

# City Council Minutes

Meeting Date: Monday, October 4, 2021 5:30 PM

## PLEDGE OF ALLEGIANCE

Councilmember Herndon led the Pledge of Allegiance.

## LAND ACKNOWLEDGEMENT

Councilmember Herndon led the Land Acknowledgement.

## ROLL CALL

Present: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)

Absent: Sandoval, Torres (2)

## APPROVAL OF THE MINUTES

[21-1158](#) Minutes of Monday, September 27, 2021

The minutes of Monday, September 27, 2021 were distributed to members of Council. Council President Gilmore ordered the minutes approved.

**Approved**

## COUNCIL ANNOUNCEMENTS

Councilmembers Black, Ortega, Sawyer and Flynn offered announcements.

## PRESENTATIONS

## COMMUNICATIONS

## PROCLAMATIONS

[21-1141](#) **A proclamation in Opposition to Initiative 303 and the Extraordinary Taxpayer Liability it Would Create.**

A motion offered by Councilmember Hinds, duly seconded by Councilmember Herndon, that Council Proclamation 21-1141 be adopted, carried by the following vote:

**Adopted**

Aye: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)

Nay: (None) (0)

Absent: Sandoval, Torres (2)

[21-1142](#) **A proclamation in Opposition to Initiative 304 and the Immediate Cuts to Resident Services and Programs for Children, Mental Health, Homelessness and More It Would Inflict on Denver.**

A motion offered by Councilmember Kniech, duly seconded by Councilmember Hinds, that Council Proclamation 21-1142 be adopted, carried by the following vote:

**Adopted**

Aye: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)

Nay: (None) (0)

Absent: Sandoval, Torres (2)

**[21-1185](#) A proclamation Honoring and Thanking Sarah Tracy and the Central Park Conservancy for its Support of the Denver Park Trust and Denver’s Park system.**

A motion offered by Councilmember Black, duly seconded by Councilmember Kniech, that Council Proclamation 21-1185 be adopted, carried by the following vote:

**Adopted**

Aye: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)  
Nay: (None) (0)  
Absent: Sandoval, Torres (2)

**RECAP OF BILLS TO BE CALLED OUT**

No items were called out for a separate vote.

**LATE FILING - RESOLUTION**

**Land Use, Transportation & Infrastructure Committee**

**[21-1184](#) A resolution granting a revocable permit to Loretto Heights Metro District No. 1, to encroach into the South Pancratia Street, West Frances Walsh Place, and South Loretto Way rights-of-way near 3001 South Federal Boulevard.**

Grants a revocable permit, subject to certain terms and conditions, to Loretto Heights Metro District No. 1, their successors and assigns, to encroach into the right-of-way with seventy-one (71) linear feet of eighteen (18) inch PVC pipe to pass under South Pancratia Street and one hundred three (103) linear feet of thirty (30) inch by nineteen (19) inch horizontal elliptical reinforced concrete pipe to pass under South Loretto Way at 3001 South Federal Boulevard in Council District 2. Councilmember Flynn approved late filing this item on 9-30-21.

A motion offered by Councilmember Flynn, duly seconded by Councilmember Hinds, that the rules of procedure be suspended to allow Council Resolution 21-1184 as a late filing, carried by the following vote:

**Rules of procedure suspended to allow late filing**

Aye: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)  
Nay: (None) (0)  
Absent: Sandoval, Torres (2)

**RESOLUTIONS**

**Business, Arts, Workforce, & Aviation Services Committee**

**BLOCK VOTE**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Hinds, to approve the following items en bloc, carried by the following vote:

**Approved the consent agenda**

Aye: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)  
Nay: (None) (0)  
Absent: Sandoval, Torres (2)

**21-1070 A resolution approving a proposed Master Purchase Order between the City and County of Denver and Hill Enterprises, Inc. concerning oils and lubrications for all vehicles and heavy equipment at Denver International Airport.**

Approves a master purchase order with Hill Enterprises, Inc. for \$3 million and for two years, with three one-year options to extend, for oils and lubrications for all vehicles and heavy equipment at Denver International Airport (SC-00006043). The last regularly scheduled Council meeting within the 30-day review period is on 10-25-21. The Committee approved filing this item at its meeting on 9-22-21.

