

# City Council Minutes

Meeting Date: Monday, December 5, 2016 5:30 PM

## PLEDGE OF ALLEGIANCE

Council member Clark led the Pledge of Allegiance.

## ROLL CALL

Present: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Kashmann,  
Kniech, López, New, Ortega (11)

Absent: Herndon, Susman (2)

## APPROVAL OF THE MINUTES

The minutes of meeting date, Monday, November 28, 2016, were distributed to Council. Council President Brooks ordered the minutes approved.

[16-1257](#) Minutes of Monday, November 21, 2016

The minutes of Monday, November 28, 2016 were approved.

## Approved

## COUNCIL ANNOUNCEMENTS

Council members Black, Kashmann, Espinoza, and Brooks offered announcements.

## PRESENTATIONS

## COMMUNICATIONS

## PROCLAMATIONS

## Block Vote

A motion offered by Councilman Clark, 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, Kashmann,  
Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)

## RESOLUTIONS

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

[16-1138](#) A resolution approving a proposed Second Amendment and Termination of Agreement, between the City and County of Denver and Concessions Colorado, LLC concerning the mutual termination of the existing concession agreement at Denver International Airport.

Amends a contract with Concessions Colorado, LLC, doing business as New Belgium Spoke, by mutually terminating an existing concession contract term originally set to expire on 5-30-18 (AR 18001 - 02). The last regularly scheduled Council meeting within the 30-day review period is on 12-16-16. The Committee approved filing this resolution by consent on 11-23-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Resolution 16-1138 be adopted en bloc, carried by the following vote:

#### Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)

[16-1169](#) A resolution approving a proposed first amendment between the City and County of Denver and Airport & Aviation Professionals, Inc. for representing the airline's collective view and providing a common point of contact for the airport and to support lease negotiations, capital planning, and provide expertise and guidance on projects that impact airline operations at Denver International Airport.

Amends a contract with Airport & Aviation Professionals, Inc. by adding \$2,226,022 for a total contract in the amount of \$3,226,022 and extending the term by two years for a new end date of 12-31-19, for representing the airline's collective views and providing a common point of contact for the airport and to support lease negotiations, capital planning, and provide expertise and guidance on projects that impact airline operations at Denver International Airport (201311731-01). The last regularly scheduled Council meeting within the 30-day review period is on 12-19-16. The Committee approved filing this resolution by consent on 11-23-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Resolution 16-1169 be adopted en bloc, carried by the following vote:

#### Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)

## **Finance & Governance Committee**

[16-1058](#) A resolution approving the re-appointment of Mr. John Eckhardt to the Deferred Compensation Plan Committee.

Appoints John Eckhardt to a four-year term on the Deferred Compensation Plan Committee ending December 31, 2020. The Committee approved filing this resolution by consent on 11-1-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Resolution 16-1058 be adopted en bloc, carried by the following vote:

### **Adopted**

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)

## **Land Use, Transportation & Infrastructure Committee**

[16-1135](#) A resolution approving a proposed Contract between the City and County of Denver and Goodland Construction, Inc. for construction services.

Approves a contract with Goodland Construction, Inc. for a total contract amount of \$1,636,145.93 and a seven-month term for the conversion of the intersection of Colfax Avenue and Lipan Street to right turns only, and for additional improvements to accommodate pedestrians in Council District 3 (201630533). The last regularly scheduled Council meeting within the 30-day review period is on 12-19-16. The Committee approved filing this resolution by consent on 11-17-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Resolution 16-1135 be adopted en bloc, carried by the following vote:

### **Adopted**

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)

[16-1164](#) A resolution laying out, opening and establishing as part of the City street system a parcel of land as a public alley bounded by East Colfax Avenue, East 14th Avenue, Willow Street and Wabash Street.

