13 PM, Council President Herndon presiding, to hear speakers on CB14-0613. Andrea Barela, Norman F. Kron, Jr., Rusty Brown, Debbie Stoner, Cheryl Spector, Macy Dorf, Alexandra Sharp, Veronica Barela, Howard Snyder, Chairman Seku, and Grant Bennett signed up to speak in favor of the bill. Tim Correa signed up to speak in opposition to the bill. Andrew Johnston of the Department of Finance offered the Staff Report.

Technology & Governance

Land Use, Transportation & Infrastructure

CB14-0504 A bill for ordinance changing the zoning classification for 3300 East 1st Avenue. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilwoman Shepherd, duly seconded by Councilwoman Lehmann, that CB14-0504 be placed upon final consideration and do pass, 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 sat as a Committee of the Whole commencing at 8:09 PM, Council President Herndon presiding, to hear speakers on CB14-0504. Bob Gollick, Stu Oglivie, Sean Maley, Susan Smernoff, Matthew Schildt, Chairman Seku, and C. Lamont Smith signed up to speak in favor of the bill. No speakers signed up to speak in opposition to the bill. Theresa Lucero of Community Planning and Development offered the Staff Report.

Public Hearings - Bills for Introduction

Safety & Well-being

CB14-0625 A bill for an ordinance to amend Article IV of Chapter 27 (Housing) of the Revised Municipal Code relating to affordable housing. (SAFETY & WELL-BEING)

A motion offered by Councilwoman Shepherd, duly seconded by Councilman López, that CB14-0625 be ordered published, carried by the following vote:

Passed

For: Brooks, Kniech, Lopez, Montero, Nevitt, Ortega, Shepherd (7)

Against: Brown, Faatz, Herndon, Lehmann, Robb, Susman (6)

Absent: (None) (0)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 8:42 PM, Council President Herndon presiding, to hear speakers on CB14-0625. Ismael Guerrero, Chris Getzan, Kate Hilberg, Dick Taft, Thad Tecza, Felicia Griffin, Brad Weinig, Matthew LeMay, Gete Mekonnen, Mackenzie Liman, Jason Peck, Patrick Byrne, Tony Robinson, Marvin Kelly, Charles J. Perry, Billie Bramhall, Jenny Glick, Aaron Goldhamer, Josh Downey, and Veronica Barela signed up to speak in favor of the bill. Brad K. Evans, George Thorn, Kyle Zeppelin, Walter "Buz" Koelbel, Jr., David Zucker, Carl Koelbel, Chairman Seku, Adam Larkey, Andrew Feinstein, Susan Barnes-Gelt, and Christopher Crosby signed up to speak in opposition to the bill. Councilwoman Kniech offered an overview of the bill.

Bills for Final Consideration

Business Development

CB14-0614 A bill for an ordinance dissolving the Santa Fe Drive Pedestrian Mall A Local Maintenance District and directing that the remaining funds thereof, after payment of expenses, be paid to and used by the Santa Fe Business Improvement District within the property formerly within said local maintenance district. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Shepherd, duly seconded by Councilman López, that CB14-0614, CB14-0615, CB14-0611, CB14-0617, CB14-0463, CB14-0593, and CB14-0594 be placed upon final consideration and do pass, 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)

CB14-0615 A bill for an ordinance dissolving the Santa Fe Drive Pedestrian Mall B Local Maintenance District and directing that the remaining funds thereof, after payment of expenses, be paid to and used by the Santa Fe Business Improvement District within the property formerly within said local maintenance district. (BUSINESS DEVELOPMENT)

A motion offered by Councilwoman Shepherd, duly seconded by Councilman López, that CB14-0614, CB14-0615, CB14-0611, CB14-0617, CB14-0463, CB14-0593, and CB14-0594 be placed upon final consideration and do pass, 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)

Finance & Services

CB14-0611 A bill for an ordinance approving a proposed Purchase Order between the City and County of Denver and ARCONAS Corporation for seating at Denver International Airport as part of the Concourse C Expansion. (FINANCE & SERVICES)

A motion offered by Councilwoman Shepherd, duly seconded by Councilman López, that CB14-0614, CB14-0615, CB14-0611, CB14-0617, CB14-0463, CB14-0593, and CB14-0594 be placed upon final consideration and do pass, 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

CB14-0617 A bill for an Ordinance approving an Amendment to Trail Easement Agreement with Town Center Metropolitan District and HC Land Investment, LLC regarding the High Line Trail in Green Valley Ranch. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilwoman Shepherd, duly seconded by Councilman López, that CB14-0614, CB14-0615, CB14-0611, CB14-0617, CB14-0463, CB14-0593, and CB14-0594 be placed upon final consideration and do pass, 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)

Safety & Well-being

CB14-0597 A bill for an ordinance approving an Agreement with St. Charles Holding Company for the acquisition of the real properties known as 4325-4331 & 4404 Morrison Road. (SAFETY & WELL-BEING)

A motion offered by Councilwoman Shepherd, duly seconded by Councilman López, that CB14-0597 be placed upon final consideration and do pass, 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)

Government & Finance

CB14-0463 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Securus Technologies, Inc., to reduce the current commission rate amount paid by Securus Technologies, Inc., to the City and County of Denver. (GOVERNMENT & FINANCE)

A motion offered by Councilwoman Shepherd, duly seconded by Councilman López, that CB14-0614, CB14-0615, CB14-0611, CB14-0617, CB14-0463, CB14-0593, and CB14-0594 be placed upon final consideration and do pass, 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)

Land Use, Transportation & Infrastructure

CB14-0593 A bill for an ordinance approving an Agreement with the Denver Zoo for \$2.2 million to fund the zoo's new large Carnivore Holding Building and public viewing areas. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilwoman Shepherd, duly seconded by Councilman López, that CB14-0614, CB14-0615, CB14-0611, CB14-0617, CB14-0463, CB14-0593, and CB14-0594 be placed upon final consideration and do pass, 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)

CB14-0594 A bill for an ordinance approving an Agreement with the Denver Museum of Nature & Science for \$2.2 million Better Denver Bond funds for the Discovery Zone build-out and installation of the Rocky Mountains Collections Facilities. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilwoman Shepherd, duly seconded by Councilman López, that CB14-0614, CB14-0615, CB14-0611, CB14-0617, CB14-0463, CB14-0593, and CB14-0594 be placed upon final consideration and do pass, 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)

Adjourn

There being no further business before the City Council, Council President Herndon adjourned the meeting at 12:00 AM.

Pending

For 8-25-14

CB14-0522 A bill for an ordinance changing the zoning classification for land located at the southeast corner of Monaco Parkway and East First Avenue at approximately 90 Monaco Parkway.

Required Public Hearing

Final Consideration (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

For 8-25-14

CB14-0523 A bill for an ordinance changing the zoning classification for land located near the southwest corner of South Quebec Street and Archer Place at approximately 7000-7300 Archer Place.

Required Public Hearing

Final Consideration (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

For 8-25-14

CB14-0524 A bill for an ordinance changing the zoning classification for land located at approximately 6700-7398 and 6701-7399 Lowry Boulevard and 6701-7399 Archer Place.

Required Public Hearing

Final Consideration (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

For 2-23-15

CB13-0501 AS AMENDED, a bill for an ordinance to amend Chapter 48 (Solid Waste) of the Revised Municipal Code to add an Article IX (Disposable Bag Fees) and to make a corresponding amendment to Chapter 24.

Final Consideration (HEALTH, SAFETY, EDUCATION & SERVICES)