

City Council Minutes

Meeting Date: Tuesday, January 17, 2023 3:30 PM

PLEDGE OF ALLEGIANCE

Councilmember Kashmann led the Pledge of Allegiance.

LAND ACKNOWLEDGEMENT

Councilmember Kashmann led the Land Acknowledgement.

ROLL CALL

Councilmember Herndon arrived late.

Councilmember CdeBaca attended the meeting virtually.

Present: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds,
Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (13)

APPROVAL OF THE MINUTES

[23-0054](#) Minutes of Monday, January 9, 2023

Council Minutes 23-0054 were approved

Approved

The minutes of Monday, January 9, 2023 were distributed to members of Council. Council President Torres ordered the minutes approved.

COUNCIL ANNOUNCEMENTS

Councilmember Torres offered announcements.

PRESENTATIONS

COMMUNICATIONS

PROCLAMATIONS

Block Vote

A motion offered by Councilmember Kashmann, duly seconded by Councilmember Hinds, to approve the following items en bloc, carried by the following vote:

Approved the consent agenda

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds,
Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (13)

Nay: (None) (0)

RESOLUTIONS

Business, Arts, Workforce, & Aviation Services Committee

[22-1671](#) **A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and Touchstone IQ LLC, formerly known as Overlay, LLC, for continued help desk and compliance services for the Energize Denver benchmarking and performance requirements, citywide.**

Amends a contract with Touchstone IQ, LLC, formerly known as Overlay, LLC, by adding \$1,116,950 for a new total of \$1,601,950 to continue providing help desk and compliance services for the people managing their building's Energize Denver benchmarking and performance requirements, citywide. No change to contract duration (CASR-202160618-02/ 202265552-02). The last regularly scheduled Council meeting within the 30-day review period is on 2-6-2023. The Committee approved filing this item at its meeting on 1-4-2023.

A motion offered by Councilmember Kashmann, duly seconded by Councilmember Hinds, that Council Resolution 22-1671 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (13)

Nay: (None) (0)

[22-1672](#) **A resolution approving a proposed Agreement between the City and County of Denver and McKinstry Essention, LLC to provide the subscription mechanism to apply community solar bill credits to city electric meters as part of the Renewable Denver Community Solar Program.**

Approves a contract with McKinstry Essention, LLC for \$6,500,000 and through 11-30-2046 to provide the subscription mechanism to apply community solar bill credits to city electric meters as part of the Renewable Denver Community Solar (RDSCS) program, citywide (CASR-202266138). The Committee approved filing this item at its meeting on 1-4-2023.

A motion offered by Councilmember Kashmann, duly seconded by Councilmember Hinds, that Council Resolution 22-1672 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (13)

Nay: (None) (0)

Finance & Governance Committee

[22-1589](#) A resolution approving a proposed Lease Agreement between the City and County of Denver and WC Dahlia Street, LLC to provide office space for an Entrepreneurship Center at the co-working Saltbox location at 4800 Dahlia Street in Council District 8.

Approves a lease agreement with WC Dahlia Street, LLC for \$637,132.07 and 5 years, using American Rescue Plan Act funds, to provide office space for an Entrepreneurship Center at the co-working Saltbox location at 4800 Dahlia Street in Council District 8 (FINAN-202265577-00). The last regularly scheduled Council meeting within the 30-day review period is on 2-6-2023. The Committee approved filing this item at its meeting on 1-3-2023.

A motion offered by Councilmember Kashmann, duly seconded by Councilmember Hinds, that Council Resolution 22-1589 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (13)

Nay: (None) (0)

Land Use, Transportation & Infrastructure Committee

[22-1365](#) A resolution approving a proposed Contract between the City and County of Denver and SEMA Construction, Inc. to complete preventative maintenance construction on certain bridges along Speer Boulevard in Council District 9, as part of the Elevate Denver Bond program.

Approves a contract with SEMA Construction, Inc. for \$17,322,926.90 and one year to complete preventative maintenance construction on certain bridges along Speer Boulevard in Council District 9, as part of the Elevate Denver Bond program (202264383). The last regularly scheduled Council meeting within the 30-day review period is on 2-6-2023. The Committee approved filing this item at its meeting on 11-8-2022.

