

# City Council Minutes

Meeting Date: Monday, March 4, 2019 5:30 PM

## PLEDGE OF ALLEGIANCE

Council member Ortega 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

[19-0191](#) Minutes of Monday, February 25, 2019

Council Approved Minutes 19-0191 was approved

## Approved

The minutes of Monday, February 25, 2019 were distributed to Council. Council President Clark ordered the minutes approved.

## COUNCIL ANNOUNCEMENTS

Council members Kashmann and Lopez offered announcements.

## PRESENTATIONS

## COMMUNICATIONS

## PROCLAMATIONS

[19-0207](#) A proclamation recognizing International Women's Day.

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that Council Proclamation 19-0207 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)

## Block Vote

A motion offered by Councilwoman Ortega, 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)

## RESOLUTIONS

### Finance & Governance Committee

**19-0123 A resolution approving the Mayor’s reappointments to the Denver Office of Strategic Partnerships Commission.**

Approves the Mayoral reappointments of Tracey Stewart and Stacie Gilmore to the Denver Office of Strategic Partnerships Commission for terms effective immediately and expiring 4-20-20, or until a successor is duly appointed. The Commission approved filing this resolution by consent on 2-19-19.

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that Council Resolution 19-0123 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)

**19-0129 A resolution approving the Mayor’s reappointment and correcting the term of the Mayor’s appointment to the Denver Convention Center Hotel Authority Board of Directors.**

Approves the Mayoral reappointment of Nick LeMasters to the Denver Convention Center Hotel Authority Board of Directors for a term effective immediately and expiring 12-31-21, or until a successor is duly appointed, and corrects the term of the Mayoral appointment of Amy Diaz to the Denver Convention Center Hotel Authority Board of Directors with a term expiring 12-21-2020, or until a successor is duly appointed. The Committee approved filing this resolution by consent on 2-19-19.

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that Council Resolution 19-0129 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

**19-0057 A resolution approving a proposed Contract between the City and County of Denver and Sturgeon Electric Company, Inc. to provide services for the replacement of existing traffic signal equipment at Josephine/York and 7th Avenue.**

Approves a contract with Sturgeon Electric Company Inc. for \$1,056,887 and for eight months to remove and replace existing traffic signal equipment, curb ramps, sidewalk and curb and gutter, located at the intersections of York Street and 7th Avenue and Josephine Street and 7th Avenue in Council District 10 (201845552). The last regularly scheduled Council meeting within the 30-day review period is on 3-26-19. The Committee approved filing this item at its meeting on 1-29-19.

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that Council Resolution 19-0057 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)

**19-0110 A resolution approving a Contract between the City and County of Denver and ABCO Contracting, Inc. for bridge and structural construction services, citywide.**

Approves an on-call contract with Abco Contracting Inc. for \$3,000,000 and for three years for bridge and structural construction services, citywide (201947269). The last regularly scheduled Council meeting within the 30-day review period is on 3-26-19. The Committee approved filing this item at its meeting on 2-12-19.

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that Council Resolution 19-0110 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)

**19-0111 A resolution approving a Contract between the City and County of Denver and Hallmark, Inc. for bridge and structural construction services, citywide.**

Approves an on-call contract with Hallmark Inc. for \$3,000,000 and for three years for bridge and structural construction services, citywide (201947369). The last regularly scheduled Council meeting within the 30-day review period is on 3-26-19. The Committee approved filing this item at its meeting on 2-12-19.

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that Council Resolution 19-0111 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)

**19-0114 A resolution approving a Contract between the City and County of Denver and Structures, Inc. for bridge and structural construction services, citywide.**

Approves an on-call contract with Structures Inc. for \$3,000,000 and for three years for bridge and structural construction services, citywide (201947370). The last regularly scheduled Council meeting within the 30-day review period is on 3-26-19. The Committee approved filing this item at its meeting on 2-12-19.

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that Council Resolution 19-0114 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)

**19-0124 A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Root Tree Service, LLC, to update the rates, extend the term and increase the maximum contract amount for tree maintenance.**

Amends an on-call contract with Root Tree Service LLC by adding \$500,000 for a new total of \$1,500,000 and one year for a new end date of 6-1-20 for tree maintenance, including tree management and pruning, tree removal, stump removal and other services on public and private property, citywide (201735111). The last regularly scheduled Council meeting within the 30-day review period is on 3-26-19. The Committee approved filing this item at its meeting on 2-19-19.

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that Council Resolution 19-0124 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)

**19-0125 A resolution approving a proposed Amendatory Agreement between the City and County of Denver and ACME Tree Service, Inc. to update the rates, extend the term and increase the maximum contract amount for tree maintenance.**

Amends an on-call contract with Acme Tree Service Inc. by adding \$500,000 for a new total of \$1,500,000 and one year for a new end date of 6-1-20 for tree maintenance, including tree management and pruning, tree removal, stump removal and other services on public and private property, citywide (201735119). The last regularly scheduled Council meeting within the 30-day review period is on 3-26-19. The Committee approved filing this item at its meeting on 2-19-19.

