

City Council Minutes

Meeting Date: Monday, March 18, 2019 5:30 PM

PLEDGE OF ALLEGIANCE

Council member Brooks led the Pledge of Allegiance.

ROLL CALL

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

Absent: Espinoza (1)

APPROVAL OF THE MINUTES

[19-0256](#) Minutes of Monday, March 18, 2019

Council Minutes 19-0256 were approved.

Approved

The minutes of Monday, March 18, 2019 were distributed to members of Council. Council President Clark ordered the minutes approved.

COUNCIL ANNOUNCEMENTS

Council member Ortega offered announcements.

PRESENTATIONS

COMMUNICATIONS

[19-0262](#) A letter dated March 18, 2019 from Brendan J. Hanlon, Manager of Finance, notifying City Council of the Department of Finance's intent to issue City and County of Denver General Obligation Bonds, Series 2019A-B in a par amount not to exceed \$139 million.

Council Communication 19-0262 was filed

Filed

PROCLAMATIONS

[19-0231](#) A proclamation recognizing the extraordinary career and retirement of Sam Mamet.

A motion offered by Councilwoman Black, duly seconded by Councilwoman Gilmore, that Council Proclamation 19-0231 be adopted. The motion carried by the following vote:

Adopted

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

Nay: (None) (0)

Absent: Espinoza (1)

Block Vote

A motion offered by Councilman Brooks, 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, Flynn, Gilmore, Herndon, Kashmann,
Kniech, López, New, Ortega, Susman (12)

Nay: (None) (0)
Absent: Espinoza (1)

RESOLUTIONS

Finance & Governance Committee

[19-0172](#) A resolution approving a proposed on-call Agreement between the City and County of Denver and Littler Mendelson, P.C. for professional legal services for conflicts counsel cases and overflow matters for the City Attorney's Office, citywide.

Approves an on-call contract with Littler Mendelson, P.C. for \$1,000,000 and for five years for professional legal services for conflicts counsel cases and overflow matters for the City Attorney's Office, citywide (TBD). The last regularly scheduled Council meeting within the 30-day review period is on 4-8-19. The Committee approved filing this item at its meeting on 3-5-19.

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that Council Resolution 19-0172 be adopted en bloc, carried by the following vote:

Adopted

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

[19-0173](#) A resolution approving a proposed on-call Agreement between the City and County of Denver and Wells, Anderson & Race, LLC for professional legal services for conflicts counsel cases and overflow matters for the City Attorney's Office, citywide.

Approves an on-call contract with Wells, Anderson & Race LLC for \$1,000,000 and for five years for professional legal services for conflicts counsel cases and overflow matters for the City Attorney's Office, citywide (TBD). The last regularly scheduled Council meeting within the 30-day review period is on 4-8-19. The Committee approved filing this item at its meeting on 3-5-19.

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that Council Resolution 19-0173 be adopted en bloc, carried by the following vote:

Adopted

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

19-0174 A resolution approving a proposed on-call Agreement between the City and County of Denver and Senter Goldfarb & Rice, LLC for professional legal services for conflicts counsel cases and overflow matters for the City Attorney's Office, citywide.

Approves an on-call contract with Senter, Goldfarb & Rice, LLC for \$1,000,000 and for five years for professional legal services for conflicts counsel cases and overflow matters for the City Attorney's Office, citywide (TBD). The last regularly scheduled Council meeting within the 30-day review period is on 4-8-19. The Committee approved filing this item at its meeting on 3-5-19.

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that Council Resolution 19-0174 be adopted en bloc, carried by the following vote:

Adopted

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

19-0175 A resolution approving a proposed on-call Agreement between the City and County of Denver and Miletich PC for professional legal services for conflicts counsel cases and overflow matters for the City Attorney's Office, citywide.

Approves an on-call contract with Miletich PC for \$1,000,000 and for five years for professional legal services for conflicts counsel cases and overflow matters for the City Attorney's Office, citywide (TBD). The last regularly scheduled Council meeting within the 30-day review period is on 4-8-19. The Committee approved filing this item at its meeting on 3-5-19.

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that Council Resolution 19-0175 be adopted en bloc, carried by the following vote:

Adopted

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

19-0176 A resolution approving a proposed on-call Agreement between the City and County of Denver and Lasater & Martin, P.C. for professional legal services for conflicts counsel cases and overflow matters for the City Attorney's Office, citywide.

