

# City Council Minutes

Meeting Date: Monday, March 20, 2017 5:30 PM

## PLEDGE OF ALLEGIANCE

This [FILE\_NR] was approved.

### Approved

Council member Kniech led the Pledge of Allegiance.

## ROLL CALL

Present: Black, Brooks, Clark, Espinoza, Gilmore, Herndon,  
Kashmann, Kniech, López, New, Susman (11)

Absent: Flynn, Ortega (2)

## APPROVAL OF THE MINUTES

The minutes of meeting date, Monday, March 13, 2017, were distributed to Council. Council President Brooks ordered the minutes approved.

[17-0351](#) Minutes of Monday, March 13, 2017.

The minutes of Monday, March 13, 2017, were approved.

### Approved

## COUNCIL ANNOUNCEMENTS

Council members Kashmann, Herndon, and Brooks offered announcements.

## PRESENTATIONS

## COMMUNICATIONS

## PROCLAMATIONS

## RESOLUTIONS

## Business, Arts, Workforce & Aeronautical Services Committee

### Block Vote

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

### Approved the consent agenda

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Herndon,  
Kashmann, Kniech, López, New, Susman (11)

Nay: (None) (0)

Absent: Flynn, Ortega (2)

[17-0288](#) A resolution approving a proposed First Amendment between the City and County of Denver and Capital Hotel Management, LLC concerning hotel consulting services related to the management of the Westin at Denver International Airport. Amends a contract with Capital Hotel Management, LLC for specialized hotel consultant services for the Westin Denver International Airport, by deducting \$25,000 for a new total contract amount of \$875,000, adding two years for a new end date of 10-31-19, changing the scope of the project by reducing project oversight, which is now provided in-house by the airport's Director of Hotel Operations, and adding additional services including research, industry analysis and benchmarking, accounting, and evaluating potential future hotel development in conjunction with the master land use plan at Denver International Airport (201414896-01). The last regularly scheduled Council meeting within the 30-day review period is on 4-10-17. The Committee approved filing this resolution by consent on 3-8-17.

A motion offered by Councilwoman Kniech, duly seconded by Councilman Herndon, that Resolution 17-0288 be adopted en bloc, carried by the following vote:

**Adopted**

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Herndon,  
Kashmann, Kniech, López, New, Susman (11)  
Nay: (None) (0)  
Absent: Flynn, Ortega (2)

[17-0289](#) A resolution approving a proposed Contract between the City and County of Denver and ISS Facility Services, Inc. concerning window cleaning services and other "non-glass" surfaces at Denver International Airport. Approves a contract with ISS Facility Services, Inc. in the amount of \$7,502,468 with a contract term through 5-1-19 for window cleaning services and other "non-glass" surfaces for the airport, transit center, and specific areas of the Westin Hotel at Denver International Airport (201732508). The last regularly scheduled Council meeting within the 30-day review period is on 4-10-17. The Committee approved filing this resolution by consent on 3-8-17.

A motion offered by Councilwoman Kniech, duly seconded by Councilman Herndon, that Resolution 17-0289 be adopted en bloc, carried by the following vote:

**Adopted**

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Herndon,  
Kashmann, Kniech, López, New, Susman (11)  
Nay: (None) (0)  
Absent: Flynn, Ortega (2)

## Finance & Governance Committee

[17-0279](#) A resolution approving a proposed Amendment to Intergovernmental Agreement by and between the City and County of Denver and the Board of Directors of the Auraria Higher Education Center to extend the term and to provide additional P.E.G. funds.

Adds \$1,709,000 to an intergovernmental agreement with Auraria Higher Education Center for a new total of \$2,162,000 to provide public, educational and governmental (PEG) funds to this designated educational access TV provider to purchase video and audio capital equipment and for hands-on experience that educates and benefits students and the community (TECHS-201310939-00). The last regularly scheduled Council meeting within the 30-day review period is on 4-10-17. The Committee approved filing this resolution by consent on 3-7-17.

A motion offered by Councilwoman Kniech, duly seconded by Councilman Herndon, that Resolution 17-0295 be adopted en bloc, carried by the following vote:

### Adopted

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Herndon,  
Kashmann, Kniech, López, New, Susman (11)

Nay: (None) (0)

Absent: Flynn, Ortega (2)

[17-0295](#) A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and Compsych Employee Assistance Programs, Inc. for employee assistance plan benefits to eligible city employees.