A motion offered by Councilmember Kashmann, duly seconded by Councilmember Hinds, that Council Resolution 22-1365 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (13)

Nay: (None) (0)

[22-1677](#) A resolution approving a proposed Contract between the City and County of Denver and Jacobs Investments, LLC to improve the performance and reliability of the communication network used by the city's intelligent transportation system (ITS) devices, citywide.

Approves a contract with Jacobs Investments, LLC, doing business as Colorado Boring Company, for \$2,850,240 and 2 years to improve the performance and reliability of the communication network used by the city's intelligent transportation system (ITS) devices, citywide (DOTI- 202264119). The last regularly scheduled Council meeting within the 30-day review period is on 2-6-2023. The Committee approved filing this item at its meeting on 12-27-2022.

A motion offered by Councilmember Kashmann, duly seconded by Councilmember Hinds, that Council Resolution 22-1677 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (13)

Nay: (None) (0)

[22-1678](#) A resolution approving a proposed Contract between the City and County of Denver and WSP USA, Inc. to support the city in developing and implementing a plan to secure Infrastructure Investment and Jobs Act funding and to facilitate project implementation in alignment with funding guidelines.

Approves an on-call contract with WSP USA, Inc. for \$30,000,000 and through 12-31-2027 to support the city in developing and implementing a plan to secure Infrastructure Investment and Jobs Act (IIJA) funding and to facilitate project implementation in alignment with funding guidelines, citywide (DOTI -202265482). The last regularly scheduled Council meeting within the 30-day review period is on 2-6-2023. The Committee approved filing this item at its meeting on 1-3-2023.

A motion offered by Councilmember Kashmann, duly seconded by Councilmember Hinds, that Council Resolution 22-1678 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (13)

Nay: (None) (0)

[23-0052](#) **A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the sum of Nine Thousand Five Hundred Dollars and No Cents (\$9,500.00) made payable to Joshua Redmond, in full payment and satisfaction of all claims related to the incident which occurred on April 30, 2022, Claim Number 2022-007918.**

Settles a claim involving the Parks and Recreation Department. This item was approved for filing at the Mayor-Council meeting on 1-10-2023.

A motion offered by Councilmember Kashmann, duly seconded by Councilmember Hinds, that Council Resolution 23-0052 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (13)

Nay: (None) (0)

Safety, Housing, Education & Homelessness Committee

[22-1478](#) **A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and Mental Health Center of Denver doing business as WellPower to operate the Solutions Center for short-term crisis stabilization and transitional sheltering for individuals experiencing a behavioral health crisis and who may also be unhoused or housing challenged.**

Amends a contract with Mental Health Center of Denver, doing business as WellPower, by adding \$3,710,344 for a new total of \$11,960,226 and one year for a new end date of 12-31-2023 to operate the Solution Center for short-term crisis stabilization and transitional sheltering for individuals experiencing a behavioral health crisis and who may also be unhoused or housing challenged, citywide (ENVHL-202263121/ ENVHL-202265541). The last regularly scheduled Council meeting within the 30-day review period is on 2-6-2023. The Committee approved filing this item at its meeting on 11-16-2022.

A motion offered by Councilmember Kashmann, duly seconded by Councilmember Hinds, that Council Resolution 22-1478 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (13)

Nay: (None) (0)

[23-0053](#) **A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the sum of One Hundred Sixty Thousand Dollars and No Cents (\$160,000.00) made payable to the Hutchinson Black and Cook, LLC Trust Account, in full payment and satisfaction of all claims related to the civil action captioned Sammie Leon Lawrence IV v. City and County of Denver, Colorado, Denver Police Department Officers Shawn Saunders, Kenneth Bridges, and Jackson Burkin, which was filed in the United States District Court for the District of Colorado, Case No. 22-cv-01301-RM-NRN.**

Settles a claim involving the Denver Police Department. This item was approved for filing at the Mayor-Council meeting on 1-10-2023.

