

City Council Minutes

Meeting Date: Monday, March 14, 2022 5:30 PM

PLEDGE OF ALLEGIANCE

Councilmember Sawyer led the Pledge of Allegiance.

LAND ACKNOWLEDGEMENT

Councilmember Sawyer led the Land Acknowledgement.

ROLL CALL

Present: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (12)

Absent: Hinds (1)

APPROVAL OF THE MINUTES

[22-0304](#) Minutes of Monday, March 7, 2022

The minutes of Monday, March 7, 2022 were distributed to members of Council. Council President Gilmore ordered the minutes approved.

Approved

COUNCIL ANNOUNCEMENTS

Council members Sawyer, Torres, Ortega and Sandoval offered announcements.

PRESENTATIONS

COMMUNICATIONS

PROCLAMATIONS

[22-0305](#) A proclamation Recognizing the essential service provided by the RTD Transit Drivers and Proclaiming March 18 National Driver Appreciation Day.

A motion offered by Councilmember Ortega, duly seconded by Councilmember Herndon, that Council Proclamation 22-0305 be adopted, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (12)

Nay: (None) (0)

Absent: Hinds (1)

[22-0306](#) A proclamation recognizing the 46th Annual Denver March Pow Wow.

A motion offered by Councilmember Ortega, duly seconded by Councilmember Herndon, that Council Proclamation 22-0306 be adopted, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (12)

Nay: (None) (0)

Absent: Hinds (1)

RECAP OF BILLS TO BE CALLED OUT

Items called out for a separate vote:

RESOLUTIONS

Business, Arts, Workforce, & Aviation Services Committee

[22-0214](#) **A resolution approving a proposed Tenth Amendatory Agreement between the City and County of Denver and SMG by adding funds to provide continued scheduling and management services and administrative and payroll services for on call stagehands who provide theatrical production services in city venues.**

Amends a contract with SMG by adding \$23,000,000 for a new contract total of \$86,000,000 to provide continued scheduling and management services and administrative and payroll services for on call stagehands who provide theatrical production services in city venues. No change to contract duration (CE93004-10/THTRS-202261807-10). The last regularly scheduled Council meeting within the 30-day review period is on 4-4-2022. The Committee approved filing this item at its meeting on 3-2-2022.

A motion offered by Councilmember Sawyer, duly seconded by Councilmember Herndon, that Council Resolution 22-0214 be adopted, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, Ortega, Sandoval, Torres (11)

Nay: Sawyer (1)

Absent: Hinds (1)

BILLS FOR FINAL CONSIDERATION

City Council - Direct Files

[22-0273](#) **A bill for an ordinance repealing certain sections of Chapter 20, Article XI of the Denver Revised Municipal Code regarding Auditor subpoena power and production of records in connection with performance of internal audits and investigations and enforcement of prevailing and minimum wage.**

Repeals certain sections of Chapter 20, Article XI of the Denver Revised Municipal Code. Councilmember Gilmore approved direct filing this item on 3-3-22.

A motion offered by Councilmember Sawyer, duly seconded by Councilmember Herndon, that Council Bill 22-0273 be placed upon final consideration and do pass, carried by the following vote:

Placed upon final consideration and do pass

Aye: Black, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (11)

Nay: CdeBaca (1)

Absent: Hinds (1)

BLOCK VOTE

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

Approved the consent agenda

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (12)

Nay: (None) (0)

Absent: Hinds (1)

RESOLUTIONS

Business, Arts, Workforce, & Aviation Services Committee

22-0222 A resolution approving a proposed Contract between the City and County of Denver and Hamon Infrastructure, Inc. concerning construction services for the Jackson Gap and 78th Parking Expansion project at Denver International Airport.

Approves a contract with Hamon Infrastructure, Inc. for \$8,259,000 and for 325 days from Notice to Proceed for construction services for the Jackson Gap and 78th Parking Expansion project at Denver International Airport in Council District 11 (202160382). The last regularly scheduled Council meeting within the 30-day review period is on 3-29-22. The Committee approved filing this item at its meeting on 2-23-22. Pursuant to Council Rule 3.7, Councilmember Flynn postponed this item at the 3-7-22 meeting to 3-14-22.

A motion offered by Councilmember Sawyer, duly seconded by Councilmember Herndon, that Council Resolution 22-0222 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (12)

Nay: (None) (0)

Absent: Hinds (1)

22-0227 A resolution approving a proposed Agreement between the City and County of Denver and Aptim Environmental & Infrastructure, LLC to provide rebate administration services to incentivize Denver residents and businesses to adopt highly efficient, all-electric energy equipment, electric modes of transportation, distributed energy resources, and other climate action technologies.

