

City Council Minutes

Meeting Date: Monday, October 15, 2018 5:30 PM

PLEDGE OF ALLEGIANCE

Council member Herndon led the Pledge of Allegiance.

ROLL CALL

Council member Espinoza arrived late.

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

MAYOR'S PROPOSED 2019 BUDGET AND PUBLIC HEARING NOTICE

[18-1172](#) Mayor's Proposed 2019 Budget and Public Hearing Notice

(1) The Mayor's Proposed Budget for 2019 is open for inspection from 8:30 a.m. to 5:00 p.m. Monday through Friday in the City Council Office, Room 451 of the City and County Building located at 1437 Bannock Street starting the week of October 15, 2018; (2) at its regular meeting on Monday, October 22, 2018, which will begin at 5:30 p.m., the City Council will conduct a public hearing on the Mayor's Proposed Budget for 2019; and (3) any citizen may inspect the budget prior to or at the public hearing and register any objection to the budget prior to or at the public hearing on the budget, and the Council shall take any objections into consideration.

A motion offered by Councilwoman Gilmore, duly seconded by Councilwoman Susman, that the Clerk and Recorder is instructed to publish a notice that: (1) The Mayor's Proposed Budget for 2019 is open for inspection from 8:30 a.m. to 5:00 p.m. Monday through Friday in the City Council Office, Room 451 of the City and County Building located at 1437 Bannock Street starting the week of October 15, 2018; (2) at its regular meeting on Monday, October 22, 2018, which will begin at 5:30 p.m., the City Council will conduct a public hearing on the Mayor's Proposed Budget for 2019; and (3) any citizen may inspect the budget prior to or at the public hearing and register any objection to the budget prior to or at the public hearing on the budget, and the Council shall take any objections into consideration be approved. The motion carried by the following vote:

Approved

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

Nay: (None) (0)

APPROVAL OF THE MINUTES

[18-1174](#) Minutes of Monday, October 8, 2018

Council Approved Minutes 18-1174 was approved.

Approved

The minutes of meeting date, Monday, October 8, 2018 were distributed to Council. Council President Clark ordered the minutes approved.

COUNCIL ANNOUNCEMENTS

Council member Flynn offered an announcement.

PRESENTATIONS

COMMUNICATIONS

18-1175 Local Maintenance Districts Group 1

Tonight, Council was scheduled to sit as the quasi-judicial Board of Equalization to consider reduction of total cost assessments for Local Maintenance Districts. However, since no written protests of assessment were filed with the Manager of Public Works by September 27, 2018, Council will not sit as the Board of Equalization for the following Local Maintenance Districts:

15th Street Pedestrian Mall
20th Street Pedestrian Mall
Consolidated Larimer Street Pedestrian Mall
Santa Fe Drive Pedestrian Mall C
St. Luke's Pedestrian Mall
Delgany Street
East 13th Avenue Pedestrian Mall
South Downing Street Pedestrian Mall
Tennyson Street II Pedestrian Mall
44th Avenue & Eliot Street Pedestrian Mall
West 32nd Avenue Pedestrian Mall
Broadway Pedestrian Mall 'A'
South Broadway Streetscape (Arizona to Iowa)
South Broadway Streetscape (Wesley to Yale)
South Broadway Streetscape (Iowa to Wesley)
Tennyson Streetscape (Portions of 38th to 44th)

Council Communication 18-1175 was approved.

Approved

Council President Clark announced that tonight, Council was scheduled to sit as the quasi-judicial Board of Equalization to consider reduction of total cost assessments for Local Maintenance Districts. However, since no written protests of assessment were filed with the Manager of Public Works by September 27, 2018, Council will not sit as the Board of Equalization for the following Local Maintenance Districts:

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West 32nd Avenue Pedestrian Mall
Broadway Pedestrian Mall 'A'
South Broadway Streetscape (Arizona to Iowa)
South Broadway Streetscape (Wesley to Yale)
South Broadway Streetscape (Iowa to Wesley)
Tennyson Streetscape (Portions of 38th to 44th)

