

City Council Minutes

Meeting Date: Monday, March 11, 2019 5:30 PM

PLEDGE OF ALLEGIANCE

Council member Lopez led the Pledge of Allegiance.

ROLL CALL

Council member New arrived late

Present: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon,
Kashmann, López, New, Susman (11)

Absent: Kniech, Ortega (2)

APPROVAL OF THE MINUTES

[19-0232](#) Minutes of Monday, March 4, 2019

Council Minutes 19-0232 were approved.

Approved

The minutes of Monday, March 4, 2019 were distributed to Council. Council President Clark ordered the minutes approved.

COUNCIL ANNOUNCEMENTS

Council members Kashmann, Brooks, Flynn and Gilmore offered announcements.

PRESENTATIONS

COMMUNICATIONS

PROCLAMATIONS

[19-0142](#) A proclamation congratulating the Denver St. Patrick's Day Parade Committee on the occasion of the 57th Annual Parade on March 16, 2019.

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that Council Proclamation 19-0142 be adopted. The motion carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon,
Kashmann, López, New, Susman (11)

Nay: (None) (0)

Absent: Kniech, Ortega (2)

[19-0233](#) A proclamation commemorating the 50th Anniversary of the National Chicano Youth Liberation Conference in Denver and the West High Blowouts.

A motion offered by Councilman López, duly seconded by Councilwoman Gilmore, that Council Proclamation 19-0233 be adopted. The motion carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon,
Kashmann, López, New, Susman (11)

Nay: (None) (0)

Absent: Kniech, Ortega (2)

Block Vote

A motion offered by Councilman López, 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, López, New, Susman (11)
- Nay: (None) (0)
- Absent: Kniech, Ortega (2)

[19-0236](#) A proclamation in support of an accurate 2020 Census.

A motion offered by Councilman López, duly seconded by Councilman Flynn, that Council Proclamation 19-0236 be adopted en bloc, carried by the following vote:

Adopted

- Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, López, New, Susman (11)
- Nay: (None) (0)
- Absent: Kniech, Ortega (2)

RESOLUTIONS

Finance & Governance Committee

[19-0154](#) A resolution approving the Mayor’s appointment to the Crime Prevention and Control Commission.

Approves the Mayoral appointment of Carol Peeples to the Crime Prevention and Control Commission for a term effective immediately and expiring 9-1-21, or until a successor is duly appointed. The Committee approved filing this resolution by consent on 2-26-19.

A motion offered by Councilman López, duly seconded by Councilman Flynn, that Council Resolution 19-0154 be adopted en bloc, carried by the following vote:

Adopted

- Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, López, New, Susman (11)
- Nay: (None) (0)
- Absent: Kniech, Ortega (2)

**[19-0160](#) A resolution approving the Mayor’s reappointments to the Denver
Preschool Program Board of Directors.**

Approves the Mayoral reappointments of Anna Jo Haynes, Stacie Gilmore, Michael Baker, Chris Watney, and Michael Yankovich to the Denver Preschool Program Board of Directors for terms effective immediately and expiring 12-31-21, or until a successor is duly appointed. The Committee approved filing this resolution by consent on 2-26-19.

A motion offered by Councilman López, duly seconded by Councilman Flynn, that Council Resolution 19-0160 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon,
Kashmann, López, New, Susman (11)

Nay: (None) (0)

Absent: Kniech, Ortega (2)

Land Use, Transportation & Infrastructure Committee

**[18-1499](#) A resolution approving a proposed Amendatory Agreement
between the City and County of Denver and PCL Construction Services, Inc.
for improvements to Paco Sanchez Park.**

Amends a contract with PCL Construction Services, Inc. by adding \$5,909,270 for a new total of \$9,311,574 and fifteen months for a new end date of 12-31-19 to implement phase 2 of the Re-imagine Play playground design at Paco Sanchez park featuring custom climbing structures, safety surfacing, seating areas, hardscape, landscape and irrigation upgrades, located at 880 Hooker Street in Council District 3 (201735349). The last regularly scheduled Council meeting within the 30-day review period is on 4-1-19. The Committee approved filing this item at its meeting on 12-18-18.