Dedicates a parcel of land located in the alley bounded by Colfax Avenue, East 14th Avenue, Willow Street and Wabash Street as public right-of-way in Council District 5. The Committee approved filing this resolution by consent on 11-23-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Resolution 16-1164 be adopted en bloc, carried by the following vote:

### **Adopted**

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)

[16-1165](#) 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 Ellsworth Avenue, West Irvington Place, Bannock Street and Acoma Street.

Dedicates a parcel of land as public right-of-way as public alley located in the alley bounded by West Ellsworth Avenue, West Irvington Place, Bannock Street and Acoma Street in Council District 7. The Committee approved filing this resolution by consent on 11-23-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Resolution 16-1165 be adopted en bloc, carried by the following vote:

**Adopted**

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)

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

[16-1159](#) A resolution approving the Mayor’s appointment to the Denver Latino Commission.

Approves the Mayoral appointment of Desmond Fulton to the Denver Latino Commission for a term effective immediately and expiring on 1-1-18, or until a successor is duly appointed. The Committee approved filing this resolution by consent on 11-23-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Resolution 16-1159 be adopted en bloc, carried by the following vote:

**Adopted**

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)

[16-1160](#) A resolution approving a proposed Agreement between the City and County of Denver and Energy Outreach Colorado Efficiency, LLC for energy efficiency services, weatherization upgrades for multi-family and nonprofit facilities, and education programs for low-income individuals.

Approves a contract with Energy Outreach Colorado Efficiency, LLC in the amount of \$750,000 for an end date of 12-31-17 to provide energy efficiency services, weatherization upgrades, and education for low-income multi-family units and nonprofit facilities that serve low-income residents in the City (HRCRS-201631420-00). The last regularly scheduled Council meeting within the 30-day review period is on 12-19-16. The Committee approved filing this resolution by consent on 11-23-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Resolution 16-1160 be adopted en bloc, carried by the following vote:

**Adopted**

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)

[16-1167](#) A resolution approving a proposed Agreement by and between the City and County of Denver and Integral Recoveries, Inc., for the collection of delinquent fines and fees citywide for Denver County Court.

Approves a contract with Integral Recoveries, Inc. in the amount of \$2,460,000 for three years for the collection of delinquent fines and fees citywide for Denver County Court (201630637). The last regularly scheduled Council meeting within the 30-day review period is on 12-19-16. The Committee approved filing this resolution by consent on 11-23-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Resolution 16-1167 be adopted en bloc, carried by the following vote:

**Adopted**

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)

[16-1175](#) A resolution approving the Mayor's appointments to the Affordable Housing Advisory Committee.

Approves the following Mayoral appointments to the Affordable Housing Advisory Committee: John Parvensky, Veronica Barela, and Heather Lafferty for terms effective immediately and expiring on 12-31-17; Bill Pruter, Michael Warren, and Trinidad Rodriguez for terms effective immediately and expiring on 12-31-18; and, Kevin Marchman, Randy Kilbourne, Kenneth Ho, and Charles Perry for terms effective immediately and expiring on 12-31-19, or until successors are duly appointed. The Committee approved filing this resolution by consent on 11-23-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Resolution 16-1175 be adopted en bloc, carried by the following vote:

**Adopted**

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)

[16-1180](#) A resolution approving the City Council appointments to the Affordable Housing Advisory Committee.

Approves the City Council appointments to the Affordable Housing Advisory Committee of Jenny Santos as the At-Large representative for a term ending 12-31-18; Brad Weinig as the Advocate representative for a term ending 12-31-19; and Councilmember Robin Kniech as the Council representative for a term ending 12-31-17, or until successors are duly appointed. The Committee approved filing this resolution by consent on 11-23-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Resolution 16-1180 be adopted en bloc, carried by the following vote:

**Adopted**

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)

## **BILLS FOR INTRODUCTION**

### **Finance & Governance Committee**

[16-1161](#) A bill for an ordinance authorizing expenditures from the Dental Self-Insurance Fund.

