

City Council Minutes

Meeting Date: Monday, September 26, 2016 5:30 PM

PLEDGE OF ALLEGIANCE

Council member Susman led the Pledge of Allegiance.

ROLL CALL

Present: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega, Susman (12)

Absent: New (1)

APPROVAL OF THE MINUTES

[16-0850](#) Minutes of September 19, 2016

The minutes of Monday, September 19, 2016, were approved.

Approved

The minutes of meeting date, Monday, September 19, 2016, were distributed to Council. Council President Brooks ordered the minutes approved.

COUNCIL ANNOUNCEMENTS

Council members Kashmann, Gilmore, Espinoza, López, Clark, and Flynn offered announcements.

PRESENTATIONS

COMMUNICATIONS

PROCLAMATIONS

[16-0859](#) A proclamation honoring Wallace M. "Wally" Ginn for his public service and declaring October 1 as Wally Ginn Day.

Sponsors: Espinoza, Kashmann, New and Black

A motion offered by Councilman Espinoza, duly seconded by Councilman López, that Proclamation 16-0859 be adopted. The motion carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega, Susman (12)

Nay: (None) (0)

Absent: New (1)

[16-0860](#) A proclamation recognizing Saturday, October 1, 2016 as Take A Kid Mountain Biking Day.

Sponsors: Clark, New, Kashmann, Gilmore and Black

A motion offered by Councilman Clark, duly seconded by Councilman Herndon, that Proclamation 16-0860 be adopted. The motion carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega, Susman (12)

Nay: (None) (0)

Absent: New (1)

RESOLUTIONS

The Council Secretary read the following resolutions by titles.

Business, Arts, Workforce, & Aeronautical Services Committee

Block Vote

A motion offered by Councilwoman Susman, 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, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega, Susman (12)
- Nay: (None) (0)
- Absent: New (1)

[16-0786](#) **A resolution approving a proposed First Amendment between the City and County of Denver and Matco Well Service, Inc. concerning oil and gas rigging services and professional contractor services at Denver International Airport.**

Amends a contract with Matco Well Service, Inc. by adding two years for a new end date of 10-31-18 for continuing oil and gas rig services and professional contractor services for essential oil and gas operations at Denver International Airport. There is no change in contract cost (201312659). The last regularly scheduled Council meeting within the 30-day review period is on 10-17-16. The Committee approved filing this resolution by consent on 9-14-16.

A motion offered by Councilwoman Susman, duly seconded by Councilman Herndon, that Resolution 16-0786 be adopted en bloc, carried by the following vote:

Adopted

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

[16-0787](#)

A resolution approving a proposed Third Amendatory Agreement between the City and County of Denver and Department of Homeland Security, Transportation Security Administration concerning on TSA Checked Baggage at Denver International Airport.

Amends a contract with the Department of Homeland Security Transportation Security Administration by adding nine months for a new term end date of 6-30-18 to consolidate nine TSA Checked Baggage Resolution Areas into two larger areas at Denver International Airport (201204840-03). The last regularly scheduled Council meeting within the 30-day review period is on 10-17-16. The Committee approved filing this resolution by consent on 9-14-16.

A motion offered by Councilwoman Susman, duly seconded by Councilman Herndon, that Resolution 16-0787 be adopted en bloc, carried by the following vote:

Adopted

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

Finance & Governance Committee

[16-0751](#)

A resolution approving a proposed Fourth Amendatory Agreement between the City and County of Denver and Dominion Voting Systems, Inc.

Adds \$486,193.23 to the contract with Dominion Voting Systems, Inc. for a new contract total of \$932,633.23 for a certified statewide uniform voting system, with greater efficiencies, transparency, fiscal stewardship and voter accessibility benefits (201419676-04). The last regularly scheduled Council meeting within the 30-day review period is on 10-17-16. The Committee approved filing this resolution at its meeting on 9-13-16.

A motion offered by Councilwoman Susman, duly seconded by Councilman Herndon, that Resolution 16-0751 be adopted en bloc, carried by the following vote:

Adopted

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

[16-0781](#)

A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and Star Telecommunications Inc. for installation of telecommunications and network wire infrastructure.

Adds \$3 million to the contract with Star Telecommunications Inc. for a new total of \$3,499,000 and extends the term through 12-31-19 for installation of telecommunications and network wire infrastructure (TECHS-201310423-02). The last regularly scheduled Council meeting within the 30-day review period is on 10-17-16. The Committee approved filing this resolution by consent on 9-13-16.