PROCLAMATIONS

RESOLUTIONS

Business, Arts, Workforce, & Aviation Services Committee

Block Vote

Block Vote

A motion offered by Councilman Herndon, 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)

[18-1076](#) **A resolution approving a proposed Contract between the City and County of Denver and Interstate Highway Construction, Inc. concerning the Gate Apron Rehabilitation and Drainage Improvements program at Denver International Airport.** Approves a contract with Interstate Highway Construction, Inc. for \$29,825,639.40 and through 7-4-20 to replace deteriorating pavement and mitigate drainage issues and ponding in the Northwest Quadrant of Concourse B as part of the Gate Apron Rehabilitation and Drainage Improvements (GARDI) program at Denver International Airport (201842636). The last regularly scheduled Council meeting within the 30-day review period is on 11-5-18. The Committee approved filing this item at its meeting on 10-3-18.

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that Council Resolution 18-1076 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

[18-1068](#) **A resolution approving the Mayor's appointment to the Denver Urban Renewal Authority.**

Approves the Mayoral appointment of Katherine Archuleta to the Denver Urban Renewal Authority for a term effective immediately and expiring on 4-3-23, or until a successor is duly appointed. The Committee approved filing this resolution by consent on 10-2-18.

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that Council Resolution 18-1068 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

18-1049 A resolution approving a proposed Third Amendatory Agreement between the City and County of Denver and BC Evergreen LLC for food and beverage concessions at Evergreen Golf Course.

Amends a contract with BC Evergreen, LLC by updating the motorized beverage cart service terms and adding beverage cart maintenance and reimbursement responsibilities for food and beverage services at Evergreen Golf Course. No change to contract amount or duration (201309937). The last regularly scheduled Council meeting within the 30-day review period is on 11-5-18. The Committee approved filing this item at its meeting on 10-2-18.

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that Council Resolution 18-1049 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)

18-1067 A resolution laying out, opening and establishing as part of the City street system a parcel of land as South Federal Boulevard near the intersection of South Federal Boulevard and West Vassar Avenue.

Dedicates a parcel of land as public right-of-way as South Federal Boulevard located near the intersection of South Federal Boulevard and West Vassar Avenue in Council District 7. The Committee approved filing this item at its meeting on 10-2-18.

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that Council Resolution 18-1067 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)

18-1069 A resolution laying out, opening and establishing as part of the City street system a parcel of land as a public alley near 34th Street between Walnut Street and Blake Street.

Dedicates a parcel of land as public right-of-way as public alley, located at 34th Street between Walnut Street and Blake Street in Council District 9. The Committee approved filing this item at its meeting on 10-2-18.

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that Council Resolution 18-1069 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

18-1085 A resolution approving and providing for the execution of a proposed Grant Agreement between the City and County of Denver and the United States of America Department of Housing and Urban Development concerning the "Community Development Block Grant FY18" program and the funding therefor.

Approves a performance grant agreement with the United States Department of Housing and Urban Development (HUD) for the 2018 allocations of \$6,859,369 through the Community Development Block Grant (CDBG) program to improve housing and living conditions and expand economic opportunities for low- and moderate-income persons (201844783). The last regularly scheduled Council meeting within the 30-day review period is on 11-5-18. The Committee approved filing this item at its meeting on 10-3-18.

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that Council Resolution 18-1085 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)

18-1086 A resolution approving and providing for the execution of a proposed Grant Agreement between the City and County of Denver and the United States of America Department of Housing and Urban Development concerning the "Housing Opportunities for People with AIDS (HOPWA) FY18" program and the funding therefor.

Approves a performance grant agreement with the United States Department of Housing and Urban Development (HUD) for the 2018 allocation of \$2,017,134 through the Housing Opportunities for People with AIDS (HOPWA) program to provide housing and supportive services designed to prevent homelessness for persons with Acquired Immunodeficiency Syndrome (AIDS) or related diseases, citywide (201844785). The last regularly scheduled Council meeting within the 30-day review period is on 11-5-18. The Committee approved filing this item at its meeting on 10-3-18.