A motion offered by Councilmember Herndon, duly seconded by Councilmember Hinds, that Council Resolution 21-1070 be adopted en bloc, carried by the following vote:

**Adopted**

Aye: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)

Nay: (None) (0)

Absent: Sandoval, Torres (2)

**Finance & Governance Committee**

**21-1076 A resolution approving a proposed License Agreement between the City and County of Denver and Colorado Department of Transportation for transportation improvements to City-owned land bordered by West Alameda Avenue, South Platte River Road and South Lipan Street.**

Approves a temporary revocable license with the Colorado Department of Transportation (CDOT) for \$10 and through 9-30-24 for the use of three city owned vacant parcels located at 1101 West Alameda Avenue and 1197 West Alameda Avenue for use in conjunction with CDOT’s design and construction of water quality and detention facility improvements in Council District 7 (FINAN-202159657). The last regularly scheduled Council meeting within the 30-day review period is on 10-25-21. The Committee approved filing this item at its meeting on 9-21-21.

A motion offered by Councilmember Herndon, duly seconded by Councilmember Hinds, that Council Resolution 21-1076 be adopted en bloc, carried by the following vote:

**Adopted**

Aye: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)

Nay: (None) (0)

Absent: Sandoval, Torres (2)

**Land Use, Transportation & Infrastructure Committee**

**21-1066 A resolution approving a proposed Amended Purchase Order between the City and County of Denver and Astec, Inc. to increase the maximum contract amount and extend the term for additional electrical work at the asphalt plant located at 5440 Roslyn Street.**

Amends a purchase order with Astec, Inc. by adding \$74,000 for a new total of \$1,915,820 and one year for a new end date of 12-31-22 for additional electrical work on the asphalt silo at the City’s asphalt plant located at 5440 Roslyn Street in Council District 8 (PO-00064047). The last regularly scheduled Council meeting within the 30-day review period is on 10-25-21. The Committee approved filing this item at its meeting on 9-21-21.

A motion offered by Councilmember Herndon, duly seconded by Councilmember Hinds, that Council Resolution 21-1066 be adopted en bloc, carried by the following vote:

**Adopted**

- Aye: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)
- Nay: (None) (0)
- Absent: Sandoval, Torres (2)

**21-1067 A resolution accepting and approving the plat of Central Park Filing No. 62.**

Approves a subdivision plat for Central Park Filing No. 62, located between I-70 and East 46th Place, and North Beeler Street and North Dallas Street in Council District 8. The Committee approved filing this item at its meeting on 9-21-21.

A motion offered by Councilmember Herndon, duly seconded by Councilmember Hinds, that Council Resolution 21-1067 be adopted en bloc, carried by the following vote:

**Adopted**

- Aye: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)
- Nay: (None) (0)
- Absent: Sandoval, Torres (2)

**21-1073 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 Louisiana Avenue, South Federal Boulevard, West Mississippi Avenue and South Dale Court.**

Dedicates a parcel of land as public right of way as public alley, bounded by West Louisiana Avenue, South Federal Boulevard, West Mississippi Avenue, and South Dale Court in Council District 7. The Committee approved filing this item at its meeting on 9-21-21.

A motion offered by Councilmember Herndon, duly seconded by Councilmember Hinds, that Council Resolution 21-1073 be adopted en bloc, carried by the following vote:

**Adopted**

- Aye: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)
- Nay: (None) (0)

Absent: Sandoval, Torres (2)

**[21-1074](#) A resolution granting a revocable permit to Portland Properties, LLC to encroach into the right-of-way at 1205 North Osceola Street.**

Grants a revocable permit, subject to certain terms and conditions, to Portland Properties, LLC their successors and assigns, to encroach into the right of way with the existing 2-foot tall retaining wall, three sets of 3.5-foot tall concrete steps with handrails, 1.5-foot tall landscape walls, and a 4-foot tall cedar fence at 1205 North Osceola Street in Council District 3. The Committee approved filing this item at its meeting on 9-21-21.

