

City Council Minutes

Meeting Date: Tuesday, February 19, 2019 5:30 PM

PLEDGE OF ALLEGIANCE

Council member Kniech led the Pledge of Allegiance.

ROLL CALL

Present: Black, Brooks, Clark, Espinoza, Gilmore, Kashmann, Kniech, López, New, Ortega (10)

Absent: Flynn, Herndon, Susman (3)

APPROVAL OF THE MINUTES

[19-0144](#) Minutes of Monday, February 11, 2019

Council Minutes 19-0144 were approved

Approved

The minutes of meeting date Monday, February 11, 2019 were distributed to members of Council. Council President Clark ordered the minutes approved.

COUNCIL ANNOUNCEMENTS

Council members Black, Ortega, Kashmann, Brooks, Lopez and Espinoza offered announcements.

PRESENTATIONS

COMMUNICATIONS

PROCLAMATIONS

[19-0146](#) A proclamation honoring the service of Retired Division Chiefs Casey Simpson and Armedia Gordon.

A motion offered by Councilman Brooks, duly seconded by Councilwoman Black, that Council Proclamation 19-0146 be adopted. The motion carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Kashmann, Kniech, López, New, Ortega (10)

Nay: (None) (0)

Absent: Flynn, Herndon, Susman (3)

Block Vote

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

Approved the consent agenda

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Kashmann, Kniech, López, New, Ortega (10)

Nay: (None) (0)

Absent: Flynn, Herndon, Susman (3)

RESOLUTIONS

Business, Arts, Workforce, & Aviation Services Committee

19-0091 A resolution approving a proposed Agreement between the City and County of Denver and OUTFRONT Media, LLC concerning advertising on the welcome sign at Denver International Airport.

Approves a revenue contract with OUTFRONT Media, LLC for \$150,000 annually or 67% of gross advertising sales, whichever is greater, and for five years to develop an appropriate sales market and model to maximize revenue generated by advertising on the welcome sign at Denver International Airport (201738496). The last regularly scheduled Council meeting within the 30-day review period is on 3-11-19. The Committee approved filing this item at its meeting on 2-6-19.

A motion offered by Councilwoman Kniech, duly seconded by Councilwoman Gilmore, that Council Resolution 19-0091 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Kashmann, Kniech, López, New, Ortega (10)

Nay: (None) (0)

Absent: Flynn, Herndon, Susman (3)

Finance & Governance Committee

19-0076 A resolution approving a proposed Amendatory Agreement by and between the City and County of Denver and VertiQ Software, LLC to amend the Agreement to add security and protection terms for protected health information.

Amends a contract with VertiQ Software, LLC by adding security and protection terms pertaining to the Health Insurance Portability and Accountability Act (HIPAA). No change to contract amount or duration (TECHS-201737523). The last regularly scheduled Council meeting within the 30-day review period is on 3-11-19. The Committee approved filing this item at its meeting on 2-5-19.

A motion offered by Councilwoman Kniech, duly seconded by Councilwoman Gilmore, that Council Resolution 19-0076 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Kashmann, Kniech, López, New, Ortega (10)

Nay: (None) (0)

Absent: Flynn, Herndon, Susman (3)

19-0088 A resolution approving a proposed First Amendment to Agreement for Services between the City and County of Denver and UnifyHR, LLC to produce and provide required annual medical plan tax documents for city employees to comply with reporting individual medical plan enrollment requirements set forth in the Affordable Care Act.

Amends a contract with UnifyHR LLC by adding \$270,000 for a new total of \$570,000 and two years for a new end date of 12-31-20 to produce and provide required annual medical plan tax documents for city employees to comply with reporting individual medical plan enrollment requirements set forth in the Affordable Care Act (201523351). The last regularly scheduled Council meeting within the 30-day review period is on 3-11-19. The Committee approved filing this item at its meeting on 2-5-19.

