

City Council Minutes

Meeting Date: Monday, September 19, 2016 5:30 PM

PLEDGE OF ALLEGIANCE

Council member Espinoza led the Pledge of Allegiance.

ROLL CALL

Present: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

APPROVAL OF THE MINUTES

The minutes of meeting date, Monday, September 12, 2016, were distributed to Council. Council President Brooks ordered the minutes approved.

[16-0826](#) Minutes of September 12, 2016

This Approved Minutes 16-0826 was approved.

Approved

COUNCIL ANNOUNCEMENTS

Council members Black, Espinoza, and Gilmore offered announcements.

PRESENTATIONS

COMMUNICATIONS

PROCLAMATIONS

RESOLUTIONS

The Council Secretary read the following resolutions by titles.

Land Use, Transportation & Infrastructure Committee

Block Vote

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

Approved the consent agenda

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Nay: (None) (0)

[16-0594](#)

A resolution approving a proposed Agreement between the City and County of Denver and Park Creek Metropolitan District for Martin Luther King Jr. Boulevard extension from Havana to Peoria.

Approves a \$16,925,000 funding agreement with the Park Creek Metro District (PCMD) for the design and construction of the Martin Luther King Junior Boulevard roadway extension from Havana to Peoria by PCMD in Council District 8. The last regularly scheduled Council meeting within the 30-day review period is on 10-3-16. The Committee approved filing this resolution by consent on 8-18-16.

A motion offered by Councilman Espinoza, duly seconded by Councilman Flynn, that Resolution 16-0594 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Nay: (None) (0)

Safety, Housing, Education, & Homelessness Committee

[16-0825](#)

A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the sum of Thirty Thousand Dollars (\$30,000.00), payable to Brandon Spruce c/o Killmer Lane & Newman Client Trust Account in full payment and satisfaction of all claims in Case No. 15-cv-02717-WYD-KMT, in the United States District Court for the District of Colorado.

Settles a claim involving the Denver Police Department. This resolution was approved for filing at the Mayor-Council meeting on 9-13-16.

A motion offered by Councilman Espinoza, duly seconded by Councilman Flynn, that Resolution 16-0825 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Nay: (None) (0)

BILLS FOR INTRODUCTION

Finance & Governance Committee

[16-0757](#)

A bill for an ordinance authorizing the issuance of City and County of Denver, Colorado, for and on behalf of the Wastewater Management Division of its Department of Public Works, Wastewater Enterprise Revenue Bonds, Series 2016, for the purpose of financing the cost of acquiring, improving and equipping the storm drainage and sanitary sewerage facilities of the City; providing for the pledge of certain wastewater revenues for the payment thereof; and making other provisions relating thereto.

Authorizes the issuance of City and County of Denver, for and on behalf of the Wastewater Management Division of its Department of Public Works, Wastewater Enterprise Revenue Bonds Series 2016 in a principal amount not to exceed \$116 million to fund storm drainage projects and for costs of bond issuance. The Committee approved filing this bill at its meeting on 8-30-16.

A motion offered by Councilman Espinoza, duly seconded by Councilman Herndon, that Bill 16-0757 be ordered published. The motion carried by the following vote:

Ordered published on first reading

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

Nay: Espinoza, Kashmann, Ortega (3)

[16-0758](#)

A bill for an ordinance designating certain property as being required for public use and authorizing use and acquisition thereof by negotiation or through condemnation proceedings of fee simple, easement and other interests, including any rights and interests related or appurtenant to properties as needed for the Platte to Park Hill Stormwater Systems Project.

Approves the designation of certain property as being required for public use and authorizing the use, acquisition and disposition by negotiation or through condemnation proceedings of certain properties needed for the Platte to Park Hill Storm Water Systems Project. The Committee approved filing this bill at its meeting on 8-30-16.

A motion offered by Councilman Espinoza, duly seconded by Councilman Herndon, that Bill 16-0758 be ordered published. The motion carried by the following vote:

Ordered published on first reading

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

Nay: Espinoza, Kashmann, Ortega (3)

Land Use, Transportation & Infrastructure Committee

[16-0622](#)

A bill for an ordinance changing the zoning classification for 3700 Marion St.

Rezones 3700 Marion Street from U-SU-A1 to U-MX-2x, in Council District 9. IF ORDERED PUBLISHED, A PUBLIC HEARING WILL BE HELD ON THIS ITEM. REFER TO THE "PENDING" SECTION OF FUTURE COUNCIL MEETING AGENDAS FOR THE DATE. The Committee approved filing this bill at its meeting on 8-30-16.