A motion offered by Councilmember Herndon, duly seconded by Councilmember Hinds, that Council Resolution 21-1074 be adopted en bloc, carried by the following vote:

**Adopted**

Aye: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)

Nay: (None) (0)

Absent: Sandoval, Torres (2)

**[21-1184](#) A resolution granting a revocable permit to Loretto Heights Metro District No. 1, to encroach into the South Pancratia Street, West Frances Walsh Place, and South Loretto Way rights-of-way near 3001 South Federal Boulevard.**

Grants a revocable permit, subject to certain terms and conditions, to Loretto Heights Metro District No. 1, their successors and assigns, to encroach into the right-of-way with seventy-one (71) linear feet of eighteen (18) inch PVC pipe to pass under South Pancratia Street and one hundred three (103) linear feet of thirty (30) inch by nineteen (19) inch horizontal elliptical reinforced concrete pipe to pass under South Loretto Way at 3001 South Federal Boulevard in Council District 2.

Councilmember Flynn approved late filing this item on 9-30-21.

A motion offered by Councilmember Herndon, duly seconded by Councilmember Hinds, that Council Resolution 21-1184 be adopted en bloc, carried by the following vote:

**Adopted**

Aye: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)

Nay: (None) (0)

Absent: Sandoval, Torres (2)

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

**21-1034 A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Catholic Charities and Community Services of the Archdiocese of Denver, Inc. to increase the maximum contract amount.**

Amends a contract with Catholic Charities and Community Services of the Archdiocese of Denver by adding \$30,966 for a new total of \$1,796,545 to add cost of living adjustments (COLA) to provide comprehensive Head Start services and Early Head Start services in Council Districts 1, 3, 7, 8, and 9. No change to contract duration (202160163). The last regularly scheduled Council meeting within the 30-day review period is on 10-25-21. The Committee approved filing this item at its meeting on 9-15-21.

A motion offered by Councilmember Herndon, duly seconded by Councilmember Hinds, that Council Resolution 21-1034 be adopted en bloc, carried by the following vote:

**Adopted**

Aye: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)  
Nay: (None) (0)  
Absent: Sandoval, Torres (2)

**21-1078 A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and Energy Outreach Colorado by adding \$800,000.00 for a grand total of \$1,060,330.00 to include nine more months of utility payment assistance for low income individuals whom were impacted by COVID-19 pandemic, citywide, implementing new end date of December 31, 2021.**

Amends a contract with Energy Outreach Colorado by adding \$800,000 for a new total of \$1,060,330 and nine months for a new end date of 12-31-21 for utility payment assistance for low income individuals impacted by the COVID-19 pandemic, citywide (HRCRS-202160009). The last regularly scheduled Council meeting within the 30-day review period is on 10-25-21. The Committee approved filing this item at its meeting on 9-22-21.

A motion offered by Councilmember Herndon, duly seconded by Councilmember Hinds, that Council Resolution 21-1078 be adopted en bloc, carried by the following vote:

**Adopted**

Aye: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)  
Nay: (None) (0)  
Absent: Sandoval, Torres (2)

## **BILLS FOR INTRODUCTION**

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

#### **[21-1052](#) A bill for an ordinance changing the zoning classification for 600 South Canosa Court in Athmar Park.**

Approves a map amendment to rezone property from E-SU-Dx to E-SU-D1x (allows for an accessory dwelling unit), located at 600 South Canosa Court in Council District 7. The Committee approved filing this item at its meeting on 9-21-21.

#### **Final Consideration 11-1-21 | Required Public Hearing**

Council Bill 21-1052 was ordered published with a future required public hearing on 11-1-21

#### **Ordered published with a future required public hearing**

#### **[21-1071](#) A bill for an ordinance changing the zoning classification for 50 South Steele Street in Cherry Creek.**

Approves a map amendment to rezone property from C-MX-8 to C-MX-12 (extends mixed-use from 8 to 12 stories), located at 50 South Steele Street in Council District 10. The Committee approved filing this item at its meeting on 9-21-21.