A motion offered by Councilwoman Kniech, duly seconded by Councilwoman Gilmore, that Council Resolution 19-0088 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Kashmann, Kniech, López, New, Ortega (10)

Nay: (None) (0)

Absent: Flynn, Herndon, Susman (3)

19-0093 A resolution approving a proposed Third Amendment to Lease and Agreement between the City and County of Denver and Safeway Inc. for a property located at 3698 West 44th Avenue, Denver, Colorado, to extend the lease for Denver Motor Vehicle Division.

Amends a lease agreement with Safeway Inc. by adding \$600,222.72 for a new total of \$2,125,155.47 and five years for a new end date of 12-31-23 for a department of motor vehicle branch location at 3698 West 44th Avenue in Council District 1 (FINAN-CE45018-03). The last regularly scheduled Council meeting within the 30-day review period is on 3-11-19. The Committee approved filing this item at its meeting on 2-5-19.

A motion offered by Councilwoman Kniech, duly seconded by Councilwoman Gilmore, that Council Resolution 19-0093 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Kashmann, Kniech, López, New, Ortega (10)

Nay: (None) (0)

Absent: Flynn, Herndon, Susman (3)

Land Use, Transportation & Infrastructure Committee

[19-0089](#) A resolution laying out, opening and establishing as part of the City street system a parcel of land as a public alley bounded by West 21st Avenue, North Eliot Street, West 22nd Avenue and North Decatur Street.

Dedicates a parcel of land as public right of way as public alley, located in the alley bounded by West 21st Avenue, North Eliot Street, West 22nd Avenue and North Decatur Street in Council District 1. The Committee approved filing this item at its meeting on 2-5-19.

A motion offered by Councilwoman Kniech, duly seconded by Councilwoman Gilmore, that Council Resolution 19-0089 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Kashmann, Kniech, López, New, Ortega (10)

Nay: (None) (0)

Absent: Flynn, Herndon, Susman (3)

Safety, Housing, Education & Homelessness Committee

[19-0075](#) 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 Justice concerning the "Denver Police Crime Laboratory's Multidisciplinary Analysis of Evidence to Increase Laboratory Efficiency and Capacity Enhancement" program and the funding therefor.

Approves a grant agreement with the Department of Justice for \$940,574 and for three years to fund the Forensic DNA Laboratory Efficiency Improvement and Capacity Enhancement program for the Denver Police Department, citywide (POLIC-201947405-00). The last regularly scheduled Council meeting within the 30-day review period is on 3-11-19. The Committee approved filing this item at its meeting on 2-6-19.

A motion offered by Councilwoman Kniech, duly seconded by Councilwoman Gilmore, that Council Resolution 19-0075 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Kashmann, Kniech, López, New, Ortega (10)

Nay: (None) (0)

Absent: Flynn, Herndon, Susman (3)

19-0078 A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Sheridan Station Apartments LLC to provide funds for the development of an affordable housing project.

Amends a loan agreement with Mile High Development, doing business as Sheridan Station Apartments LLC, by clarifying the definition of cash flow in the contract exhibit, to support the construction of 133 units of income-restricted housing at a wide range of income levels, including residents earning below 30% AMI and up to 60% AMI, in a transit-oriented development located at 1079 Ames Street adjacent to the Sheridan light rail station in Council District 3. No change to contract amount or duration (OEDEV-201840082-01). The last regularly scheduled Council meeting within the 30-day review period is on 3-11-19. The Committee approved filing this item at its meeting on 2-6-19.

A motion offered by Councilwoman Kniech, duly seconded by Councilwoman Gilmore, that Council Resolution 19-0078 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Kashmann, Kniech, López, New, Ortega (10)

Nay: (None) (0)

Absent: Flynn, Herndon, Susman (3)

BILLS FOR INTRODUCTION

Finance & Governance Committee

19-0080 A bill for an ordinance establishing a new fund in the Capital Improvements and Capital Maintenance Fund Series for the "Strategic Shelter Facilities" program.

