

City Council Minutes

Meeting Date: Monday, July 24, 2017 5:30 PM

PLEDGE OF ALLEGIANCE

Council member New 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

[17-0821](#) Minutes of Monday, July 17, 2017

The minutes of Monday, July 17, 2017 were approved.

Approved

The minutes of meeting date, Monday, July 17, 2017, were distributed to Council. Council President Brooks ordered the minutes approved.

COUNCIL ANNOUNCEMENTS

Council members Clark, López, Gilmore, Herndon, and Brooks offered announcements.

PRESENTATIONS

COMMUNICATIONS

PROCLAMATIONS

[17-0827](#) **A proclamation proclaiming the week of July 24, 2017 - July 28, 2017 as Birmingham PREVENT Violence Week in Denver, Colorado.**

A motion offered by Councilwoman Ortega, duly seconded by Councilman López, that Proclamation 17-0827 be adopted. The motion carried by the following vote:

Adopted

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

Nay: (None) (0)

RESOLUTIONS

Finance & Governance Committee

Block Vote

Block Vote

A motion offered by Councilman New, 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)

17-0510 A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Machol & Johannes, LLC for legal and collection services.

Approves a one-year, no-cost extension of the contract with Machol & Johannes, LLC through 12-31-19 for legal and collection services for the Department of Finance (201313156-01). The last regularly scheduled Council meeting within the 30-day review period is on 8-14-17. The Committee approved filing this resolution by consent on 5-9-17.

A motion offered by Councilman New, duly seconded by Councilman Flynn, that Council Resolution 17-0510 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)

17-0717 A resolution approving a proposed Fourth Amendatory Agreement by and between the City and County of Denver and Kronos Incorporated increasing the funds and term for software support and maintenance.

Adds \$1,930,523.26 and three years to the contract with Kronos, Incorporated for a new total of \$6,038,951.65 and end date of 12-31-19 for citywide employee timekeeping and scheduling support and maintenance services (TECHS-CE82121). The last regularly scheduled Council meeting within the 30-day review period is on 8-14-17. The Committee approved filing this resolution by consent on 7-11-17.

A motion offered by Councilman New, duly seconded by Councilman Flynn, that Council Resolution 17-0717 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)

17-0761 A resolution approving a proposed Purchase Order between the City and County of Denver and Upstate Wholesale Supply, Inc., to purchase and install tablet computer equipment in Denver Police vehicles to replace the existing mobile computer terminals.

Approves a \$886,100 purchase order with Upstate Wholesale Supply for tablet computers, keyboards, docking stations, and mounting equipment to replace mobile computer terminals in Denver Police Department vehicles (EAPPS-0000006830). The last regularly scheduled Council meeting within the 30-day review period is on 8-14-17. The Committee approved filing this resolution by consent on 7-11-17.

A motion offered by Councilman New, duly seconded by Councilman Flynn, that Council Resolution 17-0761 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)

Land Use, Transportation & Infrastructure Committee

17-0687 A resolution approving a proposed Multi-Year Festival Lease Agreement between the City and County of Denver and Denver Festivals LLC for the use of Overland Golf Course for a multi-day, multi-stage musical festival.

Approves a lease agreement with Denver Festivals, LLC, for five years at an annual rate of \$200,000 with additional monetary and non-monetary considerations to produce an annual three-day music festival at Overland Golf Course in Council District 7 (201735508). The last regularly scheduled Council meeting within the 30-day review period is on 8-14-17. The Committee approved filing this resolution at its meeting on 6-20-17. Pursuant to Council Rule 3.7, Councilman Clark called out this resolution at the Monday, July 24, 2017, Council meeting for a postponement to the next regularly scheduled meeting of Monday, July 31, 2017.

Pursuant to Council Rule 3.7, Councilman Clark called out this resolution at the Monday, July 24, 2017 Council meeting for a one-week postponement to Monday, July 31, 2017.

Postponed to a date certain

Safety, Housing, Education & Homelessness Committee

17-0758 A resolution approving a proposed Fourth Amendatory Agreement between the City and County of Denver and Custom Environmental Services, Inc., to provide on-call services for the management of hazardous materials and regulated wastes.

Amends a contract with Custom Environmental Services, Inc. to add \$600,000 for a new contract total of \$1.5 million for on-call hazardous materials collection and disposal including chemical, solid and hazardous waste, bio-waste, and hazmat incidences for multiple agencies citywide. There is no change to the contract term (ENVHL-201312426). The last regularly scheduled Council meeting within the 30-day review period is on 8-14-17. The Committee approved filing this resolution by consent on 7-12-17.