A motion offered by Councilmember Kashmann, duly seconded by Councilmember Hinds, that Council Resolution 23-0053 be adopted en bloc, carried by the following vote:

Adopted

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (13)

Nay: (None) (0)

BILLS FOR INTRODUCTION

Finance & Governance Committee

[23-0004](#) **A bill for an ordinance making an appropriation in the Grant and Other Money Projects Fund Series to make a cash transfer to the Capital Improvements and Capital Maintenance Fund Series.**

Approves a cash transfer of \$8,704,165.61 from the East Corridor Fund (38349) to the Public Works Improvement Projects Fund (31050) for budget appropriations of the Regional Transportation District's final repayment of sales and use tax funds remaining in contingency per the East Corridor intergovernmental agreement for the Eagle Project. The Committee approved filing this item at its meeting on 1-3-2023.

Council Bill 23-0004 was ordered published

Ordered published

Land Use, Transportation & Infrastructure Committee

[22-1628](#) **A bill for an ordinance approving the Consolidated Service Plan for the creation of five (5) Title 32 Metropolitan Districts, the Park Hill Metropolitan District Nos. 1-5.**

Approves the Consolidated Service Plan for the creation of five (5) Title 32 Metropolitan Districts: Park Hill Metropolitan District Numbers 1-5, located in Council District 8. The Committee approved filing this item at its meeting on 12-13-2022.

A motion offered by Councilmember Kashmann, duly seconded by Councilmember Herndon, that Council Bill 22-1628 be ordered published, carried by the following vote:

Ordered published with a future required public hearing

Aye: Black, Clark, Flynn, Gilmore, Herndon, Hinds, Kniech, Ortega, Sawyer, Torres (10)

Nay: CdeBaca, Kashmann, Sandoval (3)

[22-1634](#) **A bill for an ordinance approving a proposed Development Agreement between the City and County of Denver and ACM Park Hill JV VII, LLC, for the redevelopment of the land known as the Park Hill Golf Course located at 4141 East 35th Avenue.**

Approves a development agreement with ACM Park Hill JV VII, LLC, and any future successors and assigns, establishing infrastructure construction and maintenance responsibilities, funding commitments, requirements for affordable housing, creation of 100 acres of publicly accessible parks and open space, construction of the 303 Heritage Artway Trail, real estate transfers to the City, and vested property rights for the Park Hill Golf Course property at 4141 E. 35th Avenue in Council District 8. The last regularly scheduled Council meeting within the 30-day review period is on 2-6-2023. The Committee approved filing this item at its meeting on 12-13-2022.

A motion offered by Councilmember Kashmann, duly seconded by Councilmember Hinds, that Council Bill 22-1634 be ordered published, carried by the following vote:

Ordered published

Aye: Black, Clark, Flynn, Gilmore, Herndon, Hinds, Kniech, Ortega, Sawyer, Torres (10)

Nay: CdeBaca, Kashmann, Sandoval (3)

[22-1635](#) A bill for an ordinance submitting to a vote of the qualified and registered electors of the City and County of Denver at the general municipal election to be held on April 4, 2023, the extinguishment of a City-owned conservation easement on the land known as the Park Hill Golf Course.

Submits to a vote of the qualified and registered electors of the City and County of Denver at the general municipal election on April 4, 2023 a ballot measure authorizing the release of the conservation easement on the property known as the Park Hill Golf Course and allowing commercial and residential development, including affordable housing, and public regional park, trail and open space. The Committee approved filing this item at its meeting on 12-13-2022.

A motion offered by Councilmember Kashmann, duly seconded by Councilmember Flynn, that Council Bill 22-1635 be ordered published, was followed by a motion offered by Councilmember CdeBaca, duly seconded by Councilmember Kashmann, that Council Bill 22-1635 be amended in the following particulars: 'On page 2, lines 12-16, strike "Shall the voters of the City and County of Denver authorize the release of the City-owned conservation easement on privately owned property known as the Park Hill Golf Course, which requires the land to be used primarily for golf-related purposes, and allow for commercial and residential development, including affordable housing, and public regional park, trail and open space.", and replace with "Shall the voters of the City and County of Denver authorize the release of the City-owned conservation easement on privately owned property known as Park Hill Golf Course, which requires the land to be preserved for open space in general and a public golf course in particular, and instead allow for privately-owned residential and commercial development?'. The motion to amend failed to carry by the following vote:

Amended

Aye: CdeBaca (1)

Nay: Black, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (12)

A motion offered by Councilmember Kashmann, duly seconded by Councilmember Flynn, that Council Bill 22-1635 be ordered published, carried by the following vote:

Ordered published with a future courtesy public hearing

Aye: Black, Clark, Flynn, Gilmore, Herndon, Hinds, Kniech, Ortega, Sandoval, Sawyer, Torres (11)

Nay: CdeBaca, Kashmann (2)

[22-1673](#) A bill for an ordinance designating 1618 East 38th Avenue as a structure for preservation.