Amends a contract with Compsych Employee Assistance Programs, Inc. by adding \$204,000 for a new total contract amount of \$904,000 and one year for a new end date of 12-31-17 for employee assistance plan benefits to eligible city employees, including confidential counseling, work-life solutions guidance and financial information and resources (201312609). The last regularly scheduled Council meeting within the 30-day review period is on 4-10-17. The Committee approved filing this resolution by consent on 3-7-17.

A motion offered by Councilwoman Kniech, duly seconded by Councilman Herndon, that Resolution 17-0295 be adopted en bloc, carried by the following vote:

### Adopted

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Herndon,  
Kashmann, Kniech, López, New, Susman (11)

Nay: (None) (0)

Absent: Flynn, Ortega (2)

[17-0296](#) A resolution approving a proposed Agreement between the City and County of Denver and Regional Transportation District (RTD) for transportation ECO pass benefits to city employees.

Approves a \$2 million, one-year contract with the Regional Transportation District (RTD) for transportation ECO pass benefits to city employees (CSAHR-201732921-00). The last regularly scheduled Council meeting within the 30-day review period is on 4-10-17. The Committee approved filing this resolution by consent on 3-7-17.

A motion offered by Councilwoman Kniech, duly seconded by Councilman Herndon, that Resolution 17-0296 be adopted en bloc, carried by the following vote:

**Adopted**

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Herndon, Kashmann, Kniech, López, New, Susman (11)

Nay: (None) (0)

Absent: Flynn, Ortega (2)

**Land Use, Transportation & Infrastructure Committee**

[17-0286](#) A resolution approving a proposed Contract between the City and County of Denver and W.E. O'Neil Construction Co., of Colorado for renovation of the Hadley Library.

Approves a contract with W.E. O'Neil Construction Company of Colorado for \$1,077,315 and for six months for the renovation of the Hadley Library at 1890 South Grove Street in Council District 2 (201632002). The last regularly scheduled Council meeting within the 30-day review period is on 4-10-17. The Committee approved filing this resolution by consent on 3-7-17.

A motion offered by Councilwoman Kniech, duly seconded by Councilman Herndon, that Resolution 17-0286 be adopted en bloc, carried by the following vote:

**Adopted**

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Herndon, Kashmann, Kniech, López, New, Susman (11)

Nay: (None) (0)

Absent: Flynn, Ortega (2)

[17-0287](#) A resolution laying out, opening and establishing as part of the City street system a parcel of land as a public alley near the intersection of 36th Street and Wynkoop Street.

Dedicates a parcel of land as public right-of-way as public alley located at the intersection of 36th Street and Wynkoop Street in Council District 9. The Committee approved filing this resolution by consent on 3-7-17.

A motion offered by Councilwoman Kniech, duly seconded by Councilman Herndon, that Resolution 17-0287 be adopted en bloc, carried by the following vote:

**Adopted**

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Herndon, Kashmann, Kniech, López, New, Susman (11)

Nay: (None) (0)

Absent: Flynn, Ortega (2)

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

[17-0285](#) A resolution approving and providing for the execution of a proposed grant agreement between the City and County of Denver and the United States concerning the "CoC-Housing First FY17-18" program and the funding therefore.

Accepts a Continuum of Care (CoC) Housing First grant award from the U.S. Department of Housing and Urban Development (HUD) in the amount of \$2,497,840 with a term through 3-31-18 to provide for 151 units of tenant-based rental assistance, 49 units of sponsor-based rental assistance, and 40 units of project-based rental assistance to chronically and episodically homeless single individuals citywide. The last regularly scheduled Council meeting within the 30-day review period is on 4-10-17. The Committee approved filing this resolution by consent on 3-8-17. Pursuant to Council Rule 3.7, Councilwoman Kniech called out this resolution on the 3-20-17 Council meeting for a one-week postponement to 3-28-17.

Consideration of Council Resolution 17-0285 was postponed to 3-28-17.

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

Pursuant to Council Rule 3.7, Councilwoman Kniech called out this item on the 3-20-17 for a one-week postponement to 3-28-17.

## **BILLS FOR INTRODUCTION**

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

[17-0161](#) AS AMENDED a bill for an ordinance amending the Denver Zoning Code to revise parking exemptions for pre-existing small zone lots.

