

# City Council Minutes

Meeting Date: Monday, February 11, 2019 5:30 PM

## PLEDGE OF ALLEGIANCE

Council member Kashmann led the Pledge of Allegiance.

## ROLL CALL

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

## APPROVAL OF THE MINUTES

[19-0121](#) Minutes of Monday, February 4, 2019

Council Minutes 19-0121 were approved.

### Approved

The minutes of Monday, February 4, 2019 were distributed to Council. Council President Clark ordered the minutes approved.

## COUNCIL ANNOUNCEMENTS

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

## PRESENTATIONS

## COMMUNICATIONS

## PROCLAMATIONS

## RESOLUTIONS

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

#### Block Vote

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, to approve the following items en bloc. The motion carried by the following vote:

#### Approved the consent agenda

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

Nay: (None) (0)

[19-0062](#) **A resolution approving a proposed Master Purchase Order between the City and County of Denver and JCOR Mechanical Inc. concerning the installation of filter racks, filters, and panels for large air handling units at Denver International Airport.** Amends a master purchase order with JCOR Mechanical Inc. by adding \$650,000 for a new total of \$1,000,000 for filter racks, filters, and panels for large air handling units at Denver International Airport. No change to the agreement duration (SC-00003127). The last regularly scheduled Council meeting within the 30-day review period is on 3-4-19. The Committee approved filing this item at its meeting on 1-30-19.

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that Council Resolution 19-0062 be adopted en bloc, carried by the following vote:

#### Adopted

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

Nay: (None) (0)

## Finance & Governance Committee

### [18-1336](#) **A resolution approving a proposed Professional Services Agreement between the City and County of Denver and Claims Management Resources, Inc., for subrogation and recovery services.**

Approves a contract with Claims Management Resources for \$900,000 and for five years for subrogation and recovery services for the city on all property and auto claims, citywide (FINAN - 201845580). The last regularly scheduled Council meeting within the 30-day review period is on 3-4-19. The Committee approved filing this item at its meeting on 11-20-18.

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that Council Resolution 18-1336 be adopted en bloc, carried by the following vote:

#### **Adopted**

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

Nay: (None) (0)

### [19-0059](#) **A resolution approving the Mayor's reappointments to the Head Start Policy Council.**

Approves the Mayoral reappointments of Vera Atilano, Jennifer Garcia, and Tricia Hudson to the Head Start Policy Council for terms effective immediately and expiring 7-20-19, or until a successor is duly appointed. The Committee approved filing this resolution by consent on 1-29-19.

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that Council Resolution 19-0059 be adopted en bloc, carried by the following vote:

#### **Adopted**

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

Nay: (None) (0)

### [19-0061](#) **A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and Roth Property Maintenance, L.L.C. for janitorial services in municipal buildings.**

Amends a contract with Roth Property Maintenance LLC by adding \$7,750,000 for a new total of \$25,750,000 and one year for a new end date of 2-29-20 for janitorial services in municipal buildings citywide (GENRL-201419545-02). The last regularly scheduled Council meeting within the 30-day review period is on 3-4-19. The Committee approved filing this item at its meeting on 1-29-19.

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that Council Resolution 19-0061 be adopted en bloc, carried by the following vote:

#### **Adopted**

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

Nay: (None) (0)

**19-0067 A resolution approving the Mayor’s appointment to the Citizen Oversight Board.**

Approves the Mayoral appointment of Al Gardner to the Citizen Oversight Board for a term effective immediately and expiring 1-1-23, or until a successor is duly appointed. The Committee approved filing this resolution by consent on 1-29-19.

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that Council Resolution 19-0067 be adopted en bloc, carried by the following vote:

**Adopted**

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)  
Nay: (None) (0)

**19-0068 A resolution approving the Mayor’s appointment to the Denver Health and Hospital Authority Board.**

Approves the Mayoral appointment of Patti Klinge to the Denver Health and Hospital Authority Board for a term effective immediately and expiring 6-30-22, or until a successor is duly appointed. The Committee approved filing this resolution by consent on 1-29-19.

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that Council Resolution 19-0068 be adopted en bloc, carried by the following vote:

**Adopted**

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)  
Nay: (None) (0)

**19-0069 A resolution approving the Mayor’s reappointments and appointment to the Downtown Denver Business Improvement District Board of Directors.**

Approves the Mayoral reappointments of Jonathan Buerge, Austin Kane, David Kaufman, and Bahman Shafa, and the Mayoral appointment of Jennifer Hallinan, to the Downtown Denver Business Improvement District Board of Directors for terms effectively immediately and expiring 12-31-21 or until a successor is duly appointed. The Committee approved filing this resolution by consent on 1-29-19.

