

City Council Minutes

Meeting Date: Monday, December 4, 2017 5:30 PM

PLEDGE OF ALLEGIANCE

Council member Clark 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

[17-1403](#) Minutes of Monday, November 27, 2017

The minutes of Monday, November 27, 2017 were approved.

Approved

The minutes of meeting date, Monday, November 27, 2017, were distributed to Council. Council President Brooks ordered the minutes approved.

COUNCIL ANNOUNCEMENTS

Council members Black, Espinoza, Brooks, and Susman offered announcements.

PRESENTATIONS

COMMUNICATIONS

PROCLAMATIONS

[17-1404](#) **A proclamation supporting the reauthorization of the Colorado Lottery Division by the General Assembly in 2018.**

A motion offered by Councilwoman Black, duly seconded by Councilman Herndon, that Council Proclamation 17-1404 be adopted. The motion carried by the following vote:

Adopted

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

Nay: (None) (0)

RESOLUTIONS

Finance & Governance Committee

Block Vote

Block Vote

A motion offered by Councilman Clark, 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, New, Ortega, Susman (13)

Nay: (None) (0)

17-1320 A resolution approving a proposed Lease Purchase Agreement by and between the City and County of Denver and Russ Bassett Corporation to approve the purchase of new console furniture equipment for the new 911 Communications Center.

Approves the purchase of console furniture equipment from Russ Bassett for \$1,087,526, with funding provided through a companion capital lease purchase agreement with JPMorgan Chase Bank, N.A. to support call-taking and dispatch activities at the new 911 Communications Center located at 12025 East 45th Avenue in Council District 8 (SAFTY-201738094). The last regularly scheduled Council meeting within the 30-day review period is on 12-18-17. The Committee approved filing this resolution by consent on 11-21-17.

A motion offered by Councilman Clark, duly seconded by Councilman Herndon, that Council Resolution 17-1320 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)

17-1321 A resolution approving a proposed Equipment Lease Purchase Agreement between the City and County of Denver and J.P. Morgan Chase Bank, N.A. for a five-year lease with option to purchase equipment for the new 911 Communications Center.

Approves a capital lease agreement with JPMorgan Chase Bank, N.A. for \$1,158,788 and for five years to purchase furniture equipment to be used by 911 call-takers and dispatchers at the new 911 Communications Center located at 12025 East 45th Avenue in Council District 8. The last regularly scheduled Council meeting within the 30-day review period is on 12-18-17. The Committee approved filing this resolution by consent on 11-21-17.

A motion offered by Councilman Clark, duly seconded by Councilman Herndon, that Council Resolution 17-1321 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

17-1161 A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Nelson Nygaard Consulting Associates, Inc. for professional transit and city planning services.

Amends a contract with Nelson\Nygaard Consulting Associates by adding \$100,000 for a new total of \$800,000 for additional professional transit and city planning services to assist in the development of the citywide transit plan. No change to contract duration (201627471-01). The last regularly scheduled Council meeting within the 30-day review period is on 12-18-17. The Committee approved filing this resolution by consent on 10-24-17.

A motion offered by Councilman Clark, duly seconded by Councilman Herndon, that Council Resolution 17-1161 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)

17-1273 A resolution granting a revocable permit to Market Center Investors, LLC, to encroach into the right-of-way at Market Street and 17th Street.

Grants a revocable permit to Market Center Investors, LLC to encroach into the right-of-way with a raised patio and sidewalk area and two sets of stairs located on Market Street between 16th Street and 17th Street in Council District 9 in accordance with Transportation Engineering Plan (TEP) 2016-TRAN-0000099. The Committee approved filing this resolution by consent on 11-21-17.

A motion offered by Councilman Clark, duly seconded by Councilman Herndon, that Council Resolution 17-1273 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)

17-1292 A resolution approving a proposed Professional Services Agreement between the City and County of Denver and Softball in Denver, Inc. to provide sports officials and referees for adult softball and youth baseball programs.