Approves a text amendment to the Denver Zoning Code to revise the Pre-Existing Small Zone Lot parking exemption. The Committee approved filing this bill at its meeting on 2-14-17. On 2-27-17, Council held this item in Committee to 3-20-17. Amended 3-20-17 to ensure that the parking exemption is applied for all uses. Some parking requirements are calculated based on gross floor area while others are on number of units and not explicitly for gross floor area, to further clarify the legislative intent of the proposed bill to emphasize the city's commitment to more comprehensively address transportation demand management strategies in the short term, and to require a Zoning Permit with Informational Notice for all new buildings on Pre-Existing Small Zone Lots that request to use the small lot parking exemption; Enables all expansions to existing buildings to receive the full parking exemption; and clarifies at what point an "existing building" is considered a "new building" for the purposes of applying the small lot parking exemption (i.e., "Voluntary Demolition").

Final Consideration

Required Public Hearing

A motion offered by Councilwoman Kniech, duly seconded by Councilman Herndon, that Council Bill 17-0161 be ordered published, was followed by a motion offered by Council President Brooks, duly seconded by Councilman Herndon, that Council Bill 17-0161 be amended, carried by the following vote:

### **Amended**

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Herndon, Kashmann, Kniech, López, New, Susman (11)

Nay: (None) (0)  
Absent: Flynn, Ortega (2)

A motion offered by Council President Brooks, duly seconded by Councilwoman Black, that Council vote again to amend Council Bill 17-0161 with a correction to the offered amendment, which motion to amend, carried by the following vote:

**Amended**

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Herndon,  
Kashmann, Kniech, López, New, Susman (11)  
Nay: (None) (0)  
Absent: Flynn, Ortega (2)

A motion offered by Councilman Clark, duly seconded by Councilman Espinoza, that Council Bill 17-0161 be amended, carried by the following vote:

**Amended**

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Herndon,  
Kashmann, Kniech, López, New, Susman (11)  
Nay: (None) (0)  
Absent: Flynn, Ortega (2)

A motion offered by Councilman Clark, duly seconded by Councilman Espinoza that Council Bill 17-0161 be amended, carried by the following vote:

**Amended**

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Herndon,  
Kashmann, Kniech, López, New, Susman (11)  
Nay: (None) (0)  
Absent: Flynn, Ortega (2)

A motion offered by Councilwoman Kniech, duly seconded by Councilman Herndon, that Council Bill 17-0161 be ordered published as amended with future required public hearing 4-17-17, carried by the following vote:

**Ordered published with future required public hearing**

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Herndon,  
Kashmann, Kniech, López, New, Susman (11)  
Nay: (None) (0)  
Absent: Flynn, Ortega (2)

[17-0263](#) A bill for an ordinance changing the zoning classification for 3033 East 1st Avenue in Cherry Creek.

Approves an official map amendment to rezone property located at 3033 East 1st Avenue from PUD #55 to C-CCN-8, planned unit development to cherry creek north zoning, in Council District 10. The Committee approved filing this bill at its meeting on 3-7-17.

Final Consideration

Required Public Hearing

This Bill 17-0263 was ordered published with future required public hearing 4-17-17.

**Ordered published with future required public hearing**

[17-0293](#) A bill for an ordinance relinquishing certain easements dedicated to the City by the Denver Connection West Filing No. 1 subdivision, recorded with the Denver Clerk & Recorder at Reception No. 2016106834.

Relinquishes a portion of the easements conveyed in the Denver Connection West Filing No. 1 Subdivision, recorded on 08-12-16 with reception no. 2016106834, at Green Valley Ranch Boulevard and Memphis Street, in Council District 11. The last regularly scheduled Council meeting within the 30-day review period is on 4-10-17. The Committee approved filing this bill by consent on 3-7-17.

This Bill 17-0293 was ordered published on first reading.

**Ordered published on first reading**

[17-0294](#) A bill for an ordinance vacating the alley bounded by East Pacific Place, East Evans Avenue, South Hudson Street and South Holly Street, with reservations.

Vacates the alley bounded by East Pacific Avenue and East Evans Avenue, and South Hudson Street and South Holly Street, with reservations, in Council District 6. The Committee approved filing this bill by consent on 3-7-17.

This Bill 17-0294 was ordered published on first reading.

**Ordered published on first reading**

**BILLS FOR FINAL CONSIDERATION**

**Finance & Governance Committee**

[17-0270](#) 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.