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that Council Resolution 19-0069 be adopted en bloc, carried by the following vote:

**Adopted**

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)  
Nay: (None) (0)

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

### **19-0060 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 Colfax Avenue, North Utica Street, West 16th Avenue and North Tennyson Street.**

Dedicates city owned land as public alley, located in the alley bounded by West Colfax Avenue, North Utica Street, West 16th Avenue and North Tennyson Street in Council District 1. The Committee approved filing this item at its meeting on 1-29-19.

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that Council Resolution 19-0060 be adopted en bloc, carried by the following vote:

#### **Adopted**

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

Nay: (None) (0)

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

### **18-1376 A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and Catholic Charities and Community Services of the Archdiocese of Denver, Inc. to provide emergency shelter services for women.**

Amends a contract with Catholic Charities and Community Services of the Archdiocese of Denver Inc. by adding \$866,000 for a new total of \$2,482,200 and one year for a new end date of 12-31-19 for overnight shelter services for up to 200 women per night at the Samaritan House Women's Shelter at 6240 Smith Road in Council District 8 (SOCSV- 2016-301653-02). The last regularly scheduled Council meeting within the 30-day review period is on 3-4-19. The Committee approved filing this item at its meeting on 11-28-18.

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that Council Resolution 18-1376 be adopted en bloc, carried by the following vote:

#### **Adopted**

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

Nay: (None) (0)

### **19-0063 A resolution approving a proposed Fourth Amendatory Agreement between the City and County of Denver and Bailey & Deatsch, P.C. for contract public defender services for indigent defendants who have a conflict with the Municipal Public Defender.**

Amends a contract with Bailey & Deatsch, P.C. by adding \$207,345.60 for a new total of \$673,185.60 and one year for a new end date of 12-31-19 for contract public defender services for indigent defendants who have a conflict with the Office of the Municipal Public Defender (DOMPD-201525248-03). The last regularly scheduled Council meeting within the 30-day review period is on 3-4-19. The Committee approved filing this item at its meeting on 1-30-19.

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that Council Resolution 19-0063 be adopted en bloc, carried by the following vote:

#### **Adopted**

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

Nay: (None) (0)

## **BILLS FOR INTRODUCTION**

### **Finance & Governance Committee**

#### **19-0064 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 by creating new classifications of City Planner Staff at paygrade E-810, Airport Planner Staff at paygrade E-811, Airport Planner Associate at paygrade E-813, Airport Planner Senior at paygrade E-815, Airport Planner Principal at paygrade E-817, Manager Airport Planning at paygrade E-819, Manager City Planning at paygrade E-819, and Director City Planning at paygrade E-821, and changes the title of six associated planner classifications and the pay grade of ten associated planner classifications. The Committee approved filing this bill by consent on 1-29-19.

Council Bill 19-0064 was ordered published on first reading

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

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

#### **19-0042 AS AMENDED a bill for an ordinance changing the zoning classification for 805 West 38th Avenue in Globeville.**

Approves an official map amendment to rezone property from I-B UO-2 to C-MX-20 (industrial in the former zoning code to urban center, mixed-use), located at 805 West 38th Avenue in Council District 9. The Committee approved filing this item at its meeting on 1-29-19. Amended 2-11-19 to clarify the boundary of the proposed rezoning on Galapago Street. The amendment does not substantively change the proposed ordinance.

#### **Final Consideration**

#### **Required Public Hearing**

A motion offered by Councilman Kashmann, duly seconded by Councilwoman Gilmore, that Council Bill 19-0042 be ordered published, was followed by a motion offered by Councilwoman Susman, duly seconded by Councilman López, that Council Bill 19-0042 be amended. The motion carried by the following vote:

#### **Amended**

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

Nay: (None) (0)

A motion offered by Councilman Kashmann, duly seconded by Councilwoman Susman, that Council Bill 19-0042 be ordered published as amended. The motion carried by the following vote:

#### **Ordered published as amended**

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

Nay: (None) (0)

**[19-0058](#) A bill for an ordinance changing the zoning classification for the 3600 Block of Downing, bounded by Downing Street, 37th Avenue, Marion Street, and 36th Avenue, and including vacated portions of Lawrence Street south of 36th Avenue in Cole.**

Approves an official map amendment to rezone the 3600 block of Downing Street from B-4 with waivers and conditions, UO-1, UO-2; U-SU-A1; and C-MX-3, UO-1, UO-2 to C-MX-5, UO-1, UO-2, IO-1, DO-7; C-MX-3, UO-1, UO-2, IO-1, DO-7; and C-MS-5, UO-1, UO-2 (business zoning in the former zoning code to downtown, urban, and urban center with overlays), located in an area bounded by Downing Street, 37th Avenue, Marion Street, and 36th Avenue, and including vacated portions of Lawrence Street near 36th Avenue, in Council District 9. The Committee approved filing this item at its meeting on 1-29-19.