Approves a \$11,107,890.29 appropriation for the 2017 Self-Insured Dental Fund. The Committee approved filing this bill by consent on 11-22-16.

This Bill 16-1161 was ordered published on first reading.

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

[16-1162](#) 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.

Approves a \$4,048,941.79 appropriation for the 2017 Flexible Spending Account. The Committee approved filing this bill by consent on 11-22-16.

This Bill 16-1162 was ordered published on first reading.

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

[16-1173](#) A bill for an ordinance to close various Special Revenue Funds.

Authorizes rescissions and cash transfers to close unused Special Revenue Funds and transfer \$898,061 into the General Fund. The Committee approved filing this bill at its meeting on 11-22-16.

This Bill 16-1173 was ordered published on first reading.

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

## **BILLS FOR FINAL CONSIDERATION**

### **Finance & Governance Committee**

[16-1087](#) A bill for an ordinance creating a Fund Number in the Wastewater Management Enterprise Fund for the "Water Quality Capital Projects".

Establishes a new storm capital improvement fund for the Public Works Wastewater Management Division for the Regional Water Quality Program. The Committee approved filing this bill by consent on 11-10-16.

This Bill 16-1087 was postponed to a date certain. to the Finance & Governance Committee due back on 12/12/2016

#### **Postponed to a date certain**

[16-1123](#) A bill for an ordinance amending the 1963 Retirement Plan with regard to definitions, retirement board, contributions; payroll deductions, retirement categories, retirement benefits, joint and survivor benefits, death benefits, anti-alienation provision, and obligation of city.

Amends Chapter 18 of the Denver Revised Municipal Code pertaining to the Denver Employees Retirement Plan to enhance provisions relating to pre-retired members' beneficiaries, establish an annually-variable interest rate for refund of employee contributions to non-vested members, and other changes, none of which change either the City or employee payroll contribution. The Committee approved filing this bill at its meeting on 11-15-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Bill 16-1123 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, Kashmann, Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)

[16-1143](#) A bill for an ordinance approving a proposed Partial Release of Use Restriction and Right of Reentry for CDOT Parcel between the City and County of Denver and Metropolitan Football Stadium District for land the Metropolitan Football Stadium District will convey to the Colorado Department of Transportation. Authorizes the partial release of use restriction and right-of-reentry for City parcels previously deeded to the Metropolitan Football Stadium District to allow the Colorado Department of Transportation to construct a new headquarters on Stadium Parcels B6, B7, and B8, at approximately West Colfax Avenue and Mile High Stadium West Circle in Council District 3. The last regularly scheduled Council meeting within the 30-day review period is on 12-19-16. The Committee approved filing this bill by consent on 11-17-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Bill 16-1143 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, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega (10)

Nay: (None) (0)

Absent: Herndon, Susman (2)

Abstain: Espinoza (1)



[16-1145](#) 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.

Amends the classification and pay plan to change the pay grade of Victim Advocate from 616-A to 617-A. The Committee approved filing this bill by consent on 11-15-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Bill 16-1145 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, Kashmann, Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)

**Land Use, Transportation & Infrastructure Committee**

[16-1130](#) A bill for an ordinance relinquishing the easement reserved by Ordinance No. 123, Series of 1952, located at 4605 East Eastman Avenue.

Relinquishes the easement reserved at 4605 East Eastman Avenue in Council District 4. The last regularly scheduled Council meeting within the 30-day review period is on 12-19-16. The Committee approved filing this bill by consent on 11-10-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Bill 16-1130 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, Kashmann, Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)

[16-1133](#) A bill for an ordinance vacating an alley bounded by Zuni Street, West Colfax Avenue and West 14th Avenue, with reservations.

