

City Council Meeting of Tuesday, January 17, 2023

City and County of Denver

Robin Kniech.....At Large
Deborah "Debbie" Ortega.....At Large
Amanda P. Sandoval.....District 1
Kevin Flynn.....District 2
Jamie Torres.....District 3
Kendra Black.....District 4
Amanda Sawyer.....District 5



Paul Kashmann.....District 6
Jolon Clark.....District 7
Christopher Herndon.....District 8
Candi CdeBaca.....District 9
Chris Hinds.....District 10
Stacie Gilmore.....District 11
Bonita Roznos.....Executive Director
Mar'quasa Maes.....Secretary
Room 450
City & County Building
1437 Bannock Street
Denver CO 80202
Phone: 720-337-2000
Email: dencc@denvergov.org

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT AND LANGUAGE INTERPRETATION

The Council Chambers has listening devices for people with a hearing loss. Request a device from the Council Secretary. The City can provide sign language interpretation, CART (computer assisted real-time transcription), and foreign language interpretation for persons attending City Council meetings. If you need any of these accommodations, please email dencc@denvergov.org or call 720-337-2000 three (3) business-days prior to the Council meeting. For other public accommodation requests/concerns related to a disability, please contact disabilityaccess@denvergov.org.

CITY COUNCIL AGENDA

The City Council agenda and meeting schedule are made available for public review during normal business hours at the City & County Building, 1437 Bannock St., Rm. 451, on Thursday afternoons prior to the regularly scheduled Council meeting. The agenda packet is also posted on the City Council website at <https://www.denvergov.org/citycouncil>. Questions on agenda items may be directed to the Denver City Council at 720-337-2000.

AUDIO/VIDEO ACCESS TO CITY COUNCIL MEETINGS

City Council meetings are televised live on cable TV Channel 8, and can be viewed via live or archived webcast at <https://denver.legistar.com>.

PUBLIC COMMENT DURING PUBLIC HEARINGS

This is the time of the meeting for the City Council to receive comments from the public regarding items up for consideration scheduled for public hearing. To speak, sign up online at www.denvergov.org/councilpublicinput or by phone at 720-337-2000 starting at 3 p.m. the day of the hearing or during the recess of Council. Sign up closes at 5:30 p.m. No sign-up by proxy permitted. Each speaker is allowed 3 minutes, there is no yielding of time (unless necessary to accommodate translation or a disability). To submit written testimony to the public record on an item, we ask that submissions be sent to dencc@denvergov.org no later than 3 p.m. on the date the item is heard before Council in order to give members of Council adequate time to review each submission before meeting start. Please contact the Denver City Council for more information at 720-337-2000.

GENERAL PUBLIC COMMENT SESSIONS

Starting at 5 p.m. before every regularly scheduled Council meeting, City Council hosts a 30-minute general public comment session, allowing members of the public to address the full Council with concerns regarding any matter not scheduled for a public hearing. Speakers have 3 minutes to speak and must sign up online at www.denvergov.org/councilpublicinput, by phone at 720-337-2000, or in person in Rm. 451 of the City & County Building. Sign up starts at 12 p.m. the Friday before the session is held and closes at 4 p.m. the day the session is held. No sign up by proxy permitted. Please contact the Denver City Council for more information at 720-337-2000.

PLEDGE OF ALLEGIANCE

LAND ACKNOWLEDGEMENT

ROLL CALL

APPROVAL OF THE MINUTES

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

COUNCIL ANNOUNCEMENTS

PRESENTATIONS

COMMUNICATIONS

PROCLAMATIONS

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.

[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 (RDCS) program, citywide (CASR-202266138). The Committee approved filing this item at its meeting on 1-4-2023.

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.

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.

[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.

[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.

[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.

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.

[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.

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.

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. If ordered published, a public hearing will be held on Monday, 1-23-2023. The Committee approved filing this item at its meeting on 12-13-2022.

[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.

[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. If ordered published, a public hearing will be held on Monday, 1-23-2023. The Committee approved filing this item at its meeting on 12-13-2022.

[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. If ordered published, a public hearing will be held on Monday, 2-13-2023. The Committee approved filing this item at its meeting on 1-3-2023.

[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. If ordered published, a public hearing will be held on Monday, 2-13-2023. The Committee approved filing this item at its meeting on 1-3-2023.

[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. If ordered published, a public hearing will be held on Monday, 2-13-2023. The Committee approved filing this item at its meeting on 1-3-2023.

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.

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.

RECAP OF BILLS TO BE CALLED OUT**PRE-RECESS ANNOUNCEMENT**

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 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.

[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.

[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.

PRE-ADJOURNMENT ANNOUNCEMENT

Dependent upon publication, 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