Approves an on-call contract with Lasater & Martin, P.C. for \$1,000,000 and for five years for professional legal services for conflicts counsel cases and overflow matters for the City Attorney's Office, citywide (TBD). The last regularly scheduled Council meeting within the 30-day review period is on 4-8-19. The Committee approved filing this item at its meeting on 3-5-19.

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that Council Resolution 19-0176 be adopted en bloc, carried by the following vote:

Adopted

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

Absent: Espinoza (1)

19-0177 A resolution approving a proposed on-call Agreement between the City and County of Denver and Kresl & Singer, P.C. for professional legal services for conflicts counsel cases and overflow matters for the City Attorney's Office, citywide.

Approves an on-call contract with Kresl & Singer, P.C. for \$750,000 and for five years for professional legal services for conflicts counsel cases and overflow matters for the City Attorney's Office, citywide (TBD). The last regularly scheduled Council meeting within the 30-day review period is on 4-8-19. The Committee approved filing this item at its meeting on 3-5-19.

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that Council Resolution 19-0177 be adopted en bloc, carried by the following vote:

Adopted

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

Nay: (None) (0)

Absent: Espinoza (1)

19-0178 A resolution approving a proposed on-call Agreement between the City and County of Denver and Hall & Evans, L.L.C. for professional legal services for conflicts counsel cases and overflow matters for the City Attorney's Office, citywide.

Approves an on-call contract with Hall & Evans, LLC for \$1,000,000 and for five years for professional legal services for conflicts counsel cases and overflow matters for the City Attorney's Office, citywide (TBD). The last regularly scheduled Council meeting within the 30-day review period is on 4-8-19. The Committee approved filing this item at its meeting on 3-5-19.

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that Council Resolution 19-0178 be adopted en bloc, carried by the following vote:

Adopted

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

Nay: (None) (0)

Absent: Espinoza (1)

19-0179 A resolution approving a proposed on-call Agreement between the City and County of Denver and Gordon L. Vaughan, P.C. for professional legal services for conflicts counsel cases and overflow matters for the City Attorney's Office, citywide.

Approves an on-call contract with Gordon L. Vaughan, P.C. doing business as Vaughan & DeMuro, for \$1,000,000 and for five years for professional legal services for conflicts counsel cases and overflow matters for the City Attorney's Office, citywide (TBD). The last regularly scheduled Council meeting within the 30-day review period is on 4-8-19. The Committee approved filing this item at its meeting on 3-5-19.

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that Council Resolution 19-0179 be adopted en bloc, carried by the following vote:

Adopted

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

19-0180 A resolution approving a proposed on-call Agreement between the City and County of Denver and Berg Hill Greenleaf & Ruscitti LLP for professional legal services for conflicts counsel cases and overflow matters for the City Attorney’s Office, citywide.

Approves an on-call contract with Berg, Hill, Greenleaf & Ruscitti, LLP for \$1,000,000 and for five years for professional legal services for conflicts counsel cases and overflow matters for the City Attorney’s Office, citywide (TBD). The last regularly scheduled Council meeting within the 30-day review period is on 4-8-19. The Committee approved filing this item at its meeting on 3-5-19.

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that Council Resolution 19-0180 be adopted en bloc, carried by the following vote:

Adopted

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

19-0182 A resolution to set a public hearing on the approval of the First Amendment to the Amended and Restated Service Plan for Denver International Business Center Metropolitan District No. 1.

Sets a public hearing before City Council on 4-8-19 regarding the First Amendment to the Amended and Restated Service Plan for the Denver International Business Center Metropolitan District No. 1 in Council District 11. The Committee approved filing this item at its meeting on 3-5-19.

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that Council Resolution 19-0182 be adopted en bloc, carried by the following vote:

Adopted

A public hearing for this item will be held on 4-8-19.

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

[19-0196](#) A resolution approving a proposed Agreement between the City and County of Denver and Colorado Dental Service, Inc. dba Delta Dental Colorado to produce dental insurance to City employees and classified members of the police and fire departments.

Approves a contract with Colorado Dental Service, Inc., doing business as Delta Dental of Colorado, for \$64,000,000 and for four years to provide dental insurance to City employees and classified members of the police and fire departments (201846722). The last regularly scheduled Council meeting within the 30-day review period is on 4-8-19. The Committee approved filing this item at its meeting on 3-5-19.

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that Council Resolution 19-0196 be adopted en bloc, carried by the following vote:

Adopted

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

[19-0197](#) A resolution approving a proposed Agreement between the City and County of Denver and UnitedHealthcare Insurance Company to produce health insurance to City employees and classified members of the police department.