Vacates the public right-of-way area lying west of Zuni Street, between West Colfax Avenue and West 14th Avenue at 1401 Zuni Street, with a partial easement granted to 1401 Zuni Investments, LLC in Council District 3. The Committee approved filing this bill by consent on 11-17-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Bill 16-1133 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, Kashmann, Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)



[16-1134](#) A bill for an ordinance vacating the alley bounded by West 14th Avenue, West Colfax Avenue, Fox Street and Galapago Street, with reservations. Vacates the alley bounded by West 14th Avenue and West Colfax Avenue, and Fox Street and Galapago Street with reservations in Council District 10. The Committee approved filing this bill by consent on 11-17-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Bill 16-1134 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, Kashmann, Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)

[16-1142](#) A bill for an ordinance adding new fees for the Levitt Pavilion under sub-section 39-121(22) of the Revised Municipal Code. Approves fees for the Levitt Pavilion in Council District 7 and modifies certain fees for golf, event permits, and three (3) event facilities citywide. The Committee approved filing this bill by consent on 11-17-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Bill 16-1142 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, Kashmann, Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)

[16-1146](#) A bill for an ordinance designating certain property as "park" under section 2.4.5 of the city charter, namely High Line Canal Green Valley Ranch South. Approves the park designation of High Line Canal in Green Valley Ranch South containing 28.3 acres in Council District 11. The Committee approved filing this bill by consent on 11-17-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Bill 16-1146 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, Kashmann, Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)

[16-1147](#) A bill for an ordinance designating certain property as “park” under section 2.4.5 of the city charter, namely Hampden Heights West Park.  
Approves the park designation of Hampden Heights West Park containing 4.3 acres in Council District 4. The Committee approved filing this bill by consent on 11-17-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Bill 16-1147 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, Kashmann,  
Kniech, López, New, Ortega (11)  
Nay: (None) (0)  
Absent: Herndon, Susman (2)

[16-1148](#) A bill for an ordinance designating certain property as “park” under section 2.4.5 of the city charter, namely Prairie Uplands Park.  
Approves the park designation of Prairie Uplands Park containing 44.5 acres in Council District 8. The Committee approved filing this bill by consent on 11-17-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Bill 16-1148 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, Kashmann,  
Kniech, López, New, Ortega (11)  
Nay: (None) (0)  
Absent: Herndon, Susman (2)

[16-1149](#) A bill for an ordinance designating certain property as “park” under section 2.4.5 of the city charter, namely Hutchinson East Park.  
Approves the park designation of Hutchinson East Park containing 1.7 acres in Council District 4. The Committee approved filing this bill by consent on 11-17-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Bill 16-1149 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, Kashmann,  
Kniech, López, New, Ortega (11)  
Nay: (None) (0)  
Absent: Herndon, Susman (2)

[16-1150](#) A bill for an ordinance designating certain property as “park” under section 2.4.5 of the city charter, namely Sand Creek Open Space.

Approves the park designation of Sand Creek Open Space containing 102.9 acres in Council District 8. The Committee approved filing this bill by consent on 11-17-16.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Bill 16-1150 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, Kashmann, Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)

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

[16-1124](#) A bill for an ordinance correcting Ordinance No. 118, Series of 2016 and further amending section 42-53 concerning the salary of the Chief of Police. Amends Chapter 42 of the Denver Revised Municipal Code to correct a drafting error in calculating the annual salary for the Chief of Police.

A motion offered by Councilman Clark, duly seconded by Councilman Flynn, that Bill 16-1124 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, Kashmann, Kniech, López, New, Ortega (11)

Nay: (None) (0)

Absent: Herndon, Susman (2)

**RECAP OF BILLS TO BE CALLED OUT**

**PRE-RECESS ANNOUNCEMENT**

**RECESS**

**COUNCIL RECONVENES AND RESUMES ITS REGULAR SESSION**

**PUBLIC HEARINGS - BILLS FOR FINAL CONSIDERATION**

**PRE-ADJOURNMENT ANNOUNCEMENT**

**ADJOURN**

There being no further business before the City Council, Council President Brooks adjourned the meeting at 5:45 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