A motion offered by Councilman Herndon, duly seconded by Councilman Kashmann, that Council Resolution 18-1086 be adopted. The motion carried by the following vote:

Adopted

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

[18-1087](#) A resolution approving and providing for the execution of a proposed Grant Agreement between the City and County of Denver and the United States of America Department of Housing and Urban Development concerning the "HOME FY18" program and the funding therefor.

Approves a performance grant agreement with the United States Department of Housing and Urban Development (HUD) for the 2018 allocation of \$3,221,104 for HOME Investment Partnerships (HOME) to provide funding for the city's housing development activities including for building, buying, and rehabilitating affordable housing for rent or homeownership and providing direct rental assistance to low-income residents, citywide (201844784). The last regularly scheduled Council meeting within the 30-day review period is on 11-5-18. The Committee approved filing this item at its meeting on 10-3-18.

A motion offered by Councilman Herndon, duly seconded by Councilman Flynn, that Council Resolution 18-1087 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, & Aviation Services Committee

[18-0629](#) **A bill for an ordinance approving a proposed Agreement between the City and County of Denver and School District No. 1 in the City and County of Denver and the State of Colorado, to provide youth workforce investment activities in accordance with the Federal Workforce Innovation and Opportunity Act (WIOA).**

Approves a contract with Denver Public Schools for \$1,560,000 and through 6-30-19 for in-school and out-of-school youth employment and career programming as required under Denver's Workforce Innovation and Opportunity Act (WIOA) funding. The last regularly scheduled Council meeting within the 30-day review period is on 11-5-18. The Committee approved filing this item at its meeting on 6-13-18.

Council Bill 18-0629 was ordered published on first reading.

Ordered published on first reading

Finance & Governance Committee

[18-1074](#) **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 abolishing certain classifications that are vacant and have been replaced or will no longer be utilized. The Committee approved filing this bill by consent on 10-2-18.

Council Bill 18-1074 was ordered published on first reading.

Ordered published on first reading

[18-1079](#) **A bill for an ordinance approving the purchase of capital equipment items from the Planned Fleet Replacement Special Revenue Fund.** Approves a one-time capital equipment expenditure for \$358,000 to procure one paving roller and one electric street sweeper for street maintenance operations, citywide. The Committee approved filing this item at its meeting on 10-2-18.

Council Bill 18-1079 was ordered published on first reading.

Ordered published on first reading

Land Use, Transportation & Infrastructure Committee

[18-0996](#) A bill for an ordinance changing the zoning classification of 3740-3850 York Street in the Clayton neighborhood.

Approves an official map amendment to rezone property from U-MX-3 and B-2 with waivers and conditions to PUD-G #20 (urban, mixed-use to planned development), located at 3740-3850 York Street in Council District 9. The Committee approved filing this item at its meeting on 10-2-18.

Required Public Hearing

Final Consideration

Council Bill 18-0996 was ordered published with a future required public hearing on 11-13-18.

Ordered published with future required public hearing

[18-1006](#) A bill for an ordinance changing the zoning classification of 1901 Wazee Street in Union Station.

Approves an official map amendment to rezone property from I-MX-8 UO-2 to PUD-G #19 (industrial, mixed-use to planned development), located at 1901 Wazee Street in Council District 9. The Committee approved filing this item at its meeting on 10-2-18.

Required Public Hearing

Final Consideration

Council Bill 18-1006 was ordered published with a future required public hearing on 11-13-18.

Ordered published with future required public hearing

[18-1013](#) A bill for an ordinance changing the zoning classification for 2929 W. 10th Ave. in Sun Valley.

Approves an official map amendment to rezone property located at 2929 West 10th Avenue from PUD #487 to C-MX-5 (planned development to commercial, mixed-use) in Council District 3. The Committee approved filing this item at its meeting on 10-2-18.

Required Public Hearing

Final Consideration

Council Bill 18-1013 was ordered published with future required public hearing on 11-13-18.

Ordered published with future required public hearing

[18-1072](#) A bill for an ordinance designating the Vassar School Bungalows Historic District as a district for preservation.