A motion offered by Councilwoman Susman, duly seconded by Councilman Herndon, that Resolution 16-0781 be adopted en bloc, carried by the following vote:

Adopted

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

[16-0796](#)

A resolution approving a proposed Purchase and Sale Agreement between the City and County of Denver and CC Interlocken, Inc. for purchase of property located at 300 South Technology Court in Broomfield.

Approves a \$1,090,000 Purchase and Sale Agreement between the City and County of Denver and CC Interlocken, Inc., for purchase of property located at 300 South Technology Court in Broomfield. The last regularly scheduled Council meeting within the 30-day review period is on 10-13-16. The Committee approved filing this resolution by consent on 9-13-16.

A motion offered by Councilwoman Susman, duly seconded by Councilman Herndon, that Resolution 16-0796 be adopted en bloc, carried by the following vote:

Adopted

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

[16-0807](#)

A resolution approving a proposed Purchase and Sale Agreement between the City and County of Denver and 2601-2605 W. 7th Avenue LLC, for the purchase of 2601-2605 W. 7th Avenue for multiple City uses.

Approves a purchase and sale agreement with 2601-2605 W. 7th Avenue LLC, as seller, for \$4,075,000 for the purchase of 2601-22605 West 7th Avenue for multiple City uses in Council District 3 (FINAN-201627755). The last regularly scheduled Council meeting within the 30-day review period is on 10-17-16. The Committee approved filing this resolution at its meeting on 9-13-16.

A motion offered by Councilwoman Susman, duly seconded by Councilman Herndon, that Resolution 16-0807 be adopted en bloc, carried by the following vote:

Adopted

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

Land Use, Transportation & Infrastructure Committee

[16-0782](#)

A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and J.F. Sato and Associates, Inc. for on-call engineering services.

Amends a contract with J.F. Sato and Associates, Inc. to add an additional \$480,000 (new total contract amount of \$960,000) in contract capacity for on-call structural engineering services throughout the City. No change in contract term (201522313). The last regularly scheduled Council meeting within the 30-day review period is on 10-17-16. The Committee approved filing this resolution by consent on 9-15-16.

A motion offered by Councilwoman Susman, duly seconded by Councilman Herndon, that Resolution 16-0782 be adopted en bloc, carried by the following vote:

Adopted

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

[16-0783](#)

A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and Martin/Martin, Inc. for on-call engineering services.

Amends a contract with Martin/Martin, Inc. to add additional \$480,000 (new total contract amount of \$960,000) for on-call structural engineering services throughout the City. No change to term (201522354). The last regularly scheduled Council meeting within the 30-day review period is on 10-17-16. The Committee approved filing this resolution by consent on 9-15-16.

A motion offered by Councilwoman Susman, duly seconded by Councilman Herndon, that Resolution 16-0783 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega, Susman (12)

Nay: (None) (0)

Absent: New (1)

[16-0788](#)

A resolution granting a revocable permit to Toshi Kizaki d/b/a Hiro & Co., Inc., to encroach into the right-of-way at 1487 South Pearl Street.

Grants a revocable permit to Hiro & Company to encroach into the right-of-way with one (1) raised patio and one (1) raised planter on South Pearl Street at 1487 South Pearl Street, in Council District 7. The last regularly scheduled Council meeting within the 30-day review period is on 10-17-16. The Committee approved filing this resolution by consent on 9-15-16.

A motion offered by Councilwoman Susman, duly seconded by Councilman Herndon, that Resolution 16-0788 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega, Susman (12)

Nay: (None) (0)

Absent: New (1)

[16-0789](#)

A resolution approving a Second Amendment to Professional Services Agreement with The Davey Tree Expert Company to increase compensation and modify scope of work for tree inventory services.

Amends a contract with The Davey Tree Expert Company to add \$100,000 for a new total of \$599,000 for on-call professional services for tree inventory that will go toward tree inventory for the Stapleton area and the Denver Zoo (PARKS 201312305-02). The last regularly scheduled Council meeting within the 30-day review period is on 10-17-16 The Committee approved filing this resolution by consent on 9-15-16.

A motion offered by Councilwoman Susman, duly seconded by Councilman Herndon, that Resolution 16-0789 be adopted en bloc, carried by the following vote:

Adopted

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

[16-0791](#)

A resolution approving a Third Amendment to Lease Agreement with Outward Bound, Inc., for property known as Camp Rollandet located at 5161 Sheridan Blvd.