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that Council Resolution 19-0125 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)

**19-0134 A resolution approving and providing for the execution of a proposed Grant Agreement between the City and County of Denver and State of Colorado Department of Transportation concerning the “Federal Highway Safety Improvement Program (HSIP) Package 4” and the funding therefor.**

Approves a grant agreement with the Colorado Department of Transportation for \$2,000,000 and for ten years as part of the Federal Highway Safety Improvement Program (HSIP) Package IV to fund the construction of four new traffic signals located at the intersections of Park Avenue West and the Interstate 25/ Interstate 70 On-Ramp, Mississippi Avenue and Platte River Drive, Mississippi Avenue and Santa Fe Drive, and Colfax Avenue and Downing Street in Council Districts 7, 9 and 10 (201947876). The last regularly scheduled Council meeting within the 30-day review period is on 3-26-19. The Committee approved filing this item at its meeting on 2-19-19.

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that Council Resolution 19-0134 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)

**19-0135 A resolution approving and providing for the execution of a proposed Grant Agreement between the City and County of Denver and State of Colorado Department of Transportation concerning the “Federal Highway Safety Improvement Program (HSIP) Package 5” and the funding therefor.**

Approves a grant agreement with the Colorado Department of Transportation for \$1,200,000 and for ten years as part of the Federal Highway Safety Improvement Program (HSIP) Package V to fund the construction of three new traffic signals located at the intersections of Colfax Avenue and Broadway, Colfax Avenue and Lincoln Street and Colfax Avenue and Grant Street in Council District 10 (201947881). The last regularly scheduled Council meeting within the 30-day review period is on 3-26-19. The Committee approved filing this item at its meeting on 2-12-19.

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that Council Resolution 19-0135 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**

**18-1356 A resolution approving a proposed Loan Agreement between the City and County of Denver and RAHF IV Juanita Nolasco, LLC to support the preservation and rehabilitation of 188 units of existing income-restricted senior housing located at 4550 West 9th Avenue.**

Approves a loan agreement with RAHF IV Juanita Nolasco LLC for \$2,600,000 and for forty years to support the preservation and rehabilitation of 188 existing units of income-restricted housing for low and very low-income senior residents in a fully leased building at 4550 West 9th Avenue in Council District 3 (OEDEV-201842291-00). The last regularly scheduled Council meeting within the 30-day review period is on 3-26-19. The Committee approved filing this item at its meeting on 11-21-18.

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that Council Resolution 18-1356 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)

**19-0205 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the total sum of Thirty Thousand Dollars (\$30,000.00) to the individually named Plaintiffs, Raymond Lyall, Garry Anderson, Thomas Peterson, Frederick Jackson, Brian Cooks, and William Pepper, issued in six separate drafts in the amount of Five Thousand Dollars (\$5,000.00), made payable to the Killmer, Lane & Newman, LLP COLTAF Account to resolve their individual damage claims in Case No. 16-cv-2155-WJM-CBS in the United States District Court for the District of Colorado.**

Settles Plaintiffs' individual damage claims against the City and County of Denver. This resolution was approved for filing at the Mayor Council meeting on 2-26-19.

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that Council Resolution 19-0205 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**

**Finance & Governance Committee**

**19-0163 A bill for an ordinance adding a new Division 3.75 of Article IV, Minimum Wage Protections for Workers Associated with City Contracts.**

Amends the Denver Revised Municipal Code to add a new Division 3.75 of Article IV requiring minimum wage protections for workers associated with city contracts. The Committee approved filing this item at its meeting on 2-26-19.

Council Bill 19-0163 was ordered published on first reading

**Ordered published on first reading**

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

### **[18-1543](#) A bill for an ordinance changing the zoning classification for 3700-3746 Gaylord Street and 3701-3749 York Street in Cole.**

Approves an official map amendment to rezone property from U-RH-2.5 to U-RX-3 and U-RX-5 (urban, row-house to urban, mixed-use), located at 3701-3749 York Street and 3700-3746 Gaylord Street in Council District 9. The Committee approved filing this item at its meeting on 1-29-19.

#### **Final Consideration**

#### **Required Public Hearing**

Council Bill 18-1543 was ordered published with a future required public hearing on 4-1-19.

#### **Ordered published with a future required public hearing**

### **[19-0122](#) A bill for an ordinance amending Article II of Chapter 57 (Vegetation) of the Revised Municipal Code.**

Amends Chapter 57 of the Denver Revised Municipal Code (DRMC) to increase the time allotted to 30 days for first payment of ordered tree work and to correct an inaccurate code reference. The Committee approved filing this item at its meeting on 2-19-19.

Council Bill 19-0122 was ordered published on first reading

#### **Ordered published on first reading**

### **[19-0128](#) A bill for an ordinance changing the zoning classification for 999 Jasmine Street in Montclair.**

Approves an official map amendment to rezone property from PUD#223 to E-MX-3A (planned development to urban edge, mixed-use), located at 999 Jasmine Street in Council District 5. The Committee approved filing this item at its meeting on 2-19-19.

#### **Final Consideration**

#### **Required Public Hearing**

Council Bill 19-0128 was ordered published with a future required public hearing on 4-1-19.