Approves the designation of Vassar School Bungalows as a Landmark Historic District for preservation, bounded by Lincoln Street, Sherman Street, East Vassar Avenue, and the public alley between East Vassar Avenue and East Harvard Avenue in Council District 6. If ordered published, a public hearing will be held on Monday, 10-22-18. The Committee approved filing this item at its meeting on 10-2-18.

Council Bill 18-1072 was ordered published with a future required public hearing on 10-22-18.

Ordered published with future required public hearing

[18-1077](#) A bill for an ordinance relinquishing the easement reserved in Ordinance No. 609, Series of 2002, recorded with the Denver Clerk & Recorder at Reception No. 2002135038, located at 1085 North York Street.

Relinquishes the easement in its entirety as established in Vacating Ordinance No. 609, Series of 2002 located at 1085 North York Street in Council District 10. The last regularly scheduled Council meeting within the 30-day review period is on 11-5-18. The Committee approved filing this item at its meeting on 10-2-18.

Council Bill 18-1077 was ordered published on first reading.

Ordered published on first reading

[18-1078](#) A bill for an ordinance relinquishing the easement reserved in Ordinance No. 20161315, Series of 2017, recorded with the Denver Clerk & Recorder at Reception No. 2017003935, located at 1420 38th Street.

Relinquishes the perpetual non-exclusive easement, in its entirety, as established in the Vacating Ordinance No. 20161315, Series of 2017, located at 1420 38th Street at the intersection of Blake Street and Downing Street in Council District 9. The last regularly scheduled Council meeting within the 30-day review period is on 11-5-18. The Committee approved filing this item at its meeting on 10-2-18.

Council Bill 18-1078 was ordered published on first reading.

Ordered published on first reading

[18-1080](#) A bill for an ordinance vacating a portion of South Cherokee Street at West Iowa Avenue, with reservations.

Vacates a portion of South Cherokee Street between 1600 South Cherokee Street and 1601 South Cherokee Street, with reservations, in Council District 7. The Committee approved filing this item at its meeting on 10-2-18.

Council Bill 18-1080 was ordered published on first reading.

Ordered published on first reading

Safety, Housing, Education & Homelessness Committee

[18-0975](#) A bill for an ordinance to amend Article IV of Chapter 27 (Housing) of the Revised Municipal Code relating to affordable housing.

Amends Article IV, Chapter 27 of the Denver Revised Municipal Code relating to affordable housing to allow for the execution of a performance deed of trust for settlements of disputed matters and to allow the recapture of lost affordability terms. The Committee approved filing this item at its meeting on 9-12-18.

A motion offered by Councilman Herndon, duly seconded by Councilwoman Susman, that Council Bill 18-0975 be ordered published on first reading, was followed by a motion offered by Councilman Espinoza, duly seconded by Councilman Flynn, that publication of Council Bill 18-0975 be postponed to the end of the public hearing this evening. The motion carried by the following vote:

Postponed

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

Nay: (None) (0)

[18-1089](#) AS AMENDED a bill for an ordinance amending Title 27 of the Revised Municipal Code of the City and County of Denver to revise definitions and procedures set forth therein for greater clarity and to extend the minimum affordability period for properties that receive city subsidies from twenty years to sixty years.

Amends Section 27 of the Denver Revised Municipal Code (DRMC) to approve revisions to the Affordable Housing Preservation ordinance including definitions and procedures intended to clarify applicability to income-restricted properties within the city and extension of the minimum period of affordability from 20 years to 60 years. The Committee approved filing this item at its meeting on 10-3-18. Amended 10-15-18 to delay the effective date of the affordability period to 2-1-19.

