

City Council Minutes

Meeting Date: Monday, January 30, 2017 5:30 PM

PLEDGE OF ALLEGIANCE

Council member Herndon led the Pledge of Allegiance.

ROLL CALL

Council members López and Ortega arrived late.

Present: Black, Clark, Flynn, Gilmore, Herndon, Kashmann, Kniech,
Ortega (8)

APPROVAL OF THE MINUTES

[17-0112](#) Minutes of Monday, January 23, 2017

The minutes of Monday, January 23, 2017 were approved.

Approved

The minutes of meeting date, Monday, January 23, 2017, were distributed to Council. Council President Brooks ordered the minutes approved.

COUNCIL ANNOUNCEMENTS

Council member Gilmore offered announcements.

PRESENTATIONS

COMMUNICATIONS

PROCLAMATIONS

RESOLUTIONS

Block Vote

Block Vote

A motion offered by Councilman Herndon, duly seconded by Councilwoman Susman, 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)

Business, Arts, Workforce & Aeronautical Services Committee

[16-1303](#) A resolution approving a proposed First Amendatory Loan Agreement between the City and County of Denver and ReVision International to amend the scope of services to reflect a change of use of federal HUD Community Development Block Grant funds.

Amends a contract with ReVision International to reflect a change of use as required for the use of federal HUD Community Development Block Grant funds and to more accurately describe the activities ReVision is performing on the property located at 3738 Morrison Road to improve healthy food access in the Westwood neighborhood in Council District 3. There is no change to the contract cost or term (OEDEV-201417048-00). The last regularly scheduled Council meeting within the 30-day review period is on 2-21-17. The Committee approved filing this bill at its meeting on 1-11-17.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Susman, that Resolution 16-1303 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)

[17-0016](#) A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and ThyssenKrupp Elevator, Inc., concerning maintenance services at Denver International Airport.

Amends a contract with ThyssenKrupp Elevator, Inc. to add \$209,188.80 for a new total contract in the amount of \$33,575,396.80 and to add three years for a new end date of 8-31-20 to purchase and integrate 13 new conveyance units into the existing conveyance maintenance contract for continuity of service, maintenance, and operation services at Denver International Airport (201415671). The last regularly scheduled Council meeting within the 30-day review period is on 2-21-17. The Committee approved filing this resolution by consent on 1-11-17.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Susman, that Resolution 17-0016 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)

[17-0036](#) A resolution approving the Mayor's appointments to the Cherry Creek North Business Improvement District Board of Directors.

Approves the Mayoral appointments of Eric Buchanan, Karrie Fletcher, and Katie Friedland to the Cherry Creek North Business Improvement District Board of Directors for terms effective 1-1-17 and expiring 12-31-19, or until successors are duly appointed. The Committee approved filing this resolution by consent on 1-18-17.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Susman, that Resolution 17-0036 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

17-0017 A resolution approving a proposed Master Purchase Order between the City and County of Denver and Hill Enterprises, Inc., for the purchase of fuel for all City agencies.

Approves a four-year up to \$50 million master purchase order with Hill Enterprises for fuel for city agencies including Denver International Airport (0568A0117). The last regularly scheduled Council meeting within the 30-day review period is on 2-21-17. The Committee approved filing this resolution by consent on 1-10-17.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Susman, that Resolution 17-0017 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)

17-0022 A resolution approving a proposed Second Amendatory Agreement by and between the City and County of Denver and Bias Corporation for on-call services in relation to Oracle Identity Management Service Orientated Architecture.

Adds three years and \$3 million to the on-call contract with Bias Corporation for a new total of \$6 million and end date of 12-31-19 to support Oracle products citywide including Enterprise Cashiering, Integrated Criminal Justice, and Workday (TECHS-201312974). The last regularly scheduled Council meeting within the 30-day review period is on 2-21-17. The Committee approved filing this resolution by consent on 1-17-17.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Susman, that Resolution 17-0022 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)

17-0032 A resolution approving a proposed Third Amendatory Agreement by and between the City and County of Denver and Centurylink Communications, LLC., to provide maintenance service to the City's Nortel telephone systems.

Adds three years and \$500,000 to the contract with Centurylink, LLC for new a total contract amount of \$1,615,000 and end date of 12-31-19 for support of city Nortel phone systems (TECHS-CE13203-01). The last regularly scheduled Council meeting within the 30-day review period is on 2-21-17. The Committee approved filing this resolution by consent on 1-17-17.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Susman, that Resolution 17-0032 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)

17-0040 A resolution approving a proposed Amendatory Agreement between the City and County of Denver and H.C. Peck and Associates, Inc. to allow the escrow funding to exceed \$15,000, but not more than \$500,000, for relocation reimbursements for the National Western Center Relocation Project.