**Final Consideration**

**Required Public Hearing**

Council Bill 19-0058 was ordered published as amended with a future required public hearing on 3-11-19

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

**[19-0065](#) A bill for an ordinance relinquishing a portion of the easement established in the Easement Agreement recorded with Denver Clerk & Recorder at Reception No. 2006027027, located near the intersection of East 45th Avenue and Tower Road.**

Relinquishes a portion of the easement established in the Easement Agreement document with Recordation No. 200627027, located at East 45th Avenue and Tower Road in Council District 11. The last regularly scheduled Council meeting within the 30-day review period is on 3-4-19. The Committee approved filing this item at its meeting on 1-29-19.

Council Bill 19-0065 was ordered published on first reading

**Ordered published on first reading**

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

**[19-0029](#) A bill for an ordinance clarifying and amending the authority of the Office of the Independent Monitor.**

An ordinance clarifying and amending the authority of the Office of the Independent Monitor and expanding the appointment process for the Citizen Oversight Board to include City Council appointments. The Committee approved filing this item at its meeting on 1-30-19.

Council Bill 19-0029 was ordered published on first reading

**Ordered published on first reading**

**BILLS FOR FINAL CONSIDERATION**

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

**[18-1421](#) A bill for an ordinance approving a proposed Agreement between the City and County of Denver and State of Colorado, Department of Higher Education, by the State Board for Community Colleges and Occupational Education for the Use and Benefit of the Community College of Denver for the administration of the WORKNOW program for construction-related careers.**

Approves an intergovernmental agreement with Community College of Denver (CCD) for \$564,000 and for one year to administer the WORKNOW program, a collaborative workforce development initiative to recruit, support and train residents in construction and construction-related careers, citywide (OEDEV-2018). The last regularly scheduled Council meeting within the 30-day review period is on 2-25-19. The Committee approved filing this item at its meeting on 11-28-18.

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that Council Bill 18-1421 be placed upon final consideration and do pass en bloc, carried by the following vote:

**Placed upon final consideration and do pass**

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)  
Nay: (None) (0)

**Finance & Governance Committee**

**[19-0035](#) A bill for an ordinance amending Section 20-76(b) of Chapter 20 of the Denver Revised Municipal Code regarding prevailing wage.**

Amends Chapter 20 of the Denver Revised Municipal Code to revise the applicable date of the annual prevailing wage rate update. The Committee approved filing this item at its meeting on 1-22-19.

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that Council Bill 19-0035 be placed upon final consideration and do pass en bloc, carried by the following vote:

**Placed upon final consideration and do pass**

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (13)  
Nay: (None) (0)

**19-0039 A bill for an ordinance approving a proposed lease agreement between the City and County of Denver and the State of Colorado Department of Revenue, Division of Motor Vehicles, for office space for driver licensing and related services at the Arie P. Taylor Building located at 4685 Peoria Street.**

Approves a lease agreement with the State of Colorado Department of Motor Vehicles for \$356,531.64 and through 11-30-23 for approximately 2,583 square feet of office space for driver licensing and related services at the Arie P. Taylor building located at 4685 Peoria Street in Council 8 (FINAN-201841987). The last regularly scheduled Council meeting within the 30-day review period is on 2-25-19. This bill was filed by Council member Flynn.

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that Council Bill 19-0039 be placed upon final consideration and do pass en bloc, carried by the following vote:

**Placed upon final consideration and do pass**

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

Nay: (None) (0)

**19-0045 A bill for an ordinance approving a proposed Easement Agreement between the City and County of Denver and Lowry Environmental Protection/Cleanup Trust Fund, for existing potable and treated water pipelines.**

Approves an easement agreement with Lowry Environmental Protection/Cleanup Trust Fund to access, operate and maintain a 2" treated water pipeline and 4" potable water pipeline across city-owned property in perpetuity, located near the intersection of Hampden Avenue and Gun Club Road in unincorporated Arapahoe County. The last regularly scheduled Council meeting within the 30-day review period is on 2-25-19. The Committee approved filing this item at its meeting on 1-22-19.

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that Council Bill 19-0045 be placed upon final consideration and do pass en bloc, carried by the following vote:

**Placed upon final consideration and do pass**

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

Nay: (None) (0)



**19-0054 A bill for an ordinance approving a proposed Purchase and Sale Agreement between the City and County of Denver and McDonald Farms Enterprises, Inc., transferring city-owned property located at 5300 Franklin Street.**

Approves a non-financial purchase and sale agreement with McDonald Farms Enterprises Inc. to transfer city-owned property located at 5300 Franklin Street and in exchange for a future contract for the transfer to the city of a portion of property owned by McDonald Farms within the National Western Center project boundary in Council District 9 (TBD). The last regularly scheduled Council meeting within the 30-day review period is on 2-25-19. The Committee approved filing this item at its meeting on 1-22-19.