Approves a contract with UnitedHealthcare Insurance Company for \$78,000,000 and for one year to provide health insurance to City employees and classified members of the police department (201846722). The last regularly scheduled Council meeting within the 30-day review period is on 4-8-19. The Committee approved filing this item at its meeting on 3-5-19.

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that Council Resolution 19-0197 be adopted en bloc, carried by the following vote:

Adopted

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

Land Use, Transportation & Infrastructure Committee

[19-0066](#) **A resolution approving a proposed Contract and Agreement between the City and County of Denver and Spectrum General Contractors, Inc. for Phase 3 of the Sullivan Gateway rehabilitation project.**

Approves a contract with Spectrum General Contractors for \$1,907,325.44 and through 11-15-19 for construction renovation services as part of the Sullivan Gateway East project, including terracotta masonry restoration, repair and rehabilitation of fabricated terracotta panels and of art concrete sculptures at the top of terracotta columns, and other services, located at Colfax Avenue and Elizabeth Street in Council District 9 (201946720). The last regularly scheduled Council meeting within the 30-day review period is on 4-8-19. The Committee approved filing this item at its meeting on 1-29-19.

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that Council Resolution 19-0066 be adopted en bloc, carried by the following vote:

Adopted

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

Nay: (None) (0)

Absent: Espinoza (1)

[19-0126](#) **A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Swingle Lawn Tree Landscape Care for on-call tree maintenance services.**

Amends an on-call contract with Swingle Inc. by adding 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 (201735118). The last regularly scheduled Council meeting within the 30-day review period is on 4-8-19. The Committee approved filing this item at its meeting on 2-19-19.

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that Council Resolution 19-0126 be adopted en bloc, carried by the following vote:

Adopted

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

Nay: (None) (0)

Absent: Espinoza (1)

[19-0190](#) **A resolution granting a revocable permit to Revolution 360 Owner LLC, to encroach into the right-of-way at 3695 Wynkoop Street.**

Grants a revocable permit to Revolution 360 Owner LLC, their successors and assigns, to encroach into the right-of-way with a pedestrian connection bridge covering 237 square feet over two stories, located in the alley between 36th Street and 38th Street and between Wynkoop Street and Brighton Boulevard in Council District 9. The Committee approved filing this item at its meeting on 3-5-19.

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that Council Resolution 19-0190 be adopted en bloc, carried by the following vote:

Adopted

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

Nay: (None) (0)
Absent: Espinoza (1)

Safety, Housing, Education & Homelessness Committee

19-0188 A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Busco, Inc., to provide transportation services for the homeless.

Amends a contract with Busco, Inc. by adding \$1,400,000 for a new total amount of \$1,800,000 and one year for a new end date of 12-31-19 to provide transportation for people experiencing homelessness from designated Central Downtown Denver areas to various approved overflow shelter locations throughout the Denver Metro Area (SOCSV2018-44792-01). The last regularly scheduled Council meeting within the 30-day review period is on 4-8-19. The Committee approved filing this item at its meeting on 3-6-19.

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that Council Resolution 19-0188 be adopted en bloc, carried by the following vote:

Adopted

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

19-0189 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 Health and Human Services concerning the "Ryan White Part A FY19" program and the funding therefor.

Approves a grant agreement with the U.S. Department of Health and Human Services, Health Resources and Services Administration for \$7,748,995 and for one year to provide services to persons living with HIV/AIDS in the Denver Metropolitan Area (ENVHL - 201947755-00). The last regularly scheduled Council meeting within the 30-day review period is on 4-8-19. The Committee approved filing this item at its meeting on 3-6-19.

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that Council Resolution 19-0189 be adopted en bloc, carried by the following vote:

Adopted

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

BILLS FOR INTRODUCTION

Finance & Governance Committee

[19-0137](#) **A bill for an ordinance exempting feminine hygiene products from the collection of sales and use tax in the City and County of Denver.**

The Committee approved filing this item at its meeting on 3-5-19.

Council Bill 19-0137 was ordered published on first reading

Ordered published on first reading

Land Use, Transportation & Infrastructure Committee

[19-0183](#) **A bill for an ordinance changing the zoning classification for 2280 South Bannock Street in Overland.**

Approves an official map amendment to rezone property from U-TU-C to U-TU-B (increases minimum lot size to 5,500 sf), located at 2280 South Bannock Street in Council District 7. The Committee approved filing this item at its meeting on 3-5-19.