Amends a contract with Outward Bound, Inc. to modify the annual report due date from 3/1 to 6/1 of each year. No change to contract cost or duration (201102078). The last regularly scheduled Council meeting within the 30-day review period is on 10-17-16. The Committee approved filing this resolution by consent on 9-15-16.

A motion offered by Councilwoman Susman, duly seconded by Councilman Herndon, that Resolution 16-0791 be adopted en bloc, carried by the following vote:

Adopted

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

Safety, Housing, Education, & Homelessness Committee

[16-0778](#)

A resolution approving a proposed Loan Agreement between the City and County of Denver and Catholic Charities and Community Services of the Archdiocese of Denver, Inc. (doing business as Catholic Charities Denver) to provide acquisition financing for a new women's homeless shelter located at 6240 Smith Road.

Approves a 35-year loan agreement with Catholic Charities and Community Services of the Archdiocese of Denver, Inc. (doing business as Catholic Charities Denver) in the amount of \$1 million from Community Development Block Grant funds structured as a performance loan to provide acquisition financing for a new women's homeless shelter located at 6240 Smith Road in Council District 8 (OEDEV-201630186-00). The last regularly scheduled Council meeting within the 30-day review period is on 10-17-16. The Committee approved filing this bill at its meeting on 9-14-16.

A motion offered by Councilwoman Susman, duly seconded by Councilman Herndon, that Resolution 16-0778 be adopted en bloc, carried by the following vote:

Adopted

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

[16-0784](#)

A resolution approving the mayoral appointments to the Denver Asian American Pacific Islander Commission.

Approves the Mayoral appointments of Gerard Aflague and Luna Ly to the Denver Asian American Pacific Islander Commission for terms effective immediately and expiring 1-22-18, or until a successor is duly appointed. The Committee approved filing this resolution by consent on 9-14-16.

A motion offered by Councilwoman Susman, duly seconded by Councilman Herndon, that Resolution 16-0784 be adopted en bloc, carried by the following vote:

Adopted

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

BILLS FOR INTRODUCTION

The Council Secretary read the following bills by titles. Council President Brooks announced that all other bills on introduction are ordered published.

Finance & Governance Committee

[16-0761](#)

A bill for an ordinance Concerning the Approval of a Participation Agreement between the Colorado New Energy Improvement District (the "District") and the City and County of Denver ("Denver") to authorize the District to Conduct its New Energy Improvement Program, called Colorado Commercial Property Assessed Clean Energy (C-PACE), within Denver.

Approves an intergovernmental agreement with the Colorado New Energy Improvement District authorizing the District to operate the Colorado Commercial Property Assessed Clean Energy (C-PACE) program within Denver which facilitates financing for clean energy improvements to commercial, industrial, agricultural, non-profit and multifamily properties (FINAN-201630180). The last regularly scheduled Council meeting within the 30-day review period is on 10-17-16. The Committee approved filing this bill at its meeting on 9-13-16.

This Bill 16-0761 was ordered published on first reading.

Ordered published on first reading

[16-0797](#)

A bill for an ordinance approving a proposed Contract between the City and County of Denver and State of Colorado, Department of Agriculture, to purchase 300 South Technology Court in Broomfield.

Approves an agreement for the State of Colorado to purchase 300 South Technology Court in Broomfield for \$1,090,000 as a replacement location for State property acquired by the City on the National Western Center campus (FINAN 201629340). The last regularly scheduled Council meeting within the 30-day review period is on 10-17-16. The Committee approved filing this bill by consent on 9-13-16.

This Bill 16-0797 was ordered published on first reading.

Ordered published on first reading

Safety, Housing, Education. & Homelessness Committee

[16-0801](#)

A bill for an ordinance designating the second Monday of October of each year as Indigenous Peoples' Day.

Approves an ordinance designating the second Monday of October of each year as Indigenous Peoples Day. The Committee approved filing this bill at its meeting on 9-14-16.

Sponsors: López

This Bill 16-0801 was ordered published on first reading.