This Bill 16-0622 was ordered published with future required public hearing. to the Land Use, Transportation & Infrastructure Committee due back on 10/17/2016

Ordered published with future required public hearing

BILLS FOR FINAL CONSIDERATION

Land Use, Transportation & Infrastructure Committee

[16-0755](#)

A bill for an ordinance vacating a portion of the alley bounded by Perry Street, Quitman Street and West Colfax Avenue, with reservations.

Vacates a portion of an alley bounded by Perry Street and Quitman Street and Colfax Avenue, located at 1518 Quitman Street, in Council District 1. The Committee approved filing this bill by consent on 8-30-26.

A motion offered by Councilman Espinoza, duly seconded by Councilman Flynn, that Bill 16-0755 be placed upon final consideration and do pass en bloc, carried by the following vote:

Placed upon final consideration and do pass

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Nay: (None) (0)

Safety, Housing, Education. & Homelessness Committee

RECAP OF BILLS TO BE CALLED OUT

PRE-RECESS ANNOUNCEMENT

RECESS

Council took a recess.

Meeting went into Recess

Meeting Reconvened

COUNCIL RECONVENES AND RESUMES ITS REGULAR SESSION

PUBLIC HEARINGS - BILLS FOR FINAL CONSIDERATION

[16-0625](#)

AS AMENDED a bill for an ordinance amending Chapter 27 of the Denver Revised Municipal Code concerning housing, establishing permanent funds to support city affordable housing programs, adopting an affordable housing linkage fee applicable to new construction, and dedicating a portion of the city's existing property tax revenue capacity to the funding of affordable housing programs

Approves creating dedicated funding streams from property taxes and commercial and residential linkage fees to be used for affordable housing programs. The Committee approved filing this bill at its meeting on 8-24-16. Amended 9-12-16 to disassociate the revenue from the dedicated .5 mill from the referred measure 2A of 2012. Amended 9-19-16 to provide that the prohibition will be in place for only three years rather than five, through 2020, thus reducing the time before linkage fees can be increased; to broaden the requirement to create a 3-5 year action plan for the permanent funds to instead create a comprehensive housing plan that encompasses all funds that are allocated toward housing, and requires the plan to be submitted to City Council for approval; In a detailed review of the nexus study calculations, we found a small inconsistency with the current ordinance language on the use of linkage fee revenue. Our team made a policy choice in developing the proposal to set the income levels for the linkage fee revenue at 80% AMI for rental development, 100% AMI for homeownership development, and 120% AMI for homeownership assistance to match the property tax revenue income limits. However, findings of the nexus study do not support the housing gap above 80% AMI for the linkage fee. We are committed to maintaining a complete connection between the housing fund ordinance and the nexus study to support the legal foundation of the linkage fee, so this finding requires a technical amendment to the current ordinance to reflect 80% AMI as the income limit for linkage fee revenue on rental development, homeownership development and homeownership assistance. Please note that the property tax portion of the permanent fund will continue to be allowed by the ordinance to serve families up to 100% AMI for homeownership development and 120% AMI for homeownership assistance; and to repeal the provisions of the bill establishing the permanent funds, the linkage fee, the dedicated property tax revenues, and the affordable housing advisory committee ten years from now, unless further legislative action is taken in the future to extend these provisions.

Sponsors: Brooks and Kniech

This Bill 16-0625 was placed upon final consideration and do pass.

Placed upon final consideration and do pass

Council sat as a Committee of the Whole commencing at 6:22 p.m., Council President Brooks presiding, to hear speakers on Council Bills 625 or 626. Susan Powers, Trinidad Rodriguez, Mayra Gonzales, Tom Thidbodeau, Dawn Howard, Dori Brewer, Christine Marquez-Hudson, Erin Kelley, David Lopez, Kathie Barstnar, Gerie Grimes, Kevin Kelley,

Donna K. Curlin, Gene Myers, Troy Gladwell, Keith Roberts, Melinda Pollack, Thad Tecza, Lynn Crist, Monica Martinez, Terrell Curtis, Nola Miguel, Samantha Temple, Joan Poston, Bruce Duron, John Hayden, Katherine Aguilar, Marvin Kelly, Candi C de Baca, Cathy Alderman, Brad Segal, Gete Mekonnen, Margie Valdez, Heather Lafferty, and Carl Koelbel signed up to speak. Evan Dreyer of the Mayor's Office and Councilman Herndon offered an overview.