#### **Ordered published with a future required public hearing**

## **BILLS FOR FINAL CONSIDERATION**

### **Finance & Governance Committee**

**19-0081 A bill for an ordinance establishing a new fund in the Public Health Special Revenue Fund Series for the “Caring for Denver” Fund and appropriating budget for the fund in 2019.**

Establishes the Caring for Denver Special Revenue Fund and appropriates \$37,014,414 to the fund for fiscal year 2019 as part of a voter-approved ballot measure, for a variety of mental health services and treatment for children and adults, citywide. The Committee approved filing this item at its meeting on 2-12-19.

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that Council Bill 19-0081 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)

**19-0082 A bill for an ordinance establishing a new fund in the Public Health Special Revenue Fund Series for the “Healthy Food for Denver’s Kids” Fund and appropriating budget for the fund in 2019.**

Establishes the Healthy Food for Denver’s Kids Special Revenue Fund and appropriates \$11,844,613 to the fund for fiscal year 2019 as part of a voter-approved ballot measure, for food and food-based education to primarily low-income and at-risk youth, citywide. The Committee approved filing this item at its meeting on 2-12-19.

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that Council Bill 19-0082 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)

**19-0083 A bill for an ordinance establishing a new fund in the Culture and Recreation Special Revenue Fund Series for the “Parks, Trails, and Open Space” Fund and appropriating budget for the fund in 2019.**

Establishes the Parks, Trails, and Open Space Special Revenue Fund and appropriates \$37,014,414 to fund for fiscal year 2019 as part of a voter-approved ballot measure, for acquiring additional land for parks, open spaces, and trails, citywide. The Committee approved filing this item at its meeting on 2-12-19.

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that Council Bill 19-0083 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)



**19-0084 A bill for an ordinance establishing a new fund in the General Government Special Revenue Fund Series for the "College Affordability" Fund and appropriating budget for the fund in 2019.**

Establishes the College Affordability Special Revenue Fund and appropriates \$11,844,613 to the fund for fiscal year 2019 as part of a voter-approved ballot measure, for programs that increase college enrollment and degree completion by Denver residents who are earning a degree from a public or not-for-profit college, university, community college, or technical school in Colorado. The Committee approved filing this item at its meeting on 2-12-19.

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that Council Bill 19-0084 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)

**19-0103 A bill for an ordinance establishing a new fund in the General Government Special Revenue Fund for "State Grants".**

Establishes the State Grants Special Revenue Fund in the General Government Special Revenue Fund series to accept funding from state grants. The Committee approved filing this item at its meeting on 2-12-19.

A motion offered by Councilwoman Ortega, duly seconded by Councilman Flynn, that Council Bill 19-0103 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)

**19-0120 A bill for an ordinance amending Section 18-81, D.R.M.C., setting the salaries of elected officers for terms beginning July 15, 2019.**

A bill for an ordinance amending Section 18-81, D.R.M.C., setting the salaries of elected officers for terms beginning July 15, 2019. The Committee approved filing this item at its meeting on 2-12-19.

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Gilmore, that Council Bill 19-0120 be placed upon final consideration and do pass. The motion carried by the following vote:

**Placed upon final consideration and do pass**

Aye: Brooks, Clark, Gilmore, Herndon, Kashmann, Kniech, López, Ortega, Susman (9)

Nay: Black, Espinoza, Flynn, New (4)

**PRE-RECESS ANNOUNCEMENT**

Council President Clark announced that tonight there will be a required public hearing on Council Bill 18-1538, changing the zoning classification for 1080 and 1090 King Street in Villa Park. 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 FOR FINAL CONSIDERATION**

**Land Use, Transportation & Infrastructure Committee**

**18-1538 A bill for an ordinance changing the zoning classification for 1080 and 1090 King Street in Villa Park.**

Approves an official map amendment to rezone property from E-SU-D1x to E-RH-2.5 (urban edge, single unit, to urban edge, row house), located at 1080 and 1090 King Street in Council District 3. The Committee approved filing this item at its meeting on 1-8-19.

A motion offered by Councilwoman Ortega, duly seconded by Councilman Herndon, that Council Bill 18-1538 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 6:24 p.m., Council President Clark presiding, to hear speakers on Council Bill 18-1538. Bruce O'Donnell and Paul Malone signed up to speak in favor of the bill. Jesse Parris and Chairman Seku signed up to speak in opposition of the bill. Kyle Dalton of Community Planning and Development delivered the staff report.

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

Nay: (None) (0)

**PRE-ADJOURNMENT ANNOUNCEMENT**

Dependent upon publication, on April 1, 2019, Council will hold a required public hearing on Council Bill 18-1543, changing the zoning classification for 3700-3746 Gaylord Street and 3701-3749 York Street in Cole; and, a required public hearing on Council Bill 19-0128, changing the zoning classification for 999 Jasmine Street in Montclair. Any protests against Council Bill 18-1543 or Council Bill 19-0128 must be filed with the Council Offices no later than noon on Tuesday, March 26, 2019.

**ADJOURN**

There being no further business before the City Council, Council President Clark adjourned the meeting at 7:18 p.m.

FOR 3-11-19:

FOR 3-18-19:

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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