Ordered published on first reading

BILLS FOR FINAL CONSIDERATION

Finance & Governance Committee

[16-0757](#) **A bill for an ordinance authorizing the issuance of City and County of Denver, Colorado, for and on behalf of the Wastewater Management Division of its Department of Public Works, Wastewater Enterprise Revenue Bonds, Series 2016, for the purpose of financing the cost of acquiring, improving and equipping the storm drainage and sanitary sewerage facilities of the City; providing for the pledge of certain wastewater revenues for the payment thereof; and making other provisions relating thereto.**

Authorizes the issuance of City and County of Denver, for and on behalf of the Wastewater Management Division of its Department of Public Works, Wastewater Enterprise Revenue Bonds Series 2016 in a principal amount not to exceed \$116 million to fund storm drainage projects and for costs of bond issuance. The Committee approved filing this bill at its meeting on 8-30-16.

A motion offered by Councilwoman Susman, duly seconded by Councilman Clark, that Bill 16-0757 and Bill 0758 be placed upon final consideration and do pass en bloc. The motion carried by the following vote:

Placed upon final consideration and do pass

- Aye: Black, Brooks, Clark, Flynn, Gilmore, Herndon, Kniech, López, Susman (9)
- Nay: Espinoza, Kashmann, Ortega (3)
- Absent: New (1)

[16-0758](#) **A bill for an ordinance designating certain property as being required for public use and authorizing use and acquisition thereof by negotiation or through condemnation proceedings of fee simple, easement and other interests, including any rights and interests related or appurtenant to properties as needed for the Platte to Park Hill Stormwater Systems Project.**

Approves the designation of certain property as being required for public use and authorizing the use, acquisition and disposition by negotiation or through condemnation proceedings of certain properties needed for the Platte to Park Hill Storm Water Systems Project. The Committee approved filing this bill at its meeting on 8-30-16.

A motion offered by Councilwoman Susman, duly seconded by Councilman Clark, that Bill 16-0757 and Bill 0758 be placed upon final consideration and do pass en bloc. The motion carried by the following vote:

Placed upon final consideration and do pass

- Aye: Black, Brooks, Clark, Flynn, Gilmore, Herndon, Kniech, López, Susman (9)

Nay: Espinoza, Kashmann, Ortega (3)

Absent: New (1)

RECAP OF BILLS TO BE CALLED OUT

PRE-RECESS ANNOUNCEMENT

RECESS

Meeting went into Recess

Meeting Reconvened

COUNCIL RECONVENES AND RESUMES ITS REGULAR SESSION

PUBLIC HEARINGS - BILLS FOR FINAL CONSIDERATION

16-0549 A bill for an ordinance changing the zoning classification for 3201 Walnut Street.

Rezones property at 3201 Walnut Street from I-MX-3, UO-2 to C-MX-5, UO-2 in Council District 9. The last regularly scheduled Council meeting within the 30-day review period is on 9-9-16. The Committee approved filing this resolution at its meeting on 8-16-16.

A motion offered by Councilwoman Susman, duly seconded by Councilman Clark, that Bill 16-0549 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 6:34 p.m., Council President Brooks presiding, to hear speakers on Council Bill 549. Bill Parkhill signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Ryan Winterberg-Lipp of Community Planning and Development delivered the Staff Report.

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega, Susman (12)

Nay: (None) (0)

Absent: New (1)

16-0551 A bill for an ordinance changing the zoning classification for 4402 Umatilla Street.

Rezones property at 4402 Umatilla Street from PUD #358 to U-MS-2 in Council District 1. The last regularly scheduled Council meeting within the 30-day review period is on 9-9-16. The Committee approved filing this resolution at its meeting on 8-16-16.

A motion offered by Councilwoman Susman, duly seconded by Councilman Clark, that Bill 16-0551 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 6:45 p.m., Council President Brooks presiding, to hear speakers on Council Bill 551. Ben Gearhart 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, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega, Susman (12)

Nay: (None) (0)

Absent: New (1)

[16-0597](#)

A bill for an ordinance changing the zoning classification for approximately 99 Monaco Street Parkway.

Rezones property located at approximately 99 Monaco Parkway from O-1 to G-MX-3, in Council District 5. The last regularly scheduled Council meeting within the 30-day review period is on 9-9-16. The Committee approved filing this bill at its meeting on 8-16-16.

A motion offered by Councilwoman Susman, duly seconded by Councilman Clark, that Bill 16-0597 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 7:00 p.m., Council President Brooks presiding, to hear speakers on Council Bill 597. Marcus Pachner and John Putnam 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, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, Ortega, Susman (12)

Nay: (None) (0)

Absent: New (1)

PRE-ADJOURNMENT ANNOUNCEMENT

ADJOURN

There being no further business before the City Council, Council President Brooks adjourned the meeting at 7:23 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