Establishes the Strategic Shelter Facilities Capital Fund in the Capital Improvement Fund as a follow-up administrative financial action to support the \$3.35M appropriated for citywide Strategic Shelter Facilities projects as part of the 2019 budget. The Committee approved filing this item at its meeting on 2-5-19.

Council Bill 19-0080 was ordered published on first reading

Ordered published on first reading

19-0085 A bill for an ordinance amending Ordinance No. 309 in the Series of 2007 to change the cost center and expending authority associated with the Denver Preschool Program Fund.

Modifies the Denver Preschool Program Special Revenue Fund by moving the cost center from the Department of Finance to the Office of Children's Affairs and changing the expending authority from the Chief Financial Officer to the Executive Director of the Office of Children's Affairs. The Committee approved filing this item at its meeting on 2-5-19.

Council Bill 19-0085 was ordered published on first reading

Ordered published on first reading

[19-0087](#) A bill for an ordinance rescinding Ordinance No. 280, Series of 2014, concerning the Developmental Disabilities Fund, thereby establishing the fund's budget basis as appropriated, and making the fund non-lapsing.

Modifies the Developmental Disabilities Fund by making it an appropriating, non-lapsing fund. The Committee approved filing this item at its meeting on 2-5-19.

Council Bill 19-0087 was ordered published on first reading

Ordered published on first reading

Land Use, Transportation & Infrastructure Committee

[19-0079](#) A bill for an ordinance changing the zoning classification for 901 Irving Street in Villa Park.

Approves an official map amendment to rezone property from E-SU-D to E-SU-D1 (allows accessory dwelling unit), located at 901 Irving Street in Council District 3. If ordered published, a public hearing will be held on Monday, 3-18-19. The Committee approved filing this item at its meeting on 2-5-19.

Final Consideration

Required Public Hearing

Council Bill 19-0079 was ordered published with a future required public hearing on 3-18-19.

Ordered published with a future required public hearing

[19-0086](#) A bill for an ordinance approving the purchase of capital equipment from the General Fund appropriation for the Solid Waste Division of Public Works.

Approves a one-time capital equipment expenditure for \$110,000 to procure one above ground truck scale to ensure compliance with state solid waste regulations and requirements in support of solid waste operations, citywide. The last regularly scheduled Council meeting within the 30-day review period is on 3-11-19. The Committee approved filing this item at its meeting on 2-5-19.

Council Bill 19-0086 was ordered published on first reading

Ordered published on first reading

Safety, Housing, Education & Homelessness Committee

19-0077 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Denver Urban Renewal Authority to administer a Single-Family Rehabilitation Program for income-qualified Denver homeowners.

Approves an intergovernmental agreement with the Denver Urban Renewal Authority for \$850,000 and through 5-31-20 to administer the 2019 Single Family Rehabilitation Program to help preserve existing housing stock and stabilize occupants who are at or below 80% Area Median Income, citywide (OEDEV-201946950-00). The last regularly scheduled Council meeting within the 30-day review period is on 3-11-19. The Committee approved filing this item at its meeting on 2-6-19.

Council Bill 19-0077 was ordered published on first reading

Ordered published on first reading

BILLS FOR FINAL CONSIDERATION

Finance & Governance Committee

19-0064 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 creating new classifications of City Planner Staff at paygrade E-810, Airport Planner Staff at paygrade E-811, Airport Planner Associate at paygrade E-813, Airport Planner Senior at paygrade E-815, Airport Planner Principal at paygrade E-817, Manager Airport Planning at paygrade E-819, Manager City Planning at paygrade E-819, and Director City Planning at paygrade E-821, and changes the title of six associated planner classifications and the pay grade of ten associated planner classifications. The Committee approved filing this bill by consent on 1-29-19.