A motion offered by Councilman Kashmann, duly seconded by Councilwoman Ortega, that Bill 16-0625 be amended. The motion carried by the following vote:

Amended

Aye: Espinoza, Flynn, Kashmann, Kniech, López, New, Ortega (7)

Nay: Black, Brooks, Clark, Gilmore, Herndon, Susman (6)

A motion offered by Councilwoman Ortega, duly seconded by Councilman Clark, that Bill 16-0625 be amended. The motion carried by the following vote:

Amended

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Nay: (None) (0)

A motion offered by Councilwoman Kniech, duly seconded by Councilwoman Susman, that Bill 16-0625 be amended. The motion carried by the following vote:

Amended

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Nay: (None) (0)

A motion offered by Councilwoman Black, duly seconded by Councilwoman Susman, that Bill 16-0625 be amended. The motion carried by the following vote:

Amended

Aye: Black, Clark, Espinoza, Flynn, Herndon, New, Susman (7)

Nay: Brooks, Gilmore, Kashmann, Kniech, López, Ortega (6)

A motion offered by Councilman Espinoza, duly seconded by Councilwoman Susman, that Bill 16-0625 be placed upon final consideration and do pass as amended. The motion carried by the following vote:

Placed upon final consideration and do pass

Aye: Brooks, Clark, Flynn, Gilmore, Kashmann, Kniech, López, Ortega, Susman (9)

Nay: Black, Espinoza, Herndon, New (4)

[16-0626](#)

AS AMENDED a bill for an ordinance amending Chapter 27 of the Denver Revised Municipal Code concerning housing, establishing permanent funds to support city affordable housing programs, adopting an affordable housing linkage fee applicable to new construction to be effective October 1, 2017, and dedicating a portion of the city’s existing property tax revenue capacity to the funding of affordable housing programs beginning with 2017 property taxes to be collected in 2018.

Approves creating a permanent fund for affordable housing programs, adopting an affordable housing linkage fee, and dedicating a portion of the city’s existing property tax revenue capacity to funding affordable housing programs. This bill was approved for filing by Councilmember Herndon. Amended 9-12-16 to change the composition of the Affordable Housing Advisory Committee. The change would remove one of the mayor’s appointments to the advisory committee from an “at large” appointment to a requirement that the appointment be a non-profit affordable housing developer; thus, resulting in two slots on the committee for non-profit developers in order to equal the number of for-profit housing developers on the committee.

Sponsors: Herndon

A motion offered by Councilman Espinoza, duly seconded by Councilman Herndon, that Bill 16-0626 be placed upon final consideration and do pass. The motion failed by the following vote:

Placed upon final consideration and do pass

Aye: Black, Espinoza, Herndon, New (4)

Nay: Brooks, Flynn, Gilmore, Kashmann, Kniech, López, Ortega, Susman (8)

Absent: Clark (1)

[16-0760](#)

A bill for an ordinance amending the River North Area Plan, the 38th & Blake Station Area Plan, the Northeast Downtown Neighborhoods Plan, the Globeville Neighborhood Plan, and the Elyria & Swansea Neighborhoods Plan by incorporating the 38th & Blake Station Area Height Amendments to each of the five plans.

Approves a plan amendment to update 5 existing neighborhood plans including River North, 38th & Blake Station Area, Northeast Downtown Neighborhoods, Globeville Neighborhood and Elyria & Swansea Neighborhoods plans. The Committee approved filing this bill at its meeting on 8-30-16.

A motion offered by Councilman Espinoza, duly seconded by Councilwoman Kniech, that Bill 16-0760 be placed upon final consideration and do pass. The motion carried by the following vote:

Placed upon final consideration and do pass

Council sat as a Committee of the Whole commencing at 9:53 p.m., Council President Brooks presiding, to hear speakers on Council Bill 760. Joel Noble, Mike Dugan, Jamie Licko, John Hayden, Andrew Feintein, and Justin Croft signed up to speak in favor of the bill. Candi C de Baca signed up to speak in opposition of the bill. Nola Miguel signed up to speak neither in favor or nor against the bill. Abe Barge of Community Planning and Development delivered the Staff Report.

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)

Nay: (None) (0)

PRE-ADJOURNMENT ANNOUNCEMENT

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ADJOURN

There being no further business before the City Council, Council President Brooks adjourned the meeting at 10:49 p.m.



President

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

Clerk and Recorder, Ex-Officio Clerk
of the City and County of Denver