A motion offered by Councilman López, duly seconded by Councilman Flynn, that Council Resolution 18-1499 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon,
Kashmann, López, New, Susman (11)

Nay: (None) (0)

Absent: Kniech, Ortega (2)

18-1524 A resolution approving a Contract between the City and County of Denver and Sturgeon Electric Company, Inc. to remove and replace existing traffic equipment, curb ramps, sidewalk and curb and gutter in Council District 10.

Approves a contract with Sturgeon Electric Company Inc. for \$2,254,781.75 and for eight months to reconstruct five traffic signals within the South Colorado Boulevard corridor to enhance signal visibility and address safety issues, located at South Colorado Boulevard and Cherry Creek Drive North, East Ohio Avenue, East Iowa Avenue, East Florida Avenue and East Mexico Avenue in Council Districts 10 and 6 (201843268). The last regularly scheduled Council meeting within the 30-day review period is on 4-1-19. The Committee approved filing this item at its meeting on 12-25-18.

A motion offered by Councilman López, duly seconded by Councilman Flynn, that Council Resolution 18-1524 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, López, New, Susman (11)

Nay: (None) (0)

Absent: Kniech, Ortega (2)

19-0104 A resolution approving a Contract between the City and County of Denver and Duran Excavating, Inc. to construct a new storm drain system including concrete flat work of the La Plata Peak General Storm project.

Approves a contract with Duran Excavating, Inc. for \$2,990,592.25 and for nine months to construct a new storm drain system that ties into existing storm drain infrastructure including concrete flatwork such as curb, gutter, sidewalk and asphalt paving as part of the La Plata Peak General Storm project located near 43rd Avenue and Sherman Street in Council District 9 and near Exposition Avenue and South Fillmore Street in Council District 6 (201846018). The last regularly scheduled Council meeting within the 30-day review period is on 4-1-19. The Committee approved filing this item at its meeting on 2-19-19.

A motion offered by Councilman López, duly seconded by Councilman Flynn, that Council Resolution 19-0104 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, López, New, Susman (11)

Nay: (None) (0)

Absent: Kniech, Ortega (2)

19-0131 A resolution approving a Contract between the City and County of Denver and Murphy Company Mechanical Contractors and Engineers for deferred maintenance projects as needed in municipal buildings citywide.

Approves an on-call contract with Murphy Company Mechanical Contractors and Engineers for \$12,000,000 and for three years for preconstruction, in-house design and engineering, and construction services as needed for deferred maintenance projects in municipal buildings, citywide (201947295). The last regularly scheduled Council meeting within the 30-day review period is on 4-1-19. The Committee approved filing this item at its meeting on 2-19-19.

A motion offered by Councilman López, duly seconded by Councilman Flynn, that Council Resolution 19-0131 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, López, New, Susman (11)

Nay: (None) (0)

Absent: Kniech, Ortega (2)

19-0148 A resolution laying out, opening and establishing as part of the City street system a parcel of land as a public alley bounded by West 23rd Avenue, North King Street, West 24th Avenue and North Lowell Boulevard.

Dedicates a parcel of land as public right of way as public alley, located in the alley bounded by West 23rd Avenue, North King Street, West 24th Avenue and North Lowell Boulevard in Council District 1. The Committee approved filing this item at its meeting on 2-26-19.

A motion offered by Councilman López, duly seconded by Councilman Flynn, that Council Resolution 19-0148 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, López, New, Susman (11)

Nay: (None) (0)

Absent: Kniech, Ortega (2)

19-0149 A resolution laying out, opening and establishing as part of the City street system a parcel of land as a public alley bounded by South Gaylord Street, East Tennessee Avenue, South Vine Street and East Mississippi Avenue.

Dedicates a parcel of land as public right of way as public alley, located in the alley bounded by South Gaylord Street, East Tennessee Avenue, South Vine Street and East Mississippi Avenue in Council District 6. The Committee approved filing this item at its meeting on 2-26-19.