A motion offered by Councilman New, duly seconded by Councilman Flynn, that Council Resolution 17-0758 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)

17-0760 A resolution approving the Mayor’s appointment to the Denver Health and Hospital Authority Board.

Approves the Mayoral appointment of Kevin Quinn to the Denver Health and Hospital Authority Board of Directors for a term effective immediately and expiring on 6-30-22, or until a successor is duly appointed. The Committee approved filing this resolution by consent on 7-12-17.

A motion offered by Councilman New, duly seconded by Councilman Flynn, that Council Resolution 17-0760 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)

17-0765 A resolution approving a proposed Escrow Agreement between the City and County of Denver and U.S. Bank National Association, a national banking association and NAVA Lakehouse Limited Partnership, a Delaware limited partnership to satisfy off-site compliance for amended affordable housing plan for South Sloan Lake.

Approves an escrow agreement and the creation of an escrow account with NAVA Lakehouse Limited Partnership and U.S. Bank National Association in the amount of \$906,568 to support the off-site construction of four affordable for-sale units available to households earning 65% to 80% of area median income (AMI) located at 2165 South Galapago Street in Council District 7 and meeting the requirement for a development located at South Sloan Lake in District 1 (FINAN-201733459-00). The last regularly scheduled Council meeting within the 30-day review period is on 8-14-17. The Committee approved filing this resolution by consent on 7-12-17.

A motion offered by Councilman New, duly seconded by Councilman Flynn, that Council Resolution 17-0765 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)

17-0766 A resolution approving a proposed Second Amendment and Modification Agreement between the City and County of Denver and the Housing Authority of the City and County of Denver to remove certain property as collateral for the agreement, replace the collateral with two units, and add additional funds to the agreement.

Amends a loan agreement with Denver Housing Authority (DHA) to rehabilitate 57 scattered housing units located primarily in the Lincoln Park neighborhood by allowing for DHA to sell two units to homebuyers with incomes up to 80% of Area Median Income, and attach 30-year covenants restricting the resale price and homebuyer eligibility of those condos, adding an additional performance loan of \$65,752 to reduce the sales price of those two units so that they will be affordable to 80% AMI buyers, and extending the term of the covenant on the 57-unit portfolio so that it remains affordable for an additional 30 years (GE6A125). The last regularly scheduled Council meeting within the 30-day review period is on 8-14-17. The Committee approved filing this resolution by consent on 7-12-17.

A motion offered by Councilman New, duly seconded by Councilman Flynn, that Council Resolution 17-0766 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)

17-0767 A resolution approving a proposed Loan Agreement between the City and County of Denver and Rocky Mountain Mutual Housing Association, Inc. to finance the development of a 130 unit affordable housing project.

Approves a loan agreement with Rocky Mountain Mutual Housing Association, Inc. for \$1.3 million to provide construction and permanent financing on a 130-unit affordable rental housing project known as Arroyo Village Apartments at 1290 North King Street, 1299 North Knox Court, and 345 West 13th Street in Council District 3 (OEDEV-201734509). The last regularly scheduled Council meeting within the 30-day review period is on 8-14-17. The Committee approved filing this resolution by consent on 7-12-17.

A motion offered by Councilman New, duly seconded by Councilman Flynn, that Council Resolution 17-0767 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)

17-0768 A resolution approving a proposed Amendment and Modification Agreement between the City and County of Denver and The Delores Project amending the loan agreement to consent to the replacement of the existing homeless shelter facility located on the property with a new shelter facility.

Amends a loan agreement with The Delores Project (TDP) by adding formal consent to replace an existing shelter for women and transgender individuals experiencing homelessness with a new shelter facility that will be operated by TDP and in conjunction with the construction of 130 units of permanent supportive housing and workforce housing for 30% - 50% AMI residents located at 1290-1292 King Street in Council District 3 (OEDEV-GE68003-01). The last regularly scheduled Council meeting within the 30-day review period is on 8-14-17. The Committee approved filing this resolution by consent on 7-12-17.

A motion offered by Councilman New, duly seconded by Councilman Flynn, that Council Resolution 17-0768 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)

17-0829 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the total sum of Seventy Thousand Dollars (\$70,000.00), payable to Brice A. Tondre, P.C. Client Trust Account in full payment and satisfaction of all claims in Case No. 14-cv-02605-JLK-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 7-18-17.

A motion offered by Councilman New, duly seconded by Councilman Flynn, that Council Resolution 17-0829 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)

Special Issues: Marijuana

17-0734 A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Amelie Company for a one-year extension and additional sums to facilitate the Youth Marijuana Education and Prevention Campaign.