Increases the allowable escrow funding to an amount not to exceed \$500,000 in the agreement with H.C. Peck and Associates, Inc. due to real estate market conditions and the volume of reimbursements for owner and tenant relocations as part of the National Western Center project in Council District 9 (FINAN 201628161-01). The last regularly scheduled Council meeting within the 30-day review period is on 2-21-17. The Committee approved filing this resolution by consent on 1-17-17.

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that Resolution 17-0040 be adopted. The motion carried by the following vote:

Adopted

Aye: Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (12)
Nay: (None) (0)
Abstain: Black (1)

Land Use, Transportation & Infrastructure Committee

17-0023 A resolution laying out, opening and establishing as part of the City street system parcels of land as a public alley located near the intersection of 35th Street and Brighton Boulevard.

Dedicates a parcel of land as public right-of-way as public alley near the intersection of 35th Street and Brighton Boulevard in Council District 9. The Committee approved filing this resolution by consent on 1-17-17.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Susman, that Resolution 17-0023 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)

17-0031 A resolution approving a proposed Third Amendatory Agreement between the City and County of Denver and CDM Smith Inc., for professional architecture and engineering design services.

Amends a contract with CDM Smith, Inc. by adding six months for a new end date of 6-30-17 for design and engineering services and support during construction for the South Platte River Recreation and Habitat Improvements at Grant Frontier & Overland Pond Parks in Council District 7. No change to contract amount (201209248). The last regularly scheduled Council meeting within the 30-day review period is on 2-21-17. The Committee approved filing this resolution by consent on 1-17-17.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Susman, that Resolution 17-0031 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)

17-0037 A resolution accepting and approving the plat of First Creek Village Filing No. 2.

Approves a subdivision plat for First Creek Village Filing No. 2 located at Tower Road and Elmendorf Drive in Council District 11. The Committee approved filing this resolution by consent on 1-17-17.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Susman, that Resolution 17-0037 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)

17-0038 A resolution accepting and approving the plat of 40th and York Street Subdivision.

Approves a subdivision plat for 40th and York Street Subdivision located at York Street and 40th Avenue in Council District 9. The Committee approved filing this resolution by consent on 1-17-17.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Susman, that Resolution 17-0038 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

16-1192 A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Urban Peak Denver to provide case and residential management services to youth.

Amends a contract with Urban Peak Denver by adding \$256,280 for a new contract in the amount of \$512,560 and extending the term by one year for a new end date of 12-31-17 to provide citywide housing units and minimal case management services for homeless youth in transition (ages 16 to 22) who have aged out of foster care or are otherwise facing homelessness (SOCSV2015-25131-01). The last regularly scheduled Council meeting within the 30-day review period is on 2-21-17. The Committee approved filing this resolution by consent on 11-30-16.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Susman, that Resolution 16-1192 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)

16-1211 A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and Bluff Mercy, LLC to provide subsidized housing and related services.

Amends a contract with Bluff Mercy, LLC by adding \$291,552 for a new total contract in the amount of \$753,936 and extending the term by one year for a new end date of 12-31-17 to provide subsidized housing, life skills, resources, and training for 31 families that are residents of Bluff Mercy, LLC (SOCSV-2015-21993-02). The last regularly scheduled Council meeting within the 30-day review period is on 2-21-17. The Committee approved filing this resolution by consent on 11-30-16.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Susman, that Resolution 16-1211 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)

16-1212 A resolution approving a proposed Fourth Amendatory Agreement between the City and County of Denver and The Salvation Army to provide support for homeless families and seniors.

Amends a contract with The Salvation Army by adding \$130,000 for a new contract total in the amount of \$630,000 and extending the term by one year for a new end date of 12-31-17 to coordinate mentoring services and financial support for 50 homeless families and seniors to move to permanent housing (2013-13075-04). The last regularly scheduled Council meeting within the 30-day review period is on 2-21-17. The Committee approved filing this resolution by consent on 11-30-16.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Susman, that Resolution 16-1212 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

17-0029 A bill for an ordinance amending Section 53-540, D.R.M.C. concerning the annual dedication of a portion of the revenue derived from the city's general fund mill levy to the capital improvement fund.

Amends Section 53-540 of the Denver Revised Municipal Code concerning the annual dedication and transfer of a portion of the revenue derived from the City's general fund mill levy to the capital improvement fund. The Committee approved filing this bill by consent on 1-17-17.

This Bill 17-0029 was ordered published on first reading.

