

City Council Minutes

Meeting Date: Monday, December 07, 2015 5:30 PM

Pledge of Allegiance

Councilman New led the Pledge of Allegiance.

Roll Call

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

Absent: Herndon

Approval of the Minutes

The minutes of meeting date, Monday, November 30, 2015, were distributed to Council. Council President Pro-Tem López ordered the minutes approved.

Council Announcements

Council members Brooks, Flynn, Kashmann, Black, and New offered announcements.

Presentations

Communications

Proclamations

Resolutions

The Council Secretary read the following resolutions by titles.

Governance & Charter Review

CR15-0870 A resolution approving the Mayor's reappointments and appointment to the Stapleton Development Corporation Board of Directors. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilman New, duly seconded by Councilwoman Kniech, that CR15-0870, CR15-0899, CR15-0894, CR15-0907, CR15-0910, CR15-0677, CR15-0856, CR15-0895, CR15-0896, and CR15-0957 be adopted en bloc, carried by the

following vote:

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

CR15-0899 A resolution approving the Mayor’s appointments to the West Colfax Business Improvement District Board of Directors. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilman New, duly seconded by Councilwoman Kniech, that CR15-0870, CR15-0899, CR15-0894, CR15-0907, CR15-0910, CR15-0677, CR15-0856, CR15-0895, CR15-0896, and CR15-0957 be adopted en bloc, carried by the following vote:

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

Infrastructure & Culture

CR15-0894 A resolution laying out, opening, and establishing as part of the City street system parcels of land as a public alley and 18th Street at the intersection of 18th Street and Curtis Street. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman New, duly seconded by Councilwoman Kniech, that CR15-0870, CR15-0899, CR15-0894, CR15-0907, CR15-0910, CR15-0677, CR15-0856, CR15-0895, CR15-0896, and CR15-0957 be adopted en bloc, carried by the following vote:

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

CR15-0907 A resolution laying out, opening and establishing as part of the City street system a parcel of land as a public alley near the intersection of West 43rd Avenue and Tennyson Street. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman New, duly seconded by Councilwoman Kniech, that CR15-0870, CR15-0899, CR15-0894, CR15-0907, CR15-0910, CR15-0677, CR15-0856, CR15-0895, CR15-0896, and CR15-0957 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon (1)

Abstain: (None) (0)

CR15-0910 A resolution approving a Second Amendment to Lease and Agreement with the State of Colorado, Department of Public Health and Environment regarding 21st Street and Broadway for use as a continuous air monitoring site. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman New, duly seconded by Councilwoman Kniech, that CR15-0870, CR15-0899, CR15-0894, CR15-0907, CR15-0910, CR15-0677, CR15-0856, CR15-0895, CR15-0896, and CR15-0957 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon (1)

Abstain: (None) (0)

Safety & Well-being

CR15-0677 A resolution approving a proposed Composting Agreement between the City and County of Denver and Waste Management of Colorado, Inc. for operation of a composting facility at the Denver Arapahoe Disposal Site. (SAFETY & WELL-BEING)

A motion offered by Councilman New, duly seconded by Councilwoman Kniech, that CR15-0870, CR15-0899, CR15-0894, CR15-0907, CR15-0910, CR15-0677, CR15-0856, CR15-0895, CR15-0896, and CR15-0957 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon (1)

Abstain: (None) (0)

CR15-0856 A resolution approving a proposed Fifth Amendatory Agreement between the City and County of Denver and E.T. Technologies, Inc. for storage tank management services. (SAFETY & WELL-BEING)

A motion offered by Councilman New, duly seconded by Councilwoman Kniech, that CR15-0870, CR15-0899, CR15-0894, CR15-0907, CR15-0910, CR15-0677, CR15-0856, CR15-0895, CR15-0896, and CR15-0957 be adopted en bloc, carried by the following vote:

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

CR15-0874 A resolution approving a proposed Loan Agreement between the City and County of Denver and Northeast Denver Housing Center, Inc. to support the construction of affordable housing units at the Northfield at Stapleton Apartments project. (SAFETY AND WELL-BEING)

A motion offered by Councilman New, duly seconded by Councilman Clark, that CR15-0874 be adopted, carried by the following vote:

Passed
For: Black, Brooks, Clark, Flynn, Gilmore, Kashmann, Kniech, Lopez, New, Ortega, Susman (11)
Against: (None) (0)
Absent: Herndon (1)
Abstain: Espinoza (1)