#### **Final Consideration 11-1-21 | Required Public Hearing**

Council Bill 21-1071 was ordered published with a future required public hearing on 11-1-21

#### **Ordered published with a future required public hearing**

#### **[21-1075](#) A bill for an ordinance relinquishing a portion of the 10-foot sewer easement established in the Deed of Easement recorded with Denver Clerk & Recorder at Book No. 595, Page 674; and, a portion of the 20-foot drainage facility easement established in the Deed of Easement recorded with the Denver Clerk & Recorder at Book No. 1785, Page 45 located near the intersection of East Hampden Avenue and South Tamarac Drive.**

Relinquishes a portion of the 10-foot sewer and 20-foot drainage facilities easements, established in the Deed of Easements Book 595, Page 674 and Book 1785, Page 45, located southwest of East Hampden Avenue and South Tamarac Drive in Council District 4. The last regularly scheduled Council meeting within the 30-day review period is on 10-25-21. The Committee approved filing this item at its meeting on 9-21-21.

Council Bill 21-1075 was ordered published

#### **Ordered published**

**BILLS FOR FINAL CONSIDERATION**

**Business, Arts, Workforce, & Aviation Services Committee**

**21-1045 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and U.S. Department of Agriculture Animal and Plant Health Inspection Services Wildlife Services concerning a cooperative wildlife management program at Denver International Airport.**

Approves an agreement with the U.S. Department of Agriculture Animal and Plant Health Inspection Service (APHIS) Wildlife Services for \$3,069,878.02 and through 12-31-26 to provide a cooperative wildlife management program, which is a requirement of Federal Aviation Regulation at Denver International Airport (202055858). The last regularly scheduled Council meeting within the 30-day review period is on 10-18-21. The Committee approved filing this item at its meeting on 9-15-21.

A motion offered by Councilmember Herndon, duly seconded by Councilmember Hinds, that Council Bill 21-1045 be placed upon final consideration and do pass en bloc, carried by the following vote:

**Placed upon final consideration and do pass**

- Aye: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)
- Nay: (None) (0)
- Absent: Sandoval, Torres (2)

**Finance & Governance Committee**

**21-1040 A bill for an ordinance making a rescission from and an appropriation in the General Fund.**

Rescinds \$400,000 from General Fund Contingency to make an appropriation in the Department of Finance to make a payment to the National Western Center Authority to fund capacity building and technical assistance to the Globeville-Elyria-Swansea (GES) community to stand up processes for the Community Investment Fund Committee, National Western Center Phases 3-8 Development and a Community Benefits Agreement. The Committee approved filing this item at its meeting on 9-14-21.

A motion offered by Councilmember Herndon, duly seconded by Councilmember Hinds, that Council Bill 21-1040 be placed upon final consideration and do pass en bloc, carried by the following vote:

**Placed upon final consideration and do pass**

- Aye: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)
- Nay: (None) (0)
- Absent: Sandoval, Torres (2)

**21-1041 A bill for an ordinance approving a proposed First Amendment to the Commercial Contract to Buy and Sell Real Estate Dated 1995 between the City and County of Denver and Forum Building Housing LP, as successor-in-interest to Forum Housing Corporation, to amend and modify the terms and conditions of the transaction and authorize amendments to the City Option Agreement and the City Use Restriction Agreement for the project located at 270 West 14th Avenue.**

Amends the commercial contract to buy and sell real estate with Forum Building Housing LP, as successor-in-interest to Forum Housing Corporation, by amending the City Options Agreement and the City Use Restriction Agreement for The Forum Building project located at 270 West 14th Avenue to provide affordable housing in Council District 10 (FINAN-202159656). The last regularly scheduled Council meeting within the 30-day review period is on 10-31-21. The Committee approved filing this item at its meeting on 9-14-21.