A motion offered by Councilman López, duly seconded by Councilman Flynn, that Council Resolution 19-0149 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, López, New, Susman (11)

Nay: (None) (0)

Absent: Kniech, Ortega (2)

[19-0152](#) A resolution laying out, opening and establishing as part of the City street system parcels of land as a public alley bounded by East Mississippi Avenue, South Sherman Street, East Arizona Avenue and South Grant Street.

Dedicates a parcel of land as public right of way as public alley, located in the alley bounded by East Mississippi Avenue, South Sherman Street, East Arizona Avenue and South Grant Street in Council District 7. The Committee approved filing this item at its meeting on 2-26-19.

A motion offered by Councilman López, duly seconded by Councilman Flynn, that Council Resolution 19-0152 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, López, New, Susman (11)

Nay: (None) (0)

Absent: Kniech, Ortega (2)

[19-0153](#) A resolution laying out, opening and establishing as part of the City street system parcels of land as a public alley bounded by South Lincoln Street, East Arizona Avenue, South Sherman Street and East Mississippi Avenue.

Dedicates a parcel of land as public right of way as public alley, located in the alley bounded by South Lincoln Street, East Arizona Avenue, South Sherman Street and East Mississippi Avenue in Council District 7. The Committee approved filing this item at its meeting on 2-26-19.

A motion offered by Councilman López, duly seconded by Councilman Flynn, that Council Resolution 19-0153 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, López, New, Susman (11)

Nay: (None) (0)

Absent: Kniech, Ortega (2)

[19-0156](#) A resolution approving a Contract between the City and County of Denver and Martin Marietta Materials, Inc. for mill and overlay street paving, in Council Districts 1, 3 and 9.

Approves a contract with Martin Marietta Materials, Inc. for \$4,308,187.74 and for seven months for mill and overlay street paving including traffic control, striping and concrete work, as part of the Elevate Denver Bond Program in Council Districts 1, 3 and 9 (201844881). The last regularly scheduled Council meeting within the 30-day review period is on 4-1-19. The Committee approved filing this item at its meeting on 2-26-19.

A motion offered by Councilman López, duly seconded by Councilman Flynn, that Council Resolution 19-0156 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, López, New, Susman (11)

Nay: (None) (0)

Absent: Kniech, Ortega (2)

19-0157 A resolution approving a Contract between the City and County of Denver and Martin Marietta Materials, Inc. for mill and overlay street paving, in Council Districts 2, 4, 6 and 7.

Approves a contract with Martin Marietta Materials Inc. for \$4,626,484.80 and for seven months for mill and overlay street paving including traffic control, striping and concrete work, as part of the Elevate Denver Bond Program in Council Districts 2, 4, 6 and 7 (201844724). The last regularly scheduled Council meeting within the 30-day review period is on 4-1-19. The Committee approved filing this item at its meeting on 2-26-19.

A motion offered by Councilman López, duly seconded by Councilman Flynn, that Council Resolution 19-0157 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, López, New, Susman (11)

Nay: (None) (0)

Absent: Kniech, Ortega (2)

19-0158 A resolution approving a Contract between the City and County of Denver and Martin Marietta Materials, Inc. for mill and overlay street paving, in Council Districts 5, 8, 10 and 11.

Approves a contract with Martin Marietta Materials, Inc. for \$4,955,853 and for seven months for mill and overlay street paving including traffic control, striping and concrete work, as part of the Elevate Denver Bond Program in Council Districts 5, 8, 10 and 11 (201844737). The last regularly scheduled Council meeting within the 30-day review period is on 4-1-19. The Committee approved filing this item at its meeting on 2-26-19.