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that Council Bill 19-0054 be placed upon final consideration and do pass en bloc, carried by the following vote:

**Placed upon final consideration and do pass**

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

Nay: (None) (0)

**Land Use, Transportation & Infrastructure Committee**

**19-0008 A bill amending the Denver Revised Municipal Code to align definitions of electric-assisted bicycles to state statute.**

Classifies electric-assisted bicycles in to Class 1, 2, and 3 bicycles to align with state statute. Clarifies that Class 1 and 2 electric bicycles are allowed on designated bicycle routes, bike lanes, and certain roadways. The Committee approved filing this item at its meeting on 1-22-19.

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that Council Bill 19-0008 be placed upon final consideration and do pass en bloc, carried by the following vote:

**Placed upon final consideration and do pass**

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

Nay: (None) (0)

**RECAP OF BILLS TO BE CALLED OUT**

**PRE-RECESS ANNOUNCEMENT**

Council President Clark announced that tonight there will be a required public hearing on Council Bill 18-1477, changing the zoning classification for 1709 & 1717 Washington Street in North Capitol Hill; a required public hearing on Council Bill 18-1539, designating 5001 Packing House Road, the Armour & Company Administration Building, as a structure for preservation; and, a required public hearing on Council Bill 18-1542, designating 637 Galapago Street, the Samsonite House, as a structure for preservation. Anyone wishing to speak on this 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**

**Land Use, Transportation & Infrastructure Committee**

**18-1477 A bill for an ordinance changing the zoning classification for 1709 & 1717 Washington Street in North Capitol Hill.**

Approves an official map amendment to rezone property from G-RO-5 to C-MS-5 (general urban, residential-office to urban center, main-street), located at 1709 & 1717 Washington Street in Council District 10. The Committee approved filing this item at its meeting on 12-11-18.

A motion offered by Councilman Kashmann, duly seconded by Councilman Herndon, that Council Bill 18-1477 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 6:15 p.m., Council President Clark presiding, to hear speakers on Council Bill 18-1477. Bill Ferguson and Bruce O'Donnell signed up to speak in favor of the bill. Jesse Parris signed up to speak in opposition of the bill. Scott Robinson of Community Planning and Development delivered the staff report.

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

Nay: (None) (0)

**18-1539 A bill for an ordinance designating 5001 Packing House Road, the Armour & Company Administration Building, as a structure for preservation.**

Approves an individual Denver landmark designation for property located at 5001 Packing House Road in Council District 9. The Committee approved filing this item at its meeting on 1-15-19.

A motion offered by Councilman Kashmann, duly seconded by Councilman Flynn, that Council Bill 18-1539 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 6:28 p.m., Council President Clark presiding, to hear speakers on Council Bill 18-1539. Eric Anderson, John Olson and Jesse Parris signed up to speak in favor of the bill. No speakers signed up in opposition of the bill. Kara Hahn of Community Planning and Development delivered the staff report.

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

Nay: (None) (0)

**18-1542 A bill for an ordinance designating 637 Galapago Street, the Samsonite House, as a structure for preservation.**

Approves an individual Denver landmark designation for property located at 637 Galapago Street in Council District 3. The Committee approved filing this item at its meeting on 1-15-19.

A motion offered by Councilman Kashmann, duly seconded by Councilman Herndon, that Council Bill 18-1542 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 6:42 p.m., Council President Clark presiding, to hear speakers on Council Bill 18-1542. Eric Krotzer, John Olson and Jesse Parris signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Jennifer Buddenborg of Community Planning and Development delivered the staff report.

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

Nay: (None) (0)

**PRE-ADJOURNMENT ANNOUNCEMENT**

Council President Clark announced that on Monday, March 11, 2019, Council will hold a required public hearing on Council Bill 19-0042, changing the zoning classification for 805 West 38th Avenue in Globeville; and, a required public hearing on Council Bill 19-0058, changing the zoning classification for the 3600 Block of Downing, bounded by Downing Street, 37th Avenue, Marion Street, and 36th Avenue, and including vacated portions of Lawrence Street south of 36th Avenue in Cole. Any protests against Council Bill 19-0042 or Council Bill 19-0058 must be filed with the Council Offices no later than noon on Monday, March 4, 2019.

**ADJOURN**

There being no further business before the City Council, Council President Clark adjourned the meeting at 6:56 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