

# City Council Minutes

Meeting Date: Monday, August 13, 2018 5:30 PM

## PLEDGE OF ALLEGIANCE

### ROLL CALL

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

Absent: López (1)

### APPROVAL OF THE MINUTES

[18-0871](#) Minutes of Monday, August 6, 2018

The minutes of Monday, August 13, 2018, were approved.

### Approved

The minutes of meeting date, Monday, August 6, 2018, were distributed to Council. Council President Clark ordered the minutes approved.

### COUNCIL ANNOUNCEMENTS

Council members Black, Kniech, Herndon, Brooks, Kashmann, New, Ortega, and Espinoza offered announcements.

### PRESENTATIONS

### COMMUNICATIONS

### PROCLAMATIONS

[18-0892](#) **A proclamation recognizing the annual Brothers Redevelopment and Denver Employee Volunteer Opportunities Paint-A-Thon Day in the City and County of Denver on Saturday, August 18, 2018.**

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that Council Proclamation 18-0892 be adopted. The motion carried by the following vote:

### Adopted

Councilwoman Ortega asked to be added as a sponsor of Council Proclamation 18-0892.

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

Nay: (None) (0)

Absent: López (1)

[18-0898](#) **A proclamation recognizing the importance of securing an accurate and complete population count in the 2020 US Census.**

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that Council Proclamation 18-0898 be adopted. The motion carried by the following vote:

### Adopted

Councilwoman Kniech asked to be added as a sponsor of Council Proclamation 18-0898.

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

Nay: (None) (0)

Absent: López (1)

## RESOLUTIONS

### Business, Arts, Workforce & Aeronautical Services Committee

Block Vote

Block Vote

A motion offered by Councilwoman Susman, duly seconded by Councilwoman Black, 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, New, Ortega, Susman (12)

Nay: (None) (0)

Absent: López (1)

#### [18-0829](#) **A resolution approving a proposed Second Amendment between the City and County of Denver and Waste Management of Colorado, Inc. concerning special waste disposal at the former Stapleton Airport and at Denver International Airport.**

Amends a contract with Waste Management of Colorado, Inc. by adding \$2.5 million for a new total of \$8 million to the existing special waste disposal contract to incorporate the disposal of construction, industrial and remedial debris including the recycling of construction and demolition materials from the former Stapleton International Airport and Denver International Airport. No change to contract duration (201208383-02). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-18. The Committee approved filing this item at its meeting on 8-1-18.

A motion offered by Councilwoman Susman, duly seconded by Councilwoman Black, that Council Resolution 18-0829 be adopted en bloc, carried by the following vote:

#### Adopted

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

Nay: (None) (0)

Absent: López (1)

**Finance & Governance Committee**

**18-0590 A resolution approving a proposed Purchase and Sale Agreement between the City and County of Denver and UWG 8, LLC. for the City to purchase the property located at 700 W. Colfax Avenue and 1449 Galapago Street.**

Approves a \$3 million purchase and sale agreement with UWG 8, LLC. to acquire property located at 700 West Colfax Avenue and 1449 Galapago Street for approximately 12,700 square feet of office space and a detached parking garage for office support staff for the district and county courts in Council District 10 (FINAN 201841586-00). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-18. The Committee approved filing this item at its meeting on 7-31-18. Pursuant to Council Rule 3.7, Councilman Flynn called out this resolution at the Monday, August 13, 2018 Council meeting for a postponement to the next regularly scheduled meeting of Monday, August 20, 2018.

Pursuant to Council Rule 3.7, Councilman Flynn called out this resolution at the Monday, August 13, 2018, Council meeting for a postponement to the next regularly scheduled meeting of Monday, August 20, 2018.

**Postponed to a date certain**

**18-0669 A resolution approving a proposed Purchase and Sale Agreement between the City and County of Denver and R&R Properties, LLC. for the City to purchase the property located at 710 W. Colfax Avenue.**

Approves a \$4.2 million purchase and sale agreement with R&R Properties, LLC. to acquire property located at 710 West Colfax Avenue for approximately 11,250 square feet of office space for support staff of the District and County Courts in Council District 10 (FINAN 201841587). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-18. The Committee approved filing this item at its meeting on 7-31-18.