Ordered published on first reading

[17-0042](#) **A bill for an ordinance authorizing the exercise of a purchase option under Lease Purchase Agreement No. 2008B (Denver Botanic Gardens Parking Facility Project) and in connection therewith the approval and execution of a Site Lease No. 2017A (Denver Botanic Gardens Parking Facility) between the City and County of Denver, as lessor, and the Denver Botanic Gardens Parking Facility Leasing Trust 2017A, as lessee, for certain real property consisting of the parking facility site at the Denver Botanic Gardens, an annually renewable Lease Purchase Agreement No. 2017A (Denver Botanic Gardens Parking Facility) between the Denver Botanic Gardens Parking Facility Leasing Trust 2017A, as lessor, and the City and County of Denver, as lessee, a License and Access Agreement No. 2017A between the Denver Botanic Gardens Parking Facility Trust 2017A, as licensor, and the City and County of Denver, as licensee, and the execution of other documents related thereto; authorizing officials of the City and County of Denver to take all action necessary to carry out the transactions contemplated hereby; ratifying action previously taken and providing other matters relating thereto.**

Approves the refunding of outstanding Denver Botanic Gardens Certificates of Participation (COPs), Series 2017A, to achieve approximately \$2.1 million in interest cost savings for the Denver Botanic Gardens and to pay costs of issuance. The last regularly scheduled Council meeting within the 30-day review period is on 2-21-17. The Committee approved filing this bill at its meeting on 1-24-17. Companion bill to 17-0043 below.

This Bill 17-0042 was ordered published on first reading.

Ordered published on first reading

[17-0043](#) **A bill for an ordinance approving a proposed Fourth Amendment to Cooperative Agreement between the City and County of Denver and Denver Botanic Gardens, Inc., amending the existing Cooperative Agreement in conjunction with the refunding Certificates of Participation transaction, Series 2017A.**

Amends the existing cooperative agreement with the Denver Botanic Gardens in conjunction with the refunding Certificates of Participation transaction, Series 2017A in companion bill 17-0042 above. The last regularly scheduled Council meeting within the 30-day review period is on 2-21-17. The Committee approved filing this bill at its meeting on 1-24-17.

This Bill 17-0043 was ordered published on first reading.

Ordered published on first reading

Land Use, Transportation & Infrastructure Committee

[17-0024](#) A bill for an ordinance relinquishing the easement established in the Covenant and Permit, recorded with the Denver Clerk & Recorder at Reception No. 2000061256.

Relinquishes certain easements established in the covenant and permit recorded with the City with Recordation Number 2000061256 located at South Quebec Street and Bayaud Avenue in Council District 5. The last regularly scheduled Council meeting within the 30-day review period is on 2-21-17. The Committee approved filing this bill by consent on 1-17-17.

This Bill 17-0024 was ordered published on first reading.

Ordered published on first reading

[17-0033](#) A bill for an ordinance amending subsection 8 of section 39-121 pertaining to increases in fees and memberships at the Bear Creek Park Southwest Family YMCA Facility.

Amends the facility fee schedule in section 39-121 of the Denver Revised Municipal Code to increase fees at the Southwest Family YMCA in Council District 2. The Committee approved filing this bill by consent on 1-17-17.

This Bill 17-0033 was ordered published on first reading.

Ordered published on first reading

[17-0039](#) A bill for an ordinance approving Department of Public Works annual programs for 2017 and waiving the need for further City Council approval for specific contracts to be let pursuant to the annual programs.

Approves the annual Public Works infrastructure program by waiving the requirement that contracts above \$500,000 be individually approved by City Council. The last regularly scheduled Council meeting within the 30-day review period is on 2-21-17. The Committee approved filing this bill by consent on 1-17-17.

This Bill 17-0039 was ordered published on first reading.

Ordered published on first reading

BILLS FOR FINAL CONSIDERATION

Business, Arts, Workforce & Aeronautical Services Committee

[17-0018](#) A bill for an ordinance amending the annual salary of the Director of Excise and Licenses.

Amends Section 18-91 of the Denver Revised Municipal Code to change the annual salary of the Director of Excise and Licenses from \$107,932 to \$142,000. The Committee approved filing this bill at its meeting on 1-11-17.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Susman, that Bill 17-0018 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 Brooks announced that tonight there will be a required public hearing on Council Bill 19, approving first amendments to the service plans for the Denver Union Station Metropolitan Districts No. 1, 2, 3, 4, and 5. 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 RECONVENES AND RESUMES ITS REGULAR SESSION

PUBLIC HEARINGS - BILLS FOR FINAL CONSIDERATION

Finance & Governance Committee

[17-0019](#) **A bill for an ordinance approving a First Amendment to the Service Plans between the City and County of Denver and DUS Metropolitan District No. 1, DUS Metropolitan District No. 2, DUS Metropolitan District No. 3, DUS Metropolitan District No. 4 and DUS Metropolitan District No. 5.**

Approves the first amendments to the Service Plans for the Denver Union Station Metropolitan Districts No. 1, 2, 3, 4 & 5 in Council District 9 as discussed at the Finance & Governance Committee on 1-3-17 as part of the refinancing plan for Denver Union Station. The Committee approved filing this bill by consent on 1-10-17.

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that Bill 17-0019 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 6:01 p.m., Council President Brooks presiding, to hear speakers on Council Bill 17-0019. Kathy Kanda signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Andrew Johnston of the Department of Finance delivered the Staff Report.

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

Nay: (None) (0)

PRE-ADJOURNMENT ANNOUNCEMENT

ADJOURN

There being no further business before the City Council, Council President Brooks adjourned the meeting at 6:06 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