CR15-0895 A resolution approving a proposed Fourth Amendatory Agreement between the City and County of Denver and Integral Recoveries, Inc., to assist Denver County Court in collecting delinquent fines, cost, and fees. (SAFETY & WELL-BEING)

A motion offered by Councilman New, duly seconded by Councilwoman Kniech, that CR15-0870, CR15-0899, CR15-0894, CR15-0907, CR15-0910, CR15-0677, CR15-0856, CR15-0895, CR15-0896, and CR15-0957 be adopted en bloc, carried by the following vote:

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

Absent: Herndon (1)
Abstain: (None) (0)

CR15-0896 A resolution approving a proposed Agreement between the City and County of Denver and ShotSpotter, Inc., to provide ShotSpotter flex gunfire location, alert and analysis equipment and service to the Department of Safety. (SAFETY & WELL-BEING)

A motion offered by Councilman New, duly seconded by Councilwoman Kniech, that CR15-0870, CR15-0899, CR15-0894, CR15-0907, CR15-0910, CR15-0677, CR15-0856, CR15-0895, CR15-0896, and CR15-0957 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon (1)

Abstain: (None) (0)

CR15-0957 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "Liability Claims," the sum of One Hundred Forty Thousand Dollars (\$140,000) payable to Irene Rodriguez and Padilla & Padilla, PLLC, in full payment and satisfaction of all claims in Civil Action No. 2012-cv-01071-PAB-MJW in the District Court for the City and County of Denver. (SAFETY & WELL-BEING)

A motion offered by Councilman New, duly seconded by Councilwoman Kniech, that CR15-0870, CR15-0899, CR15-0894, CR15-0907, CR15-0910, CR15-0677, CR15-0856, CR15-0895, CR15-0896, and CR15-0957 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Herndon (1)

Abstain: (None) (0)

Bills for Introduction

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

Business Development

CB15-0913 A bill for an ordinance concerning the licensing and regulation

of marijuana businesses, and in connection therewith, amending Article V of Chapter 6 of the Denver Revised Municipal Code to extend the time period during which eligibility for a new retail marijuana business license is limited to certain preexisting medical marijuana licensees, and amending Article XII of Chapter 24 of the Denver Revised Municipal Code to impose a moratorium on the issuance of new medical marijuana licenses. (BUSINESS DEVELOPMENT)

A motion offered by Council President Pro-Tem López, duly seconded by Councilman New, that CB15-0913, CB15-0909, and CB15-0843 be ordered published en bloc, carried by the following vote:

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

Finance & Services

CB15-0909 A bill for an ordinance approving a loan transfer from the Department of Environmental Health, Environmental Services Enterprise Fund to the General Fund; making an appropriation to transfer funds from the General Fund to the Capital Improvements and Capital Maintenance Fund; and making an appropriation in the Capital Improvements and Capital Maintenance Fund. (FINANCE & SERVICES)

A motion offered by Council President Pro-Tem López, duly seconded by Councilman New, that CB15-0913, CB15-0909, and CB15-0843 be ordered published en bloc, carried by the following vote:

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

Infrastructure & Culture

CB15-0843 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and the City and County of Denver acting by and through its Board of Water Commissioners to undertake measures that increase the efficient use of water on Denver parks and golf courses and provide for future cooperation between the parties to further this goal. (INFRASTRUCTURE & CULTURE)

A motion offered by Council President Pro-Tem López, duly seconded by Councilman New, that CB15-0913, CB15-0909, and CB15-0843 be ordered published en bloc, carried by the following vote:

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

Recap of Bills to be Called Out

Pre-Recess Announcement

Tonight there will be a required public hearing on CB15-0775, changing the zoning classification for 2901 Grove Street, 2890 Hazel Court, and 3120 West 29th Avenue. Anyone wishing to speak on this matter 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

Neighborhoods & Planning

CB15-0775 A bill for an ordinance changing the zoning classification for 2901 Grove Street, 2921 Grove Street, 2890 Hazel Court, and 3120 West 29th Avenue. (NEIGHBORHOODS AND PLANNING)

A motion offered by Councilman New, duly seconded by Councilman Clark, that CB15-0775 be placed upon final consideration and do pass, carried by the following vote:

Passed
For: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, Lopez, New, Ortega (11)
Against: (None) (0)

Absent: Herndon, Susman (2)
Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 6:15 PM, Council President Pro-Tem López presiding, to hear speakers on CB15-0775. Thomas Wuertz, Mary Alice Bramming, Teresa Cooney, Ray Defa, Jacalyn Youngblood, Marie G. Edgar, Jerry Olson, Gilbert D. Martinez, and Tom Brunn signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Thad Tecza signed up to speak neither in favor of nor opposed to the bill. Curt Upton of Community Planning and Development offered the Staff Report.