Approves a contract with Softball In Denver for \$750,000 and for three years for sports official and umpire services at 12 recreation centers and 20 sports fields citywide (201737177). The last regularly scheduled Council meeting within the 30-day review period is on 12-18-17. The Committee approved filing this resolution by consent on 11-21-17.

A motion offered by Councilman Clark, duly seconded by Councilwoman Kniech, that Council Resolution 17-1292 be adopted. The motion failed by the following vote:

Adopted

Aye: (None) (0)

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

Safety, Housing, Education & Homelessness Committee

17-1299 A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Energy Resource Center for energy efficiency services, weatherization upgrades, and resident education for multi-family residential units.

Amends a contract with Energy Resource Center by adding \$315,000 for a new total amount of \$630,000 and one year for a new end date of 12-31-18 for energy efficiency services, weatherization upgrades, and education for residents living in low-income multi-family units and nonprofit facilities that serve low income residents, citywide (HRCRS-201631149-01). The last regularly scheduled Council meeting within the 30-day review period is on 12-18-17. The Committee approved filing this resolution by consent on 11-22-17.

A motion offered by Councilman Clark, duly seconded by Councilman Herndon, that Council Resolution 17-1299 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)

17-1300 A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Groundwork Denver, Incorporated, a/k/a Groundwork Denver, Inc., for energy efficiency services, weatherization upgrades, and resident education for multi-family residential units.

Amends a contract with Groundwork Denver, Inc. to add \$315,000 for a new total in the amount of \$630,000 and to add one year for a new end date of 12-31-18 for energy efficiency services, weatherization upgrades, and education for residents living in low-income multi-family units and nonprofit facilities that serve low income residents citywide (HRCRS-201631158-01). The last regularly scheduled Council meeting within the 30-day review period is on 12-18-17. The Committee approved filing this resolution by consent on 11-22-17.

A motion offered by Councilman Clark, duly seconded by Councilman Herndon, that Council Resolution 17-1300 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

Business, Arts, Workforce & Aeronautical Services Committee

17-1353 A bill for an ordinance approving an Amended Operating Plan and Budget for 2018 for the Colfax Business Improvement District.

Amends the 2018 Operating Plan and Budget for the Colfax Business Improvement District to authorize increased mills and the ability to issue debt in Council Districts 9 & 10. The Committee approved filing this bill by consent on 11-29-17.

Council Bill 17-1353 was ordered published on first reading.

Ordered published on first reading

Finance & Governance Committee

17-1296 A bill for an ordinance authorizing expenditures from the Dental Self-Insurance Fund.

Approves a \$10,765,350.58 appropriation for the City employee 2018 Self-Insured Dental Fund. The Committee approved filing this bill by consent on 11-21-17.

Council Bill 17-1296 was ordered published on first reading.

Ordered published on first reading

17-1297 A bill for an ordinance authorizing expenditures in the Employees Voluntary Salary Redirection Plan Special Trust Fund for Uninsured Medical Expense, Dependent Care Expense, and Qualified Parking Expense.

Approves a \$3,616,086.29 appropriation for the 2018 City employee Flexible Spending Account. The Committee approved filing this bill by consent on 11-21-17.

Council Bill 17-1297 was ordered published on first reading.

Ordered published on first reading

17-1301 A bill for an ordinance making a supplemental appropriation to transfer cash to the Business Incentive Fund.

Appropriates \$4.8 million from the General Fund contingency to the Office of Economic Development's Business Incentive Fund to correct a previous action and appropriate the funds as originally approved. The Committee approved filing this bill by consent on 11-21-17

Council Bill 17-1301 was ordered published on first reading.

Ordered published on first reading

17-1315 A bill for an ordinance establishing a new fund in the Grant and Other Money Projects Fund for the "Excise Tax Reserve".