Approves a contract with Aptim Environmental & Infrastructure, LLC for \$9,000,000 and through 3-31-2025 to provide rebate administration services and funding to incentivize the adoption of highly efficient, all-electric energy equipment, electric modes of transportation, distributed energy resources such as solar photovoltaics and battery storage, and other climate action technologies (CASR-202261885). The last regularly scheduled Council meeting within the 30-day review period is on 4-4-2022. The Committee approved filing this item at its meeting on 3-2-2022.

A motion offered by Councilmember Sawyer, duly seconded by Councilmember Herndon, that Council Resolution 22-0227 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (12)

Nay: (None) (0)

Absent: Hinds (1)

22-0257 A resolution of City Council consenting to the Mayor's appointment of Molly Duplechian.

Approves the Mayoral appointment of Molly Duplechian as Executive Director of the Department of Excise and Licenses, pursuant to Charter Section § 2.2.6 (D). The last regularly scheduled Council meeting within the 30-day review period is on 4-4-2022. The Committee approved filing this item at its meeting on 3-2-2022.

A motion offered by Councilmember Sawyer, duly seconded by Councilmember Herndon, that Council Resolution 22-0257 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (12)

Nay: (None) (0)

Absent: Hinds (1)

22-0263 A resolution approving a proposed Amendment, Assumption and Modification Agreement by and among the City and County of Denver, Re:Vision, and Meade Street Gardens, LLC that allows the transfer of the property and assignment of the associated performance loans and payments to Meade Street Gardens, LLC an affiliate of Urban Land Conservancy.

Amends a contract with Re:Vision to allow for the transfer of the property located at 3738 Morrison Road in Council District 3, and assigns the associated performance loans and payments to Meade Street Gardens, LLC an affiliate of Urban Land Conservancy. No change to contract amount or duration (OEDEV - 202262198). The last regularly scheduled Council meeting within the 30-day review period is on 4-4-2022. The Committee approved filing this item at its meeting on 3-9-2022.

A motion offered by Councilmember Sawyer, duly seconded by Councilmember Herndon, that Council Resolution 22-0263 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (12)

Nay: (None) (0)

Absent: Hinds (1)

Finance & Governance Committee

22-0247 A resolution amending the City Council Rules of Procedure.

Amends the City Council Rules of Procedure to clarify rules regarding electronic participation by members of Denver City Council. The Committee approved filing this item at its meeting on 2-22-22.

A motion offered by Councilmember Sawyer, duly seconded by Councilmember Herndon, that Council Resolution 22-0247 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (12)

Nay: (None) (0)

Absent: Hinds (1)

Land Use, Transportation & Infrastructure Committee

22-0078 A resolution approving a proposed Purchase Order between the City and County of Denver and Neverest Equipment Company, LLC for the one-time purchase of three Ford E-450 trucks with diesel generators in support of Wastewater operations.

Approves a purchase order with Neverest Equipment Company, LLC for \$716,891.46 for the one-time purchase of three Ford E-450 trucks with diesel generators in support of Wastewater operations citywide (PO-00108624). The last regularly scheduled Council meeting within the 30-day review period is on 4-4-22. The Committee approved filing this item at its meeting on 3-1-22.

A motion offered by Councilmember Sawyer, duly seconded by Councilmember Herndon, that Council Resolution 22-0078 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (12)
Nay: (None) (0)
Absent: Hinds (1)

22-0255 A resolution approving a proposed Contract between the City and County of Denver and STRUCTURES, INC. for the 20th Street Bridge Rehabilitation project in Council District 9.

Approves a contract with STRUCTURES, INC. for \$4,812,901.50 and for 240 days for the 20th Street Bridge Rehabilitation project in Council District 9 (202160901). The last regularly scheduled Council meeting within the 30-day review period is on 4-4-22. The Committee approved filing this item at its meeting on 3-1-22.

A motion offered by Councilmember Sawyer, duly seconded by Councilmember Herndon, that Council Resolution 22-0255 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (12)
Nay: (None) (0)
Absent: Hinds (1)

Safety, Housing, Education & Homelessness Committee

22-0251 A resolution approving a proposed Second Amendment and Modification Agreement between the City and County of Denver and OPG Green Valley Ranch Partners, LLC to increase the loan amount to support the construction of The Reserves at Green Valley Ranch, comprised of 144 affordable housing units located at 17800 Green Valley Ranch Boulevard.