A motion offered by Councilman López, duly seconded by Councilman Flynn, that Council Resolution 19-0158 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, López, New, Susman (11)

Nay: (None) (0)

Absent: Kniech, Ortega (2)

Safety, Housing, Education & Homelessness Committee

19-0036 A resolution approving and providing for the execution of a proposed Grant Agreement between the City and County of Denver and the Bloomberg Family Foundation, Inc. concerning the "Air Quality Community Action Network (AQ-CAN)" program and the funding therefor.

Approves a grant agreement with The Bloomberg Family Foundation Inc. for \$1,000,000 and for three years to develop an air quality monitoring network to provide real-time data to improve air quality citywide (ENVHL-201947089-00). The last regularly scheduled Council meeting within the 30-day review period is on 4-1-19. The Committee approved filing this item at its meeting on 1-23-19.

A motion offered by Councilman López, duly seconded by Councilman Flynn, that Council Resolution 19-0036 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, López, New, Susman (11)

Nay: (None) (0)
Absent: Kniech, Ortega (2)

19-0147 A resolution approving and providing for the execution of a proposed Grant Agreement between the City and County of Denver and the Colorado Department of Public Safety concerning the "Crime Victim Compensation" program and the funding therefor.

Approves a grant agreement with the Colorado Division of Criminal Justice for \$750,000 and through 9-30-21 to fund the citywide Crime Victim Compensation Program to assist victims of crime with specific monetary costs resulting from the crime, citywide (DATTY-201947970-00). The last regularly scheduled Council meeting within the 30-day review period is on 4-1-19. The Committee approved filing this item at its meeting on 2-27-19.

A motion offered by Councilman López, duly seconded by Councilman Flynn, that Council Resolution 19-0147 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, López, New, Susman (11)
Nay: (None) (0)
Absent: Kniech, Ortega (2)

BILLS FOR INTRODUCTION

Business, Arts, Workforce, & Aviation Services Committee

19-0159 A bill for an ordinance amending portions of Chapter 28, Article III, Article V and Article VII to extend sunset dates; and Approve Annual Aspirational Goals.

Amends Chapter 28 of the Denver Revised Municipal Code to extend the Division of Small Business Opportunity (DSBO) program for an additional eight months to allow for more time to discuss community recommendations to the program and to identify needed changes to the Ordinance, Rules and Regulations and internal policies and procedures. The Committee approved filing this item at its meeting on 2-27-19.

Council Bill 19-0159 was ordered published on first reading

Ordered published on first reading

Land Use, Transportation & Infrastructure Committee

19-0127 A bill for an ordinance changing the zoning classification for 2535 E 40th Avenue in Elyria Swansea.

Approves an official map amendment to rezone property from I-A UO-2 and I-A to I-MX-3 (light industrial to industrial, mixed-use), located at 2535 E. 40th Avenue in Council District 9. If ordered published, a public hearing will be held on Monday, 4-8-19. The Committee approved filing this item at its meeting on 2-26-19.

Council Bill 19-0127 was ordered published with a future required public hearing on 4-8-19.

Ordered published with a future required public hearing

BILLS FOR FINAL CONSIDERATION

Finance & Governance Committee

19-0163 A bill for an ordinance adding a new Division 3.75 of Article IV, Minimum Wage Protections for Workers Associated with City Contracts.

Amends the Denver Revised Municipal Code to add a new Division 3.75 of Article IV requiring minimum wage protections for workers associated with city contracts. The Committee approved filing this item at its meeting on 2-26-19.

A motion offered by Councilwoman Gilmore, duly seconded by Councilman Herndon, that Council Bill 19-0163 be placed upon final consideration and do pass. The motion carried by the following vote:

Placed upon final consideration and do pass

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, López, New, Susman (11)

Nay: (None) (0)

Absent: Kniech, Ortega (2)

Land Use, Transportation & Infrastructure Committee

19-0122 A bill for an ordinance amending Article II of Chapter 57 (Vegetation) of the Revised Municipal Code.

Amends Chapter 57 of the Denver Revised Municipal Code (DRMC) to increase the time allotted to 30 days for first payment of ordered tree work and to correct an inaccurate code reference. The Committee approved filing this item at its meeting on 2-19-19.