Establishes the Excise Tax Reserve Capital Special Revenue Fund No. 38421 as part of the Series 2016 Bond financing structure to serve as a reserve for future capital projects and debt issuances for the National Western Center and the Colorado Convention Center. The Committee approved filing this bill by consent on 11-21-17.

Council Bill 17-1315 was ordered published on first reading.

Ordered published on first reading

17-1316 A bill for an ordinance authorizing a transfer of cash from the Excise Tax Base Account to the "Excise Tax Reserve" Grant and Other Money Projects Fund as part of the Series 2016 Bond financing structure.

Transfers and appropriates \$7,173,070 to the newly established Excise Tax Reserve Capital Special Revenue Fund No. 38421 as part of the Series 2016 Bond financing structure. The Committee approved filing this bill by consent on 11-21-17.

Council Bill 17-1316 was ordered published on first reading.

Ordered published on first reading

17-1317 A bill for an ordinance establishing a new fund in the Grant and Other Money Projects Fund for the "Colorado Convention Center".

Establishes the Colorado Convention Center Capital Special Revenue Fund No. 38422 for Colorado Convention Center annual debt payments and capital improvements for consolidated accounting of all Colorado Convention Center capital activities. The Committee approved filing this bill by consent on 11-21-17.

Council Bill 17-1317 was ordered published on first reading.

Ordered published on first reading

17-1318 A bill for an ordinance authorizing a transfer of cash from the "National Western Complex(NWC)/Colorado Convention Center (CCC) and Other Tourism Projects Fund" and the "Excise Tax Base Account" and making an appropriation to the "Colorado Convention Center" Grant and Other Money Projects Fund as part of the Series 2016 Bond financing structure.

Transfers and appropriates \$4,791,388 from the Series 2016 (2C) Dedicated Tax Flow of Funds to the new Colorado Convention Center Capital Special Revenue Fund No. 38422. The Committee approved filing this bill by consent on 11-21-17.

Council Bill 17-1318 was ordered published on first reading.

Ordered published on first reading

17-1319 A bill for an ordinance authorizing a transfer of cash from the Excise Tax Base Account for an increase in appropriation to the 2017 General Fund Contingency and subsequent supplemental appropriations to the Affordable Housing Property Tax Revenue Fund and the City Attorney.

Appropriates \$9,451,397 to the 2017 General Fund Contingency due to excess revenue derived from the recent settlement surrounding hotel lodgers tax revenue; appropriates \$4,058,171 to the Affordable Housing Property Tax Revenue Fund; and appropriates \$5,393,226 to the City Attorney's Office for legal fees associated with the settlement. The Committee approved filing this bill by consent on 11-21-17.

A motion offered by Councilman Clark, duly seconded by Councilman Herndon, that Council Bill 17-1319 be ordered published on first reading. The motion carried by the following vote:

Ordered published on first reading

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

Land Use, Transportation & Infrastructure Committee

[17-1266](#) A bill for an ordinance changing the zoning classification for 1521-1535 West 34th Avenue and 3400 Osage Street in Highland.

Approves an official map amendment to rezone land at 1521-1535 West 34th Avenue and 3400 Osage Street from U-TU-B2 DO-4 to U-MX-2x (urban, two-unit to urban, mixed-use), in Council District 1. The Committee approved filing this bill at its meeting on 11-21-17.

Final Consideration

Required Public Hearing

Council Bill 17-1266 was ordered published with future required public hearing on January 2, 2018.

Ordered published with future required public hearing

[17-1309](#) A bill for an ordinance designating certain property on the east side of South Federal Boulevard as "park" under section 2.4.5 of the City Charter which is to be incorporated into and known as Sanderson Gulch Park.

Approves the park designation of a portion of Sanderson Gulch Park located approximately on the East side of South Federal Boulevard containing 0.3 acres in Council District 7. The Committee approved filing this bill by consent on 11-21-17.