Final Consideration

Required Public Hearing

Council Bill 19-0183 was ordered published with a future required public hearing on 4-15-19.

Ordered published with a future required public hearing

[19-0187](#) **A bill for an ordinance changing the zoning classification for 3220 Shoshone Street in Highland.**

Approves an official map amendment to rezone property from U-RH-2.5 DO-4 to U-RX-3 (urban row-house to urban mixed use residential), located at 3220 Shoshone Street in Council District 1. The Committee approved filing this item at its meeting on 3-5-19.

Final Consideration

Required Public Hearing

Council Bill 19-0187 was ordered published with a future required public hearing on 4-15-19.

Ordered published with a future required public hearing

[19-0195](#) **A bill for an ordinance vacating a portion of the alley bounded by North Uno Court, West 13th Avenue and North Tennyson Street, with reservations.**

Vacates a portion of the alley along the west property line of 1243, 1247, and 1255 North Tennyson Street, with reservations, in Council District 1. The Committee approved filing this item at its meeting on 3-5-19.

Council Bill 19-0195 was ordered published on first reading

Ordered published on first reading

[19-0198](#) A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Regional Transportation District (RTD) to provide transportation Eco-pass benefits to eligible employees citywide.

Approves an intergovernmental agreement with the Regional Transportation District (RTD) for \$1,455,092 and for one year to provide transportation Eco-pass benefits to eligible employees citywide (201947538). The last regularly scheduled Council meeting within the 30-day review period is on 4-8-19. The Committee approved filing this item at its meeting on 3-5-19.

Council Bill 19-0198 was ordered published on first reading

Ordered published on first reading

BILLS FOR FINAL CONSIDERATION

Business, Arts, Workforce, & Aviation Services Committee

[19-0159](#) A bill for an ordinance amending portions of Chapter 28, Article III, Article V and Article VII to extend sunset dates; and Approve Annual Aspirational Goals.

Amends Chapter 28 of the Denver Revised Municipal Code to extend the Division of Small Business Opportunity (DSBO) program for an additional eight months to allow for more time to discuss community recommendations to the program and to identify needed changes to the Ordinance, Rules and Regulations and internal policies and procedures. The Committee approved filing this item at its meeting on 2-27-19.

A motion offered by Councilman Brooks, duly seconded by Councilman Flynn, that Council Bill 19-0159 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, Flynn, Gilmore, Herndon, Kashmann, Kniech, López, New, Ortega, Susman (12)

Nay: (None) (0)

Absent: Espinoza (1)

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 19-0055, changing the zoning classification for 4519 Pearl Street in Globeville; and, a required public hearing on Council Bill 19-0079, changing the zoning classification for 901 Irving 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

19-0055 A bill for an ordinance changing the zoning classification for 4519 Pearl Street in Globeville.

Approves an official map amendment to rezone property from E-SU-B to U-SU-B1 (urban edge, to urban context), located at 4519 Pearl Street in Council District 9. The Committee approved filing this item at its meeting on 1-22-19.

A motion offered by Councilwoman Gilmore, duly seconded by Councilman Flynn, that Council Bill 19-0055 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 6:16p.m., Council President Clark presiding, to hear speakers on Council Bill 19-0055. Ann Elizabeth and Jesse Parris signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Chandler Van Schaack of Community Planning and Development delivered the staff report.

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

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. The Committee approved filing this item at its meeting on 2-5-19.

A motion offered by Councilman Brooks, duly seconded by Councilwoman Gilmore, that Council Bill 19-0079 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 6:31 p.m., Council President Clark presiding, to hear speakers on Council Bill 19-0079. Ryan Brisch, Jesse Parris and Nicole Brisch signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Courtney Livingston of Community Planning and Development delivered the staff report.

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

PRE-ADJOURNMENT ANNOUNCEMENT

Council President Clark announced that on Monday, April 15, 2019, Council will hold a required public hearing on Council Bill 19-0183, changing the zoning classification for 2280 South Bannock Street in Overland; and, a required public hearing on Council Bill 19-0187, changing the zoning classification for 3220 Shoshone Street in Highland. Any protests against Council Bill 19-0183 or Council Bill 19-0187 must be filed with the Council Offices no later than noon on Monday, April 8, 2019.

ADJOURN

There being no further business before the City Council, Council President Clark adjourned the meeting at 6:49 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