A motion offered by Councilwoman Susman, duly seconded by Councilman Herndon, that Council Resolution 18-0669 be adopted. The motion carried by the following vote:

**Adopted**

- Aye: Black, Brooks, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, New, Susman (10)
- Nay: Ortega (1)
- Absent: López (1)
- Abstain: Espinoza (1)

**18-0815 A resolution approving a proposed Master Purchase Order between the City and County of Denver and Conserve-A Watt Lighting, Inc. to provide lighting, lamps ballasts and fixtures.**

Approves a three-year \$750,000 master purchase order with Conserve-A Watt Lighting, Inc. for lighting, lamps, ballasts, and fixtures for lighting maintenance in City facilities (SC-00003161). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-18. The Committee approved filing this item at its meeting on 7-31-18.

A motion offered by Councilwoman Susman, duly seconded by Councilwoman Black, that Council Resolution 18-0815 be adopted en bloc, carried by the following vote:

**Adopted**

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

Nay: (None) (0)

Absent: López (1)

**18-0821 A resolution approving a proposed Second Amendment to On Call Technology Services Agreement by and between the City and County of Denver and Grant Thornton, LLP to increase the contract maximum amount to provide specialized technology services.**

Adds \$650,000 to a contract with Grant Thornton, LLP for a new total of \$1 million for internal information technology governance reviews, assessments, audits, project frameworks, and other professional services for the City's Technology Services agency. No change to contract duration (TECHS - 201416059). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-18. The Committee approved filing this item at its meeting on 7-31-18.

A motion offered by Councilwoman Susman, duly seconded by Councilwoman Black, that Council Resolution 18-0821 be adopted en bloc, carried by the following vote:

**Adopted**

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

Nay: (None) (0)

Absent: López (1)

**18-0825 A resolution approving a proposed License Agreement between the City and County of Denver and T-Mobile West, LLC for a lease agreement for installation and maintenance of a cell phone tower at Denver Fire Department #29, Green Valley Ranch, 4800 Himalaya Way, and use of FCC-licensed radio bands and frequencies (no others).**

Approves a five-year \$242,097 revenue lease agreement with T-Mobile West, LLC for placement of antenna equipment at Denver Fire Department Station 29 at 4800 Himalaya Way in Council District 11 (FINAN-201840586-00). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-18. The Committee approved filing this item at its meeting on 7-31-18.

A motion offered by Councilwoman Susman, duly seconded by Councilwoman Black, that Council Resolution 18-0825 be adopted en bloc, carried by the following vote:

**Adopted**

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

Nay: (None) (0)

Absent: López (1)

**18-0826 A resolution approving the Mayor’s appointment to the Santa Fe Business Improvement District Board of Directors.**

Approves the Mayoral appointment of Mark Landman to the Santa Fe Business Improvement District Board of Directors for a term effective immediately and expiring on 12-31-18. The Committee approved filing this item at its meeting on 7-31-18.

A motion offered by Councilwoman Susman, duly seconded by Councilwoman Black, that Council Resolution 18-0826 be adopted en bloc, carried by the following vote:

**Adopted**

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

Nay: (None) (0)

Absent: López (1)

**18-0827 A resolution to set a public hearing on the approval of the Service Plan for a new metropolitan district Denver Rock Drill Metropolitan District.**

Sets a public hearing before City Council on 9-17-18 on the Denver Rock Drill Metropolitan District located near 39th Avenue and High Street in Council District 9. The Committee approved filing this item at its meeting on 7-31-18.