Council Bill 17-1309 was ordered published on first reading.

Ordered published on first reading

[17-1310](#) A bill for an ordinance designating certain property located at South Pecos Street and West Arkansas Avenue as "park" under section 2.4.5 of the City Charter which is to be incorporated into and known as Sanderson Gulch Park.

Approves the park designation of a portion of Sanderson Gulch Park located approximately at South Pecos Street and West Arkansas Avenue containing 1.7 acres in Council District 7. The Committee approved filing this bill by consent on 11-21-17.

Council Bill 17-1310 was ordered published on first reading.

Ordered published on first reading

[17-1311](#) A bill for an ordinance designating certain property as "park" under section 2.4.5 of the City Charter which is to be incorporated into and known as Mestizo-Curtis Park.

Approves the park designation of a portion of vacated Curtis Street as part of Mestizo-Curtis Park containing 0.7 acres in Council District 9. The Committee approved filing this bill by consent on 11-21-17.

Council Bill 17-1311 was ordered published on first reading.

Ordered published on first reading

[17-1312](#) A bill for an ordinance designating certain property as “park” under section 2.4.5 of the City Charter which is to be incorporated into and known as Ciancio Park.

Approves the park designation of a portion of vacated West 41st Avenue and Mariposa streets as part of Ciancio Park containing 0.9 acres in Council District 1. The Committee approved filing this bill by consent on 11-21-17.

Council Bill 17-1312 was ordered published on first reading.

Ordered published on first reading

Safety, Housing, Education & Homelessness Committee

[17-1196](#) A bill for an ordinance approving a proposed Intergovernmental Agreement to Provide Fire Protection between the City and County of Denver and the City of Glendale.

Approves a twenty-one-year intergovernmental agreement with the City of Glendale in the amount of \$68,482,176 in revenue to provide fire protection service within the municipal boundary of the City of Glendale (FIRES-201103623-01). The Committee approved filing this bill by consent on 11-1-17.

Council Bill 17-1196 was ordered published on first reading.

Ordered published on first reading

[17-1211](#) A bill for an ordinance approving a proposed Fifth Amended and Restated Intergovernmental Agreement to Provide Fire Protection between the City and County of Denver and the City of Sheridan.

Amends an intergovernmental agreement with the City of Sheridan by renewing the agreement for an additional year through 12-31-18 at an annual rate of \$2,035,172 in revenue to provide fire protection services to the City of Sheridan (FIRES 201208809-05). The Committee approved filing this bill by consent on 11-1-17.

Council Bill 17-1211 was ordered published on first reading.

Ordered published on first reading

[17-1264](#) A bill for an ordinance approving a proposed donation of a surplus vehicle from the City and County of Denver to the nonprofit entity Bayaud Enterprises, Inc.

Approves the donation of a surplus vehicle with an estimated value of \$7,000 to the nonprofit entity Bayaud Enterprises, Inc. to provide transportation, outreach, recruitment, and other job readiness services to homeless individuals involved with the Denver Day Works program citywide. The last regularly scheduled Council meeting within the 30-day review period is on 12-18-17. The Committee approved filing this bill by consent on 11-15-17.

Council Bill 17-1264 was ordered published on first reading.

Ordered published on first reading

BILLS FOR FINAL CONSIDERATION

Business, Arts, Workforce & Aeronautical Services Committee

17-1225 A bill for an ordinance concerning the Airport Facilities of the City and County of Denver; authorizing the incurrence of the Revolving Credit Agreement Subordinate Obligation under the General Subordinate Bond Ordinance in a maximum aggregate principal Revolving Loan amount not to exceed \$150,000,000 at any one time in connection with a revolving credit agreement to be entered into for the purposes of defraying the costs of certain approved projects, and providing other details in connection therewith; providing the maximum rate and other terms and other details of the Revolving Credit Agreement Subordinate Obligation, which shall be evidenced by a revolving credit agreement and notes issued thereunder; authorizing the execution of certain related agreements; ratifying action previously taken; providing for other related matters; and providing the effective date of this ordinance.