Approves an individual Denver landmark designation for property located at 1618 East 38th Avenue in Council District 9. The Committee approved filing this item at its meeting on 1-3-2023.

Council Bill 22-1673 was ordered published with a future required public hearing on 2-13-2023

Ordered published with a future required public hearing

[22-1674](#) A bill for an ordinance changing the zoning classification for 1618 East 38th Avenue in Cole.

Approves a map amendment to rezone property from PUD 17 to U-MX-2x, located at 1618 East 38th Avenue in Council District 9. The Committee approved filing this item at its meeting on 1-3-2023.

Council Bill 22-1674 was ordered published with a future required public hearing on 2-13-2023

Ordered published with a future required public hearing

[23-0005](#) A bill for an ordinance changing the zoning classification for 2107, 2111, 2115 & 2119 West 29th Avenue in Highland.

Approves a map amendment to rezone property from U-MS-3 and G-MU-3, UO-3 to U-MS-3, DO-8, located at 2107, 2111, 2115 and 2119 West 29th Avenue in Council District 1. The Committee approved filing this item at its meeting on 1-3-2023.

Council Bill 23-0005 was ordered published with a future required public hearing on 2-13-2023

Ordered published with a future required public hearing

BILLS FOR FINAL CONSIDERATION

Finance & Governance Committee

[22-1632](#) A bill for an ordinance approving a proposed Purchase and Sale Agreement between the City and County of Denver and IH Holdings Sixteen, LLC, for the acquisition of a hotel property located at 12033 East 38th Avenue, 3835 Peoria Street, and 3805 Peoria Street, known as the Stay Inn, to provide 95 supportive housing units and one manager unit in Council District 8.

Approves a purchase and sale agreement with IH Holdings Sixteen, LLC for \$9,000,000 and through 6-30-2023 for the acquisition of hotel properties located at 12033 East 38th Avenue, 3835 Peoria Street, and 3805 Peoria Street, known as the Stay Inn, to provide 95 supportive housing units and one manager unit in Council District 8 (FINAN-202264437-00). The last regularly scheduled Council meeting within the 30-day review period is on 1-30-2023. The Committee approved filing this item at its meeting on 12-13-2022.

A motion offered by Councilmember Kashmann, duly seconded by Councilmember Hinds, that Council Bill 22-1632 be placed upon final consideration and do pass en bloc, carried by the following vote:

Placed upon final consideration and do pass

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (13)

Nay: (None) (0)

Land Use, Transportation & Infrastructure Committee

[22-1675](#) **A bill for an ordinance relinquishing an easement, in its entirety, reserved in Ordinance No. 60, Series of 1935, recorded with Denver Clerk & Recorder at Book 4907, Page 601, located at 4699 North Marion Street.** Relinquishes the easement reserved in Ordinance 60, Series of 1935, located at 4699 North Marion Street in Council District 9. The Committee approved filing this item at its meeting on 12-27-2022.

A motion offered by Councilmember Kashmann, duly seconded by Councilmember Hinds, that Council Bill 22-1675 be placed upon final consideration and do pass en bloc, carried by the following vote:

Placed upon final consideration and do pass

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (13)

Nay: (None) (0)

RECAP OF BILLS TO BE CALLED OUT

PRE-RECESS ANNOUNCEMENT

Council President Torres announced that tonight, there will be a required public hearing on Council Bill 22-1473, changing the zoning classification for 7003 North Tower Road and multiple associated parcels in DIA; a required public hearing on Council Bill 22-1552, changing the zoning classification for 3145, 3151, 3155, and 3237 West Florida Avenue in Mar Lee; and, a required public hearing on Council Bill 22-1553, changing the zoning classification for 2212 South Franklin Street in University. Anyone wishing to speak on these matters must go online to sign up during the recess of Council.

RECESS

Council took a recess.