BILLS FOR FINAL CONSIDERATION

RECAP OF BILLS TO BE CALLED OUT

PRE-RECESS ANNOUNCEMENT

Council President Clark announced that tonight, there will be a one-hour courtesy public hearing on Council Bill 18-1089, amending Title 27 of the Revised Municipal Code of the City and County of Denver to revise definitions and procedures set forth therein for greater clarity and to extend the minimum affordability period for properties that receive city subsidies from 20 years to 60 years. 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

COURTESY PUBLIC HEARINGS - BILLS FOR INTRODUCTION

[18-1089](#) AS AMENDED a bill for an ordinance amending Title 27 of the Revised Municipal Code of the City and County of Denver to revise definitions and procedures set forth therein for greater clarity and to extend the minimum affordability period for properties that receive city subsidies from twenty years to sixty years.

Amends Section 27 of the Denver Revised Municipal Code (DRMC) to approve revisions to the Affordable Housing Preservation ordinance including definitions and procedures intended to clarify applicability to income-restricted properties within the city and extension of the minimum period of affordability from 20 years to 60 years. The Committee approved filing this item at its meeting on 10-3-18. Amended 10-15-18 to delay the effective date of the affordability period to 2-1-19.

A motion offered by Councilman Herndon, duly seconded by Councilman Espinoza, that Council Bill 18-1089 be ordered published, was followed by a motion offered by Councilwoman Kniech, duly seconded by Councilman Flynn, that Council Bill 18-1089 be amended to delay the effective date of the extended affordability period to February 1, 2019. The motion carried by the following vote:

Amended

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

A motion offered by Councilwoman Gilmore, duly seconded by Councilman Kashmann, that Council Bill 18-1089 be ordered published as amended. The motion carried by the following vote:

Ordered published as amended

Council sat as a Committee of the Whole commencing at 6:21 p.m., Council President Clark presiding, to hear speakers on Council Bill 18-1089. Jenny Santos, Jonathan Cappelli, Tiana Patterson, Gete Mekonnen and Jesse Parris signed up to speak in favor of the bill. Andrew Romero, Andrea Barela, Marvin Kelly and David Roybal signed up to speak in opposition of the bill. Laura Brudzynski of Office of Economic Development gave the staff report.

Aye: Black, Brooks, Clark, Espinoza, Flynn, Gilmore, Kashmann, Kniech, López, New, Ortega (11)

Nay: Susman (1)

Absent: Herndon (1)

A motion offered by Councilwoman Ortega, duly seconded by Councilman López, that Council Bill 18-1089 be postponed to a date certain. The motion failed to carry by the following vote:

Postponed to a date certain

Aye: Espinoza, López, New, Ortega (4)

Nay: Black, Brooks, Clark, Flynn, Gilmore, Kashmann, Kniech, Susman (8)

Absent: Herndon (1)

18-0975 A bill for an ordinance to amend Article IV of Chapter 27 (Housing) of the Revised Municipal Code relating to affordable housing.

Amends Article IV, Chapter 27 of the Denver Revised Municipal Code relating to affordable housing to allow for the execution of a performance deed of trust for settlements of disputed matters and to allow the recapture of lost affordability terms. The Committee approved filing this item at its meeting on 9-12-18.

A motion offered by Councilwoman Gilmore, duly seconded by Councilman Flynn, that Council Bill 18-0975 be ordered published on first reading. The motion carried with the following vote:

Ordered published on first reading

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

Nay: (None) (0)

Absent: Herndon (1)

PRE-ADJOURNMENT ANNOUNCEMENT

Council President Clark announced that on Monday, October 22, 2018, Council will hold a required public hearing on Council Bill 18-1072, designating the Vassar School Bungalows Historic District as a district for preservation. And, on Tuesday, November 13, 2018, Council will hold a required public hearing on Council Bill 18-0996, changing the zoning classification of 3740-3850 York Street in the Clayton neighborhood; a required public hearing on Council Bill 18-1006, changing the zoning classification of 1901 Wazee Street in Union Station; and, a required public hearing on Council Bill 18-1013, changing the zoning classification for 2929 W. 10th Ave. in Sun Valley. Any protests against Council Bill 18-0996, 18-1006 or 18-1013 must be filed with the Council Offices no later than Monday, November 5.

ADJOURN

There being no further business before the City Council, Council President Clark adjourned the meeting at 9:02 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