Authorizes the Manager of Finance to incur, for and on behalf of the Department of Aviation, a revolving loan in an amount not to exceed \$150 million with US Bank, for funding interim airport capital improvements at Denver International Airport. The last regularly scheduled Council meeting within the 30-day review period is on 12-18-17. The Committee approved filing this bill at its meeting on 11-1-17.

A motion offered by Councilman Clark, duly seconded by Councilman Herndon, that Council Bill 17-1225 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)

[17-1326](#) **A bill for an ordinance concerning the Airport Facilities of the City and County of Denver; authorizing either (1) the incurrence of a Non-Revolving Credit Agreement Subordinate Obligation evidenced by a non-revolving credit agreement and notes issued thereunder or (2) the issuance of "City and County of Denver, Colorado, for and on behalf of its Department of Aviation, Airport System Subordinate Revenue Bonds, Series 2017C," in a maximum aggregate principal Loan amount (in the case of the Non-Revolving Credit Agreement Subordinate Obligation option) or in a maximum aggregate principal amount (in the case of the Airport System Subordinate Revenue Bonds, Series 2017C option) of not to exceed \$300,000,000; providing that either the Non-Revolving Credit Agreement Subordinate Obligation option or the Airport System Subordinate Revenue Bonds, Series 2017C option is to be incurred or issued (as applicable) under the General Subordinate Bond Ordinance for the purposes of paying the costs of certain Airport System improvement projects; providing for the delegation to the Manager of Aviation and the Treasurer of the City of the determination to implement and selection of one of such options, all within the limitations set forth herein; providing the terms and other details of the Non-Revolving Credit Agreement Subordinate Obligation option and the Airport System Subordinate Revenue Bonds, Series 2017C option; authorizing the execution of certain related agreements; ratifying action previously taken; providing for other related matters; and providing the effective date of this ordinance.**

Approves authorizing either (1) the incurrence of a Non-Revolving Credit Agreement Subordinate Obligation evidenced by a non-revolving credit agreement and notes issued thereunder, or (2) the issuance of "City and County of Denver, Colorado, for and on behalf of its Department of Aviation, Airport System Subordinate Revenue Bonds, Series 2017C in an amount not to exceed \$300 million, and authorizes the delegation to the Manager of Aviation and the Treasurer of the City to select and implement one of the options. This bill was approved for filing by Councilmember Gilmore.

A motion offered by Councilman Clark, duly seconded by Councilman Herndon, that Council Bill 17-1326 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

[17-1262](#) **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.**

Changes the title of Licensing Technician to Licensing Technician I, and creates a new class called Licensing Technician II (C-616). The Committee approved filing this bill by consent on 11-14-17.

A motion offered by Councilman Clark, duly seconded by Councilman Herndon, that Council Bill 17-1262 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)

17-1263 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.

Changes the pay grade of Business License Inspector from N-615 to N-617. The Committee approved filing this bill by consent on 11-14-17.

A motion offered by Councilman Clark, duly seconded by Councilman Herndon, that Council Bill 17-1263 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

RECESS

Council did not take a recess.

COUNCIL RECONVENES AND RESUMES ITS REGULAR SESSION

PUBLIC HEARINGS - BILLS FOR FINAL CONSIDERATION

PRE-ADJOURNMENT ANNOUNCEMENT

Council President Brooks announced that on Tuesday, January 2, 2018, Council will hold a required public hearing on Council Bill 17-1266, changing the zoning classification for 1521-1535 West 34th Avenue and 3400 Osage Street in Highland. Any protests against Council Bill 17-1266 must be filed with the Council Offices no later than noon on Tuesday, December 26, 2017.

ADJOURN

There being no further business before the City Council, Council President Brooks adjourned the meeting at 6:00 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