A motion offered by Councilwoman Susman, duly seconded by Councilwoman Black, that Council Resolution 18-0827 be adopted en bloc, carried by the following vote:

**Adopted**

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

Nay: (None) (0)

Absent: López (1)

**Land Use, Transportation & Infrastructure Committee**

**18-0684 A resolution approving a proposed Contract, between the City and County of Denver and SEMA Construction, Inc. for services for the 38th and Holly Detention Pond Improvements project.**

Approves a contract with SEMA Construction, Inc. for \$1,914,373.33 and for four months for completion of the 38th and Holly Detention Pond Improvements project including construction of a gabion drop structure to convey storm water from Holly Street into the pond, excavation of the pond, improvements to inlet and outlet structures for the addition of water quality capture volume, trail, and landscaping improvements located at 38th Street and Holly Avenue in Council District 8 (201841403-00). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-18. The Committee approved filing this item at its meeting on 6-26-18.

A motion offered by Councilwoman Susman, duly seconded by Councilwoman Black, that Council Resolution 18-0684 be adopted en bloc, carried by the following vote:

**Adopted**

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

Nay: (None) (0)

Absent: López (1)

**18-0800 A resolution granting a revocable permit to RAFMO, LLC to encroach into the right-of-way at 1840 Grant Street.**

Grants a revocable permit to RAFMO, LLC c/o Stan Spiegelman, their successors and assigns, to encroach into the right-of-way with an underground parking garage and a canopy connected to two buildings over the alleyway for the Grant Street Hotel at 1840 Grant Street in Council District 10. The Committee approved filing this item at its meeting on 7-24-18.

A motion offered by Councilwoman Susman, duly seconded by Councilwoman Black, that Council Resolution 18-0800 be adopted en bloc, carried by the following vote:

**Adopted**

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

Nay: (None) (0)

Absent: López (1)

**18-0819 A resolution approving a proposed Purchase Order between the City and County of Denver and Pierce Manufacturing, Inc. to purchase a Velocity Pumper-Fire truck.**

Approves a purchase order with Pierce Manufacturing, Inc. for \$552,660 for a Pierce Velocity Pumper-Fire Truck to support citywide Fire Department operations (PO-00043954). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-18. The Committee approved filing this item at its meeting on 7-31-18.

A motion offered by Councilwoman Susman, duly seconded by Councilwoman Black, that Council Resolution 18-0819 be adopted en bloc, carried by the following vote:

**Adopted**

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

Nay: (None) (0)

Absent: López (1)

**18-0830 A resolution approving a proposed Use Agreement between the City and County of Denver and Birdseed Collective for use of city property located at 4496 Grant Street, known as the Globeville Recreation Center.**

Approves a contract with Birdseed Collective for \$46,800 and for four years to occupy and provide programming at the Globeville Recreation Center for youth, young adults, adults, and active older adults including arts and culture, team sports, social enrichment, fitness, after-school activities, education, healthy meals and food distribution, and other activities located at 4496 Grant Street in Council District 9 (201842732). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-18. The Committee approved filing this item at its meeting on 7-31-18.

A motion offered by Councilwoman Susman, duly seconded by Councilwoman Black, that Council Resolution 18-0830 be adopted en bloc, carried by the following vote:

**Adopted**

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

Nay: (None) (0)

Absent: López (1)

**18-0831 A resolution approving and providing for the execution of a proposed grant agreement between the City and County of Denver and the State Board of the Great Outdoors Colorado Trust Fund, a subdivision of the State of Colorado, concerning the "My Outdoor Colorado -- Cole" program and the funding therefor.**

Accepts a grant award from Great Outdoors Colorado in the amount of \$2,179,077 and through 6-30-21 to support My Outdoor Colorado in connecting underserved inner-city youth from the Cole neighborhood with the outdoors including gardening programs, afterschool programs, family workshops, expanded nature activities, youth stewardship, outdoor adventures, environmental career exposure, and more activities in Council District 9 and multiple mountain park locations (201840343). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-18. The Committee approved filing this item at its meeting on 7-31-18.