Abolishes unused, replaced, or unnecessary job titles of Quality Improvement Nurse, Senior Clinical Social Worker, Senior Quality Improvement Nurse, Psychologist Candidate for License, Nursing Aide, Behavioral Health Technician, Pharmacy Technician, Emergency Service Patrol Team Leader, Laboratory Technician, Medical Records Coder, Psychology Intern, and Museum Security Officer in the classification and pay plan for City employees. The Committee approved filing this bill by consent on 2-28-17.

A motion offered by Councilwoman Kniech, duly seconded by Councilman Herndon, that Bill 17-0270 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, Gilmore, Herndon,  
Kashmann, Kniech, López, New, Susman (11)

Nay: (None) (0)

Absent: Flynn, Ortega (2)



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

[17-0148](#) A bill for an ordinance amending Article XI, Chapter 53 of the Denver Revised Municipal Code relating to the administration of tax refund payments for elderly and disabled persons.

Amends Chapter 53 of the Denver Revised Municipal Code to clarify and update eligibility and payment requirements for the citywide Payments to the Elderly and Disabled Persons Program. The Committee approved filing this bill by consent on 2-15-17.

A motion offered by Councilwoman Kniech, duly seconded by Councilman Herndon, that Bill 17-0148 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, Gilmore, Herndon, Kashmann, Kniech, López, New, Susman (11)

Nay: (None) (0)

Absent: Flynn, Ortega (2)

## **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 17-0084, changing the zoning classification for 12150 East Andrews Drive; and, a required public hearing on Council Bill 17-0277, providing for an extension of approximately two months of an existing moratorium prohibiting the use of the Denver Zoning Code's pre-existing small zone lot parking exemption from certain projects. Anyone wishing to speak on either 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**

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

[17-0084](#) A bill for an ordinance changing the zoning classification for 12150 East Andrews Drive.

Rezones property located at 12150 East Andrews Drive from S-SU-F to S-MU-3, suburban single-unit to suburban mixed-use, in Council District 8. The Committee approved filing this bill at its meeting on 2-7-17.

A motion offered by Councilwoman Kniech, duly seconded by Councilman Herndon, that Bill 17-0084 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 6:27 p.m., Council President Brooks presiding, to hear speakers on Council Bill 17-0084. Peter Hines, John Martin, Richard E. Poole, James Coleman, and Isabella E. Allen signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Theresa Lucero of Community Planning and Development delivered the Staff Report.

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Herndon,  
Kashmann, Kniech, López, New, Susman (11)  
Nay: (None) (0)  
Absent: Flynn, Ortega (2)

[17-0277](#) A bill for an ordinance providing for an extension of approximately two months of an existing moratorium enacted by Ordinance 20160498, Series of 2016, prohibiting the use of the Denver Zoning Code’s pre-existing small zone lot parking exemption for certain projects.

Extends an existing moratorium prohibiting the use of the Denver Zoning Code’s pre-existing small zone lot parking exemption for certain projects by adding approximately two months to the original moratorium adopted in August of 2016. This bill was approved for filing on the floor by Councilmember Brooks on 2-23-17.

A motion offered by Councilwoman Kniech, duly seconded by Councilman Clark, that Bill 17-0277 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 6:55 p.m., Council President Brooks presiding, to hear speakers on Council Bill 17-0277. Bob Hickman, Valery T. Brown, Mimi Florance, and John Joseph Niemann signed up to speak in favor of the bill. John Riecke and Frank Locantore signed up to speak in opposition of the bill. Council President Brooks delivered the Staff Report.

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Herndon,  
Kashmann, Kniech, López, New, Susman (11)  
Nay: (None) (0)  
Absent: Flynn, Ortega (2)

**PRE-ADJOURNMENT ANNOUNCEMENT**

Council President Brooks announced that on Monday, April 17, 2017, Council will hold a required public hearing on Council Bill 17-0161, amending the Denver Zoning Code to revise parking exemptions for pre-existing small zone lots; and, a required public hearing on Council Bill 17-0263, changing the zoning classification for 3033 East 1st Avenue in Cherry Creek. Any protests against Council Bill 17-0263 must be filed with the Council Offices no later than Monday, April 10, 2017.

**ADJOURN**

There being no further business before the City Council, Council President Brooks adjourned the meeting at 7:24 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