Adds \$850,000 and one year to a contract with Amelie Company for a new total of \$1.3 million and end date of 12-31-18 to facilitate the citywide Youth Marijuana Education and Prevention Campaign through strategic planning, creative development, and media planning and placement (EXCIS - 201731482-01). The last regularly scheduled Council meeting within the 30-day review period is on 8-14-17. The Committee approved filing this resolution at its meeting on 7-10-17.

A motion offered by Councilman New, duly seconded by Councilman Flynn, that Council Resolution 17-0734 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

Land Use, Transportation & Infrastructure Committee

17-0750 A bill for an ordinance changing the zoning classification for 1208 North Quitman Street in West Colfax.

Rezones property located at 1208 North Quitman Street from G-MU-3 to G-RX-5 (general, urban neighborhood multi-unit to general, urban residential mixed-use) in Council District 3. The Committee approved filing this bill at its meeting on 7-11-17.

Final Consideration

Required Public Hearing

Council Bill 17-0750 was ordered published with future required public hearing on 8-21-17.

Ordered published with future required public hearing

17-0751 A bill for an ordinance changing the zoning classification for 4060 North Elati Street in Globeville.

Rezones property at 4060 North Elati Street from I-A UO-2 to C-RX-12 (industrial to urban center, mixed-use) in Council District 9. The Committee approved filing this bill at its meeting on 7-11-17.

Final Consideration

Required Public Hearing

Council Bill 17-0751 was ordered published with future required public hearing on 8-21-17.

Ordered published with future required public hearing

[17-0752](#) A bill for an ordinance changing the zoning classification for 3955, 3965 and 3995 North High Street in Cole.

Rezones property at 3955, 3965, and 3995 North High Street from I-B, UO-2 to I-MX-3, UO-2 (industrial to industrial, mixed-use) in Council District 9. The Committee approved filing this bill at its meeting on 7-11-17.

Final Consideration

Required Public Hearing

Council Bill 17-0752 was ordered published with future required public hearing on 8-21-17.

Ordered published with future required public hearing

[17-0759](#) A bill for an ordinance relinquishing a portion of the easement established in the Deed of Easement recorded with the Denver Clerk & Recorder at Reception No. 93-016849 located near the intersection of Wewatta Street and 22nd Street.

Relinquishes a portion of easements recorded under Reception No. 93-0016849 located at Coors Field at approximately Wewatta Street and 22nd Street in Council District 9. The last regularly scheduled Council meeting within the 30-day review period is on 8-14-17. The Committee approved filing this bill by consent on 7-11-17.

Council Bill 17-0759 was ordered published on first reading.

Ordered published on first reading

BILLS FOR FINAL CONSIDERATION

Finance & Governance Committee

[17-0691](#) A bill for an ordinance making supplemental appropriations to the Denver Municipal Airport System Enterprise Capital Equipment and Improvement Fund.

Appropriates \$150 million to Denver International Airport's Capital Fund to utilize its excess cash reserves to support the completion of near-term capital projects instead of issuing debt to fund such projects at Denver International Airport. The Committee approved filing this bill by consent on 7-4-17.

A motion offered by Councilman New, duly seconded by Councilman Flynn, that Council Bill 17-0691 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)

[17-0735](#) A bill for an ordinance establishing a new fund in the General Government Special Revenue Fund for the “Firefighter Heart Benefit” program.

Establishes the Firefighter Heart Benefit Program Special Revenue Fund for firefighters who sustain certain identified heart and circulatory malfunctions within 48 hours of a defined work event pursuant to Colorado Senate Bill 14-172. The Committee approved filing this bill by consent on 7-4-17.

A motion offered by Councilman New, duly seconded by Councilman Flynn, that Council Bill 17-0735 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)

RECAP OF BILLS TO BE CALLED OUT

PRE-RECESS ANNOUNCEMENT

Council President Brooks announced that tonight, there will be a required public hearing on Council Bill 17-0565, changing the zoning classification for 8504 East Martin Luther King Jr. Boulevard and 2962 North Central Park Boulevard in Stapleton; a required public hearing on Council bill 17-0659, naming the City-owned building located at 2851 Tremont Place the Anna Jo Haynes Early Learning Center; and, a one-hour courtesy public hearing on Council Resolution 17-0687, regarding the proposed three-day Overland Golf Course Music Festival. 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

Land Use, Transportation & Infrastructure Committee

17-0565 A bill for an ordinance changing the zoning classification for 8504 East Martin Luther King Jr. Boulevard and 2962 North Central Park Boulevard in Stapleton.

Rezones property located at 8504 East Martin Luther King Jr. Boulevard and 2962 North Central Park Boulevard from C-MU-20 to M-RX-5A (commercial, mixed-use to master planned, residential, mixed-use) in Council District 8. The Committee approved filing this bill at its meeting on 5-23-17.