A motion offered by Councilwoman Kniech, duly seconded by Councilwoman Gilmore, that Council Bill 19-0064 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, Kashmann, Kniech, López, New, Ortega (10)

Nay: (None) (0)

Absent: Flynn, Herndon, Susman (3)

Land Use, Transportation & Infrastructure Committee

19-0065 A bill for an ordinance relinquishing a portion of the easement established in the Easement Agreement recorded with Denver Clerk & Recorder at Reception No. 2006027027, located near the intersection of East 45th Avenue and Tower Road.

Relinquishes a portion of the easement established in the Easement Agreement document with Recordation No. 200627027, located at East 45th Avenue and Tower Road in Council District 11. The last regularly scheduled Council meeting within the 30-day review period is on 3-4-19. The Committee approved filing this item at its meeting on 1-29-19.

A motion offered by Councilwoman Kniech, duly seconded by Councilwoman Gilmore, that Council Bill 19-0065 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, Kashmann, Kniech, López, New, Ortega (10)
- Nay: (None) (0)
- Absent: Flynn, Herndon, Susman (3)

Safety, Housing, Education & Homelessness Committee

19-0029 A bill for an ordinance clarifying and amending the authority of the Office of the Independent Monitor.

An ordinance clarifying and amending the authority of the Office of the Independent Monitor and expanding the appointment process for the Citizen Oversight Board to include City Council appointments. The Committee approved filing this item at its meeting on 1-30-19.

A motion offered by Councilwoman Kniech, duly seconded by Councilman Kashmann, that Council Bill 19-0029 be placed upon final consideration and do pass, was followed by a motion offered by Councilwoman Kniech, duly seconded by Councilwoman Gilmore, that Council Bill 19-0029 be amended. The motion carried by the following vote:

Amended

- Aye: Black, Clark, Espinoza, Gilmore, Kashmann, Kniech, López, New, Ortega (9)
- Nay: (None) (0)
- Absent: Brooks, Flynn, Herndon, Susman (4)

A motion offered by Councilwoman Kniech, duly seconded by Councilman Kashmann, that Council Bill 19-0029 be placed upon final consideration and do pass as amended. The motion carried by the following vote:

Placed upon final consideration and do pass as amended

- Aye: Black, Brooks, Clark, Espinoza, Gilmore, Kashmann, Kniech, López, New, Ortega (10)
- Nay: (None) (0)
- Absent: Flynn, Herndon, Susman (3)

RECAP OF BILLS TO BE CALLED OUT

PRE-RECESS ANNOUNCEMENT

Council President Clark announced that tonight there will be a required public hearing on Council Bill 19-0024, repealing the sunset date of the cannabis consumption pilot program. 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

PUBLIC HEARINGS - BILLS ON INTRODUCTION

Special Issues: Marijuana

19-0024 A bill for an ordinance repealing the sunset date of the cannabis consumption pilot program.

The Committee approved filing this item at its meeting on 1-28-19.

A motion offered by Councilwoman Gilmore, duly seconded by Councilman Kashmann, that Council Bill 19-0024 be ordered published. The motion carried by the following vote:

Ordered published on first reading

Council sat as a Committee of the Whole, commencing at 6:39 p.m., Council President Clark presiding, to hear speakers on Council Bil 19-0024. John McCaskill, Michael Pulansky, Cindy Sovine, Aubrey Lavizzo and Logan Goolsby signed up to speak in favor of the bill. Chairman Seku, Jesse Parris and Mary Anna Thompson signed up to speak in opposition of the bill. Council member Black delivered the staff report.

Aye: Black, Brooks, Clark, Espinoza, Gilmore, Kashmann, Kniech, López, New (9)

Nay: (None) (0)

Absent: Flynn, Herndon, Ortega, Susman (4)

PRE-ADJOURNMENT ANNOUNCEMENT

Council President Clark announced that on Monday, March 18, 2019, Council will hold a required public hearing on Council Bill 19-0079, changing the zoning classification for 901 Irving Street in Villa Park. Any protests against Council Bill 19-0079 must be filed with the Council Offices no later than noon on Monday, March 11, 2019.

ADJOURN

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