Bills for Final Consideration

Finance & Services

CB15-0868 A bill for an ordinance approving a Purchase and Sale Agreement between the City and County of Denver and Recreational Equipment, Inc. for the sale of 1416 Platte Street. (FINANCE & SERVICES)

A motion offered by Councilman New, duly seconded by Councilman Clark, that CB15-0868 be placed upon final consideration and do pass, was followed by a motion offered by Councilwoman Gilmore, duly seconded by Councilwoman Susman, that CB15-0868 be amended in the following particulars: on page 1, line 7, after the words "for the sale of" insert the words "property adjacent to", which motion to amend, carried by the following vote:

Passed

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

A motion offered by Councilman New, duly seconded by Councilman Flynn, that CB15-0868 be ordered published as amended, carried by the following vote:

Passed

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

CB15-0875 A bill for an Ordinance creating Article XII, Chapter 20 of the Denver Revised Municipal Code, authorizing the Treasurer of the City and County of Denver to collect and enforce rates, tolls and charges on behalf of improvement districts created pursuant to Part 6, Article 25, Title 31 of

the Colorado Revised Statutes. (FINANCE & SERVICES)

A motion offered by Councilman New, duly seconded by Councilman Flynn, that CB15-0875, CB15-0883, CB15-0885, CB15-0886, CB15-0887, and CB15-0892 be placed upon final consideration and do pass en bloc, carried by the following vote:

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

CB15-0883 A bill for an ordinance rescinding unspent budget from completed Capital Improvements and Capital Maintenance Projects and making appropriations for Capital Improvements and Capital Maintenance Projects. (FINANCE & SERVICES)

A motion offered by Councilman New, duly seconded by Councilman Flynn, that CB15-0875, CB15-0883, CB15-0885, CB15-0886, CB15-0887, and CB15-0892 be placed upon final consideration and do pass en bloc, carried by the following vote:

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

CB15-0885 A bill for an ordinance rescinding appropriation from the General Fund Transfer to the Workman’s Compensation Internal Service Fund and making appropriations to the Worker’s Compensation Billings. (FINANCE & SERVICES)

A motion offered by Councilman New, duly seconded by Councilman Flynn, that CB15-0875, CB15-0883, CB15-0885, CB15-0886, CB15-0887, and CB15-0892 be placed upon final consideration and do pass en bloc, carried by the following vote:

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

Governance & Charter Review

CB15-0886 A bill for an ordinance authorizing expenditures in the Employees Voluntary Salary Redirection Plan Special Trust Fund for Uninsured Medical Expense, Dependent Care Expense, and Qualified Parking Expense. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilman New, duly seconded by Councilman Flynn, that CB15-0875, CB15-0883, CB15-0885, CB15-0886, CB15-0887, and CB15-0892 be placed upon final consideration and do pass en bloc, carried by the following vote:

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

CB15-0887 A bill for an ordinance authorizing expenditures from the Dental Self-Insurance Fund. (GOVERNANCE & CHARTER REVIEW)

A motion offered by Councilman New, duly seconded by Councilman Flynn, that CB15-0875, CB15-0883, CB15-0885, CB15-0886, CB15-0887, and CB15-0892 be placed upon final consideration and do pass en bloc, carried by the following vote:

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

Infrastructure & Culture

CB15-0892 A bill for an ordinance amending Article V of Chapter 48 and Article II of Chapter 32 of the Revised Municipal Code of the City and County of Denver regarding solid waste haulers. (INFRASTRUCTURE & CULTURE)

A motion offered by Councilman New, duly seconded by Councilman Flynn, that CB15-0875, CB15-0883, CB15-0885, CB15-0886, CB15-0887, and CB15-0892 be placed upon final consideration and do pass en bloc, carried by the following vote:

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

Adjourn

There being no further business before the City Council, Council President Pro-Tem López adjourned the meeting at 6:52 PM.

Pending

For 12-14-15

CB15-0827 A bill for an ordinance changing the zoning classification for 510 E. 51st Avenue, 480 E. 51st Avenue, 4855 Pearl Street, 4871 Pearl Street, and 4877 Pearl Street.

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

For 1-25-16

CB15-0625 A bill for an ordinance changing the zoning classification for 3268 West 32nd Avenue.

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