A motion offered by Councilman New, duly seconded by Councilwoman Ortega, that Bill 17-0565 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 6:27 p.m., Council President Brooks presiding, to hear speakers on Council Bill 17-0565. Bruce O'Donnell, Jim Chrisman, Seku, and Tom Gleason signed up to speak in favor of the bill. John Venhoff, Suzanne Challinor, Noel Lawrenz, Judy Bulow, Robin Krakowsky, Jane Warner, Laura Tweddle, Donna Davis, Evan Mellman, Leonard Segreti, David Robbins, Leslie Lukehart, Kara A. Kudzma, Erik Stanley, Barry McDermott, Kim Kenyon, and John Schweyer signed up to speak in opposition of the bill. Scott Robinson of Community Planning and Development delivered the Staff Report.

Aye: Black, Brooks, Clark, Flynn, Gilmore, Herndon, Kniech, New, Susman (9)

Nay: Espinoza, Kashmann, Ortega (3)

Absent: López (1)

17-0659 A bill for an ordinance naming the City-owned building located at 2851 Tremont Place the Anna Jo Haynes Early Learning Center.

Re-names the building at 2851 Tremont Place for community leader Anna Jo Haynes. The Committee approved filing this bill at its meeting on 6-6-17.

A motion offered by Councilman New, duly seconded by Councilman Herndon, that Bill 17-0659 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 8:46 p.m., Council President Brooks presiding, to hear speakers on Council Bill 17-0659. Lisa R. Roy, Donna M. Garnett, Seku, Steve Welchert, Khadisa Haynes, Crisania Duran, Elbra Wedgeworth, and Jennifer Harris signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Pamela Harris, President & CEO of Mile High Early Learning delivered the Staff Report.

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

Nay: (None) (0)

Absent: López (1)

PUBLIC HEARINGS - RESOLUTIONS

Land Use, Transportation & Infrastructure Committee

[17-0687](#) A resolution approving a proposed Multi-Year Festival Lease Agreement between the City and County of Denver and Denver Festivals LLC for the use of Overland Golf Course for a multi-day, multi-stage musical festival.

Approves a lease agreement with Denver Festivals, LLC, for five years at an annual rate of \$200,000 with additional monetary and non-monetary considerations to produce an annual three-day music festival at Overland Golf Course in Council District 7 (201735508). The last regularly scheduled Council meeting within the 30-day review period is on 8-14-17. The Committee approved filing this resolution at its meeting on 6-20-17. Pursuant to Council Rule 3.7, Councilman Clark called out this resolution at the Monday, July 24, 2017, Council meeting for a postponement to the next regularly scheduled meeting of Monday, July 31, 2017.

Pursuant to Council Rule 3.7, Councilman Clark called out this resolution at the Monday, July 24, 2017 Council meeting for a one-week postponement to Monday, July 31, 2017.

Postponed to a date certain

Council sat as a Committee of the Whole commencing at 9:29 p.m., Council President Brooks presiding, to hear speakers on Council Bill 17-0687. Rob Lovell, Rana Razzaque, Max Hirsh, Andrew Gehauf, Terry Pasqua, Paul Bodor, Jack Unruh, Mara Owen, Justin Bresler, Dan Ericson, David Warner, David Richter, Ronnie Crawford, JC Helmstaedter, signed up to speak in favor of the bill. Kathy Hamilton, Lamone Noles, Helene Orr, Joanne Weiss, Laurie R. Paulson, Phil Hainline, Kathy Dugan, Dianne Thiel, Briane Montoya, Bridget Walsh, Daniel Lowenstein, Marilyn Barela, Lee Ann Montoya, and Margaret Rundiks signed up to speak in opposition of the bill. Allegra "Happy" Haynes of the Department of Parks and Recreation, and David Ehrlich and Rick Farman of Superfly delivered the Staff Report.

PRE-ADJOURNMENT ANNOUNCEMENT

Council President Brooks announced that on Monday, August 21, 2017, Council will hold a required public hearing on Council Bill 17-0750, changing the zoning classification for 1208 North Quitman Street in West Colfax; a required public hearing on Council Bill 17-0751, changing the zoning classification for 4060 North Elati Street in Globeville; and, a required public hearing on Council Bill 17-0752, changing the zoning classification 3955, 3965 and 3995 North High Street in Cole. Any protests against Council Bill 17-0750, 17-0751, or 17-0752 must be filed with the Council Offices no later than noon on Monday, August 14, 2017.

ADJOURN

There being no further business before the City Council, Council President Brooks adjourned the meeting at 11:21 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