Amends a loan agreement with OPG Green Valley Ranch Partners, LLC by adding \$60,000 for a new cash flow loan total of \$2,160,000 to address escalating construction costs at The Reserves at Green Valley Ranch, comprised of 144 affordable apartments units in Council District 11. No change to contract duration (HOST-202161347-02). The last regularly scheduled Council meeting within the 30-day review period is on 4-4-22. The Committee approved filing this item at its meeting on 3-2-22.

A motion offered by Councilmember Sawyer, duly seconded by Councilmember Herndon, that Council Resolution 22-0251 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (12)
Nay: (None) (0)
Absent: Hinds (1)

22-0252 A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Bayaud Enterprises, Inc. to fund the staffing of emergency stand-up shelters as needed.

Amends a contract with Bayaud Enterprises, Inc. by adding \$590,000 for a new contract total of \$990,000 to fund the staffing of emergency stand-up shelters as needed citywide. No change to contract duration (HOST-202261989-01). The last regularly scheduled Council meeting within the 30-day review period is on 4-4-22. The Committee approved filing this item at its meeting on 3-2-22.

A motion offered by Councilmember Sawyer, duly seconded by Councilmember Herndon, that Council Resolution 22-0252 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (12)
Nay: (None) (0)
Absent: Hinds (1)

[22-0253](#) A resolution approving a proposed First Amendatory Agreement between the City and County of Denver and Vivent Health, Inc. to extend the term and increase maximum contract amount to fund Housing Opportunities for Persons with AIDS (HOPWA); Short Term Rent, Mortgage, and Utility Assistance (STRMU) and Supportive Services programs to low-income individuals and families affected by HIV/AIDS.

Amends a contract with Vivent Health, Inc. by adding \$468,303 for a new contract total of \$819,759 and 1 year for a new end date of 12-31-22 to fund salaries, operating and direct program expenses for the Housing Opportunities for Persons With AIDS (HOPWA) Short Term Rent, Mortgage and Utility Assistance, and Supportive Services programs (HOST-202161599-01). The last regularly scheduled Council meeting within the 30-day review period is on 4-4-22. The Committee approved filing this item at its meeting on 3-2-22.

A motion offered by Councilmember Sawyer, duly seconded by Councilmember Herndon, that Council Resolution 22-0253 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (12)

Nay: (None) (0)

Absent: Hinds (1)

BILLS FOR INTRODUCTION

Land Use, Transportation & Infrastructure Committee

[22-0209](#) A bill for an ordinance changing the zoning classification for 3455 North Birch Street in Northeast Park Hill.

Approves a map amendment to rezone property from E-SU-Dx to E-SU-D1x (allows for an accessory dwelling unit), located at 3455 N. Birch Street in Council District 8. The Committee approved filing this item at its meeting on 2-22-22.

Council Bill 22-0209 was ordered published with a future required public hearing on 4-11-22

Ordered published with a future required public hearing

[22-0254](#) A bill for an ordinance relinquishing the sanitary sewer easements reserved in Ordinance No. 306, Series of 1979, recorded with the Denver Clerk & Recorder at Reception No. 1979051074, Book 1948, Page 140, located at 1010 West Colfax Avenue.

Relinquishes the 20-foot sanitary sewer easements, in their entirety, as established in the Vacating Ordinance No. 306, Series of 1979, located at 1010 West Colfax Avenue in Council District 3. The last regularly scheduled Council meeting within the 30-day review period is on 4-4-22. The Committee approved filing this item at its meeting on 3-1-22.

Council Bill 22-0254 was ordered published

Ordered published

BILLS FOR FINAL CONSIDERATION

Finance & Governance Committee

22-0229 A bill for an ordinance making a rescission from General Fund Contingency and making appropriations in the General Fund budget to support the costs of redistricting and to make a cash transfer to the City Council Special Revenue Fund for professional service contracts.

Rescinds \$111,100 from General Fund Contingency and authorizes appropriations of \$36,100 in City Council’s General Fund operating budget to support the costs of redistricting and \$75,000 for a cash transfer to the City Council Special Revenue Fund to support professional services contracts. The Committee approved filing this item at its meeting on 2-22-22.