COUNCIL RECONVENES AND RESUMES ITS REGULAR SESSION

UNFINISHED BUSINESS

PROCLAMATIONS

PUBLIC HEARINGS - BILLS FOR FINAL CONSIDERATION

Land Use, Transportation & Infrastructure Committee

22-1473 A bill for an ordinance changing the zoning classification for 7003 North Tower Road and multiple associated parcels in DIA.

Approves a map amendment to rezone multiple properties from C-MU-10 with waivers and conditions, AIO; C-MU-20 with waivers and conditions, AIO; C-MU-30 with waivers and conditions; and UO-1, AIO to S-MX-8, AIO and S-MX-8A, AIO, located at 7003 North Tower Road in Council District 11. The Committee approved filing this item at its meeting on 11-29-2022.

Council sat as a Committee of the Whole, commencing at 5:31 p.m., Council President Torres presiding, to hear speakers on Council Bill 22-1473. Rick Wells signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Tony Lechuga of Community Planning and Development delivered the staff report.

A motion offered by Councilmember Kashmann, duly seconded by Councilmember Hinds, that Council Bill 22-1473 be placed upon final consideration and do pass, carried by the following vote:

Placed upon final consideration and do pass

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (13)

Nay: (None) (0)

22-1552 A bill for an ordinance changing the zoning classification for 3145, 3151, 3155, and 3237 West Florida Avenue in Mar Lee.

Approves a map amendment to rezone properties from S-SU-D and PUD 611 to S-MU-3, located at 3237, 3145, 3151 & 3155 West Florida Avenue in Council District 3. The Committee approved filing this item at its meeting on 11-29-2022.

Council sat as a Committee of the Whole, commencing at 5:52 p.m, Council President Torres presiding, to hear speakers on Council Bill 22-1552. No speakers signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Fran Penafiel of Community Planning and Development delivered the staff report.

A motion offered by Councilmember Kashmann, duly seconded by Councilmember Herndon, that Council Bill 22-1552 be placed upon final consideration and do pass, carried by the following vote:

Placed upon final consideration and do pass

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (13)

Nay: (None) (0)

22-1553 A bill for an ordinance changing the zoning classification for 2212 South Franklin Street in University.

Approves a map amendment to rezone property from U-SU-C to U-SU-C1, located at 2212 South Franklin Street in Council District 6. The Committee approved filing this item at its meeting on 11-29-2022.

Council sat as a Committee of the Whole, commencing at 5:59 p.m, Council President Torres presiding, to hear speakers on Council Bill 22-1553. No speakers signed up to speak in favor of the bill. No speakers signed up to speak in opposition of the bill. Fran Penafiel of Community Planning and Development delivered the staff report.

A motion offered by Councilmember Kashmann, duly seconded by Councilmember Herndon, that Council Bill 22-1553 be placed upon final consideration and do pass, carried by the following vote:

Placed upon final consideration and do pass

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Kniech, Ortega, Sandoval, Sawyer, Torres (13)

Nay: (None) (0)

PRE-ADJOURNMENT ANNOUNCEMENT

Council President Torres announced that on Monday, January 23, 2023, Council will hold a required public hearing on Council Bill 22-1628, approving the Consolidated Service Plan for the creation of five (5) Title 32 Metropolitan Districts, the Park Hill Metropolitan District Nos. 1-5; and, a courtesy public hearing on Council Bill 22-1635, submitting to a vote of the qualified and registered electors of the City and County of Denver at the general municipal election to be held on April 4, 2023, the extinguishment of a City-owned conservation easement on the land known as the Park Hill Golf Course. On Monday, February 13, 2023, Council will hold a required public hearing on Council Bill 22-1673, designating 1618 East 38th Avenue as a structure for preservation; a required public hearing on Council Bill 22-1674, changing the zoning classification for 1618 East 38th Avenue in Cole; and, a required public hearing on Council Bill 23-0005, changing the zoning classification for 2107, 2111, 2115 & 2119 West 29th Avenue in Highland. Any protests against Council Bills 22-1674 or 23-0005 must be filed with the Council Offices no later than noon on Monday, February 6, 2023.

ADJOURN

There being no further business before the City Council, Council President Torres adjourned the meeting at 6:05 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