A motion offered by Councilmember Herndon, duly seconded by Councilmember Hinds, that Council Bill 21-1041 be placed upon final consideration and do pass en bloc, carried by the following vote:

**Placed upon final consideration and do pass**

Aye: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)

Nay: (None) (0)

Absent: Sandoval, Torres (2)

**21-1042 A bill for an ordinance authorizing the issuance and sale of an amount not to exceed \$10,000,000 of the City and County of Denver, Colorado Multifamily Housing Revenue Note (Forum Apartments) Series 2021 for the purpose of financing the acquisition, renovation, construction, and equipping of a permanent supportive housing facility for individuals experiencing homelessness located in the City and County of Denver, Colorado and to pay certain expenses of such Note (as defined below) issue; approving and authorizing execution of a Loan Agreement with the Bank, a Loan Agreement with the Borrower, an Assignment Agreement and a Tax Regulatory Agreement (each as defined below) with respect to the Note; making findings and determinations with respect to the Project (as defined below) and the Note; authorizing the execution and delivery of related documents; and repealing all action heretofore taken in conflict herewith.**

Approves the issuance and sale of an amount not to exceed \$10 million of the City and County of Denver, Colorado Multifamily Housing Revenue Note (Forum Apartments) Series 2021 for the purpose of financing the renovation, acquisition, construction, and equipping of a permanent supportive housing facility for individuals experiencing homelessness located at 250 West 14th Avenue in Council District 10. The Committee approved filing this item at its meeting on 9-14-21.

A motion offered by Councilmember Herndon, duly seconded by Councilmember Hinds, that Council Bill 21-1042 be placed upon final consideration and do pass en bloc, carried by the following vote:

**Placed upon final consideration and do pass**

Aye: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)

Nay: (None) (0)

Absent: Sandoval, Torres (2)

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

**21-1027 A bill for an ordinance approving a proposed Grant Agreement between the City and County of Denver and School District No. 1 also known as Denver Public Schools, to grow fresh salad bowl items for all Denver students who participate in the school lunch program salad bars, citywide.**

Approves a grant agreement with School District Number One (the Food and Nutrition Services department of Denver Public Schools) for \$1,005,000 and through 7-31-23 to build a 1-acre greenhouse on an empty lot at 4900 South Field Way to grow fresh salad bowl items for all Denver students who participate in the school lunch program salad bars, citywide (ENVHL-202055481). The last regularly scheduled Council meeting within the 30-day review period is on 10-18-21. The Committee approved filing this item at its meeting on 9-15-21.

A motion offered by Councilmember Herndon, duly seconded by Councilmember Hinds, that Council Bill 21-1027 be placed upon final consideration and do pass en bloc, carried by the following vote:

**Placed upon final consideration and do pass**

Aye: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)

Nay: (None) (0)

Absent: Sandoval, Torres (2)

**21-1036 A bill for an ordinance approving a proposed Amendatory Intergovernmental Agreement between the City and County of Denver and School District Number 1 (Denver Public Schools), to add compensation and provide comprehensive Head Start services, citywide.**

Amends an intergovernmental agreement with School District Number One (Denver Public Schools) by adding \$36,433 for a new total of \$2,449,843 to add cost of living adjustments (COLA) to provide comprehensive Head Start services, citywide. No change to agreement duration (202160159). The last regularly scheduled Council meeting within the 30-day review period is on 10-18-21. The Committee approved filing this item at its meeting on 9-15-21.

A motion offered by Councilmember Herndon, duly seconded by Councilmember Hinds, that Council Bill 21-1036 be placed upon final consideration and do pass en bloc, carried by the following vote:

**Placed upon final consideration and do pass**

Aye: CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sawyer, Black (11)

Nay: (None) (0)

Absent: Sandoval, Torres (2)

**PRE-RECESS ANNOUNCEMENT**

**RECESS**

Council did not take a recess.

**COUNCIL RECONVENES AND RESUMES ITS REGULAR SESSION**

**PUBLIC HEARINGS - BILLS FOR FINAL CONSIDERATION**

**PRE-ADJOURNMENT ANNOUNCEMENT**

Council President Gilmore announced that on Monday, November 1, 2021, Council will hold a required public hearing on Council Bill 21-1052, changing the zoning classification for 600 South Canosa Court in Athmar Park; and, a required public hearing on Council Bill 21-1071, changing the zoning classification for 50 South Steele Street in Cherry Creek. Any protests against Council Bills 21-1052 or 21-1071 must be filed with the Council Offices no later than noon on Monday, October 25, 2021.

**ADJOURN**

There being no further business before the City Council, Council President Gilmore adjourned the meeting at 6:23 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