A motion offered by Councilmember Sawyer, duly seconded by Councilmember Herndon, that Council Bill 22-0229 be placed upon final consideration and do pass en bloc, carried by the following vote:

Placed upon final consideration and do pass

- Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (12)
- Nay: (None) (0)
- Absent: Hinds (1)

22-0248 A bill for an ordinance amending Section 13-2 of the Revised Municipal Code related to electronic meeting participation.

Clarifies medical necessity for remote participation in Council meetings. The Committee approved filing this item at its meeting on 2-22-22.

A motion offered by Councilmember Sawyer, duly seconded by Councilmember Herndon, that Council Bill 22-0248 be placed upon final consideration and do pass en bloc, carried by the following vote:

Placed upon final consideration and do pass

- Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (12)
- Nay: (None) (0)
- Absent: Hinds (1)

Safety, Housing, Education & Homelessness Committee

22-0179 A bill for an ordinance approving a proposed Fourth Amendatory Agreement between the City and County of Denver and the State of Colorado Judicial Department, to provide marijuana specific education, interventions, and impactful alternatives to youth struggling with marijuana.

Amends an intergovernmental agreement with the State of Colorado Judicial Department by adding \$240,000 for a new total of \$922,000 and one year for a new end date of 12-31-22 for Youth and Family Treatment Court services to provide marijuana specific education, interventions, and impactful alternatives to youth struggling with marijuana, citywide (ENVHL-202261820). The last regularly scheduled Council meeting within the 30-day review period is on 3-29-22. The Committee approved filing this item at its meeting on 2-16-22.

A motion offered by Councilmember Sawyer, duly seconded by Councilmember Herndon, that Council Bill 22-0179 be placed upon final consideration and do pass en bloc, carried by the following vote:

Placed upon final consideration and do pass

- Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (12)
- Nay: (None) (0)
- Absent: Hinds (1)

PRE-RECESS ANNOUNCEMENT

Council President Gilmore announced that tonight, there will be a required public hearing on Council Bill 22-0116, changing the zoning classification for 900 North Monaco Street Parkway in Montclair; and, a required public hearing on Council Bill 22-0125, changing the zoning classification for 8101 & 8351 East Belleview Avenue in Hampden South. Anyone wishing to speak on either of these matters must go online to sign up 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

22-0116 A bill for an ordinance changing the zoning classification for 900 North Monaco Street Parkway in Montclair.

Approves a map amendment to rezone property from E-SU-G to E-SU-G1 (allows for an accessory dwelling unit) located at 900 North Monaco Street Parkway in Council District 5. The Committee approved filing this item at its meeting on 2-1-22.

Council sat as a Committee of the Whole, commencing at 6:53 p.m., Council President Gilmore presiding, to hear speakers on Council Bill 22-0125. Michael Hunt signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Fran Penafiel of Community Planning and Development delivered the staff report.

A motion offered by Councilmember Sawyer, duly seconded by Councilmember Herndon, that Council Bill 22-0116 be placed upon final consideration and do pass, carried by the following vote:

Placed upon final consideration and do pass

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

22-0125 A bill for an ordinance changing the zoning classification for 8101 & 8351 East Belleview Avenue in Hampden South.

Approves a map amendment to rezone property from B-8 with waivers and conditions, UO-1, UO-2 & B-8 with waivers, UO-1, UO-2 to S-MX-8 (former chapter 59 zoning to suburban, mixed-use), located at 8101 & 8351 E Belleview Ave in Council District 4. The Committee approved filing this item at its meeting on 2-1-22.

Council sat as a Committee of the Whole, commencing at 7:02 p.m., Council President Gilmore presiding, to hear speakers on Council Bill 22-0125. Thomas Ragonetti, Randy Frye and Peter Culshaw signed up to speak in favor of the bill. Jerry M. signed up to speak in opposition of the bill. Brandon Shaver of Community Planning and Development delivered the staff report.

A motion offered by Councilmember Sawyer, duly seconded by Councilmember Flynn, that Council Bill 22-0125 be placed upon final consideration and do pass, carried by the following vote:

Placed upon final consideration and do pass

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

PRE-ADJOURNMENT ANNOUNCEMENT

Council President Gilmore announced that on Monday, April 11, 2022, Council will hold a required public hearing on Council Bill 22-0209, changing the zoning classification for 3455 North Birch Street in Northeast Park Hill. Any protests against Council Bill 22-0209 must be filed with the Council Offices no later than noon on Monday, April 4, 2022.

ADJOURN

There being no further business before the City Council, Council President Gilmore adjourned the meeting at 7:51 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