A motion offered by Councilwoman Susman, duly seconded by Councilwoman Black, that Council Resolution 18-0831 be adopted en bloc, carried by the following vote:

**Adopted**

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

Nay: (None) (0)

Absent: López (1)

**Safety, Housing, Education & Homelessness Committee**

**18-0895 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the total sum of Ninety-Five Thousand Dollars and Zero Cents (\$95,000.00), payable to Franklin D. Azar & Associates, P.C. and Jaime Cruz in the amount of \$50,000.00 and Franklin D. Azar & Associates, P.C. and Ma. Victoria Zuniga in the amount of \$45,000.00 in full payment and satisfaction of all claims in Case No. 2017CV33157, in the District Court for the City and County of Denver, Colorado.**

Settles claims involving Denver Public Works and the Denver Police Department. This item was approved for filing at the Mayor-Council meeting on 8-7-18.

A motion offered by Councilwoman Susman, duly seconded by Councilwoman Black, that Council Resolution 18-0895 be adopted en bloc, carried by the following vote:

**Adopted**

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

Nay: (None) (0)

Absent: López (1)

## **BILLS FOR INTRODUCTION**

### **Business, Arts, Workforce & Aeronautical Services Committee**

**[18-0794](#) A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and Town of Morrison, to perform certain engineering services related to improvements to the Town's wastewater system which collects wastewater from the City's Red Rocks Amphitheatre.**

Amends an intergovernmental agreement with the Town of Morrison by adding \$375,000 for a new total of \$554,900 and six months for a new end date of 6-30-19 for engineering services related to wastewater infrastructure at Red Rocks amphitheater (THTRS-201628380-02). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-18. The Committee approved filing this item at its meeting on 7-25-18.

Council Bill 18-0794 was ordered published on first reading.

#### **Ordered published on first reading**

### **Finance & Governance Committee**

**[18-0746](#) A bill for an ordinance making a supplemental appropriation from the General Contingency Fund to purchase property at 700 West Colfax Avenue.**

Approves a \$3 million supplemental appropriation from the General Fund contingency to purchase property at 700 West Colfax Avenue in Council District 10. The Committee approved filing this item at its meeting on 7-31-18.

A motion offered by Councilwoman Susman, duly seconded by Councilman Flynn, that Council Bill 18-0746 be ordered published on first reading. The motion carried by the following vote:

#### **Ordered published on first reading**

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

Nay: Ortega (1)

Absent: López (1)

Abstain: Espinoza (1)

**[18-0822](#) A bill for an ordinance amending the classification and pay plan for employees in the Career Service and for certain employees not in the Career Service.**

Changes the pay grade of Director of Recreation from A-814 to A-815. The Committee approved filing this item at its meeting on 7-31-18.

Council Bill 18-0822 was ordered published on first reading.

#### **Ordered published on first reading**



**[18-0823](#) A bill for an ordinance amending the classification and pay plan for employees in the Career Service and for certain employees not in the Career Service.**

Changes the pay grade of Booking Coordinator from A-810 to A-620. The Committee approved filing this item at its meeting on 7-31-18.

Council Bill 18-0823 was ordered published on first reading.

**Ordered published on first reading**

**[18-0837](#) A bill for an ordinance submitting to a vote of the qualified and registered electors of the City and County of Denver at a special municipal election to be held in conjunction with the general election of November 6, 2018, a proposed amendment to the Charter of the City and County of Denver concerning the authority for the clerk and recorder to make appointments.**

Refers a question to the November 6, 2018 ballot to amend the Charter to change appointments of deputies and assistants by the Clerk and Recorder including requiring the Deputy Clerk and Recorder to be an at-will appointee, eliminating the requirement that the Director of Elections be at-will, and allowing the Clerk to appoint two additional at-will employees to serve in positions designated by the Clerk and Recorder. This bill must pass no later than August 27, 2018 to meet the deadlines for the November ballot. The Committee approved filing this item at its meeting on 8-7-18.

Council Bill 18-0837 was ordered published on first reading.

**Ordered published on first reading**

**Land Use, Transportation & Infrastructure Committee**

**[18-0791](#) A bill for an ordinance changing the zoning classification for 12680 E. Albrook Drive in Montbello.**

Approves an official map amendment to rezone property located at 12680 East Albrook Drive from S-MX-12 to OS-A (suburban, mixed-use to open space) in Council District 8. The Committee approved filing this item at its meeting on 7-31-18.