A motion offered by Councilman López, duly seconded by Councilman Flynn, that Council Bill 19-0122 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, López, New, Susman (11)

Nay: (None) (0)

Absent: Kniech, Ortega (2)

RECAP OF BILLS TO BE CALLED OUT

PRE-RECESS ANNOUNCEMENT

Council President Clark announced that tonight there will be a required public hearing on Council Bill 19-0042, changing the zoning classification for 805 West 38th Avenue in Globeville; and, a required public hearing on Council Bill 19-0058, changing the zoning classification for the 3600 Block of Downing, bounded by Downing Street, 37th Avenue, Marion Street, and 36th Avenue, and including vacated portions of Lawrence Street south of 36th Avenue in Cole. Anyone wishing to speak on 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

Land Use, Transportation & Infrastructure Committee

19-0042 AS AMENDED a bill for an ordinance changing the zoning classification for 805 West 38th Avenue in Globeville.

Approves an official map amendment to rezone property from I-B UO-2 to C-MX-20 (industrial in the former zoning code to urban center, mixed-use), located at 805 West 38th Avenue in Council District 9. The Committee approved filing this item at its meeting on 1-29-19. Amended 2-11-19 to clarify the boundary of the proposed rezoning on Galapago Street.

A motion offered by Councilwoman Gilmore, duly seconded by Councilman Herndon, that Council Bill 19-0042 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 6:39 p.m., Council President Clark presiding, to hear speakers on Council Bill 19-0042. Jeanne Shaffer signed up to speak in favor of the bill. Chairman Seku and Jesse Parris signed up to speak in opposition of the bill. Scott Robinson of Community Planning and Development delivered the staff report.

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, López, New, Susman (11)

Nay: (None) (0)

Absent: Kniech, Ortega (2)

19-0058 A bill for an ordinance changing the zoning classification for the 3600 Block of Downing, bounded by Downing Street, 37th Avenue, Marion Street, and 36th Avenue, and including vacated portions of Lawrence Street south of 36th Avenue in Cole.

Approves an official map amendment to rezone the 3600 block of Downing Street from B-4 with waivers and conditions, UO-1, UO-2; U-SU-A1; and C-MX-3, UO-1, UO-2 to C-MX-5, UO-1, UO-2, IO-1, DO-7; C-MX-3, UO-1, UO-2, IO-1, DO-7; and C-MS-5, UO-1, UO-2 (business zoning in the former zoning code to downtown, urban, and urban center with overlays), located in an area bounded by Downing Street, 37th Avenue, Marion Street, and 36th Avenue, and including vacated portions of Lawrence Street near 36th Avenue, in Council District 9. The Committee approved filing this item at its meeting on 1-29-19.

A motion offered by Councilman López, duly seconded by Councilman Flynn, that Council Bill 19-0058 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 6:55 p.m., Council President Clark presiding, to hear speakers on Council Bill 19-0058. Keith Pryor, Tai Beldock, John Young, Darrell Watson, Andrew Feinstein, John Hayden, Eric Clang, Glen Sibley, Issac Dominique, Noah Manos, Jennifer Kuespert, Steven Sampson, Tracy Weil and Jonathan Kaplan signed up to speak in favor of the bill. Chairman Seku and Jesse Parris signed up to speak in opposition of the bill. Jeff Hirt of Community Planning and Development delivered the staff report.

Aye: Black, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, López, New, Susman (10)

Nay: (None) (0)

Absent: Kniech, Ortega (2)

Abstain: Brooks (1)

PRE-ADJOURNMENT ANNOUNCEMENT

Council President Clark announced that dependent upon publication, on Monday, April 8, 2019, Council will hold a required public hearing on Council Bill 19-0127, changing the zoning classification for 2535 E 40th Avenue in Elyria Swansea. Any protests against Council Bill 19-0127 must be filed with the Council Offices no later than noon on April 1, 2019.

ADJOURN

There being no further business before the City Council, Council President Clark adjourned the meeting at 8:20 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