**Final Consideration**

**Required Public Hearing**

Council Bill 18-0791 was ordered published with a future required public hearing on 9-10-18.

**Ordered published with future required public hearing**

**BILLS FOR FINAL CONSIDERATION**

**Safety, Housing, Education & Homelessness Committee**

**[18-0766](#) A bill for an ordinance approving and providing for the execution of a proposed contract between the City and County of Denver and the State of Colorado concerning the "Community Corrections FY18-19" program and the funding therefor.**

Approves a one-year \$17,472,090.96 contract with the State of Colorado for the fiscal year 2018-2019 Community Corrections Program (2018-42827). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-18. The Committee approved filing this item at its meeting on 7-25-18.

A motion offered by Councilwoman Susman, duly seconded by Councilwoman Black, that Council Bill 18-0766 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, New, Ortega, Susman (12)

Nay: (None) (0)

Absent: López (1)

**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 18-0617, changing the zoning classification of 2500 East 44th Avenue, 4318 Columbine Street, 4301 and 4349 Elizabeth Street in the Elyria Swansea neighborhood; and, a required public hearing on Council Bill 18-0797, approving six separate service plans for the formation and establishment of six Title 32 districts. Anyone wishing to speak on either 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**

**Finance & Governance Committee**

**18-0797 A bill for an ordinance approving six (6) metropolitan district Service Plans for the creation of The River Mile Metropolitan District No. 1, The River Mile Metropolitan District No. 2, The River Mile Metropolitan District No. 3, The River Mile Metropolitan District No. 4, The River Mile Metropolitan District No. 5, and The River Mile Platte Valley Metropolitan District.**

Approves six separate Service Plans for the formation and establishment of six Title 32 districts: The River Mile Metropolitan District No. 1, The River Mile Metropolitan District No. 2, The River Mile Metropolitan District No. 3, The River Mile Metropolitan District No. 4, The River Mile Metropolitan District No. 5, and The River Mile Platte Valley Metropolitan District in Council District 9. The Committee approved filing this item at its meeting on 7-24-18.

A motion offered by Councilwoman Susman, duly seconded by Councilwoman Gilmore, that Council Bill 18-0797 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 6:41 p.m., Council President Clark presiding, to hear speakers on Council Bill 18-0797. Rhys Duggan signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Andrew Johnston of the Department of Finance delivered the Staff Report.

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

Nay: (None) (0)

Absent: López (1)

**Land Use, Transportation & Infrastructure Committee**

**18-0617 A bill for an ordinance changing the zoning classification of 2500 East 44th Avenue, 4348 Columbine Street, 4301 & 4349 Elizabeth Street in the Elyria Swansea neighborhood.**

Rezones property located at 2500 East 44th Avenue, 4348 Columbine Street, 4301 and 4349 Elizabeth Street from E-TU-B to PUD-G 18 (urban edge to planned development) in Council District 9. The Committee approved filing this item at its meeting on 6-19-18.

A motion offered by Councilwoman Susman, duly seconded by Councilman Herndon, that Council Bill 18-0617 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 7:06 p.m., Council President Clark presiding, to hear speakers on Council Bill 18-0617. Bruce O'Donnell, Katie McKenna, Kory Whitaker, and Kate Hilberg signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Jeff Hirt of Community Planning and Development delivered the Staff Report.

Aye: Black, Brooks, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, New, Ortega, Susman (11)

Nay: (None) (0)

Absent: Espinoza, López (2)

**PRE-ADJOURNMENT ANNOUNCEMENT**

Council President Clark announced that on Monday, September 10, 2018, Council will hold a required public hearing on Council Bill 18-0791, changing the zoning classification for 12680 E. Albrook Drive in Montbello. Any protests against Council Bill 18-0791 must be filed with the Council Offices no later than Tuesday, September 4, 2018.

**ADJOURN**

There being no further business before the City Council, Council President Clark adjourned the meeting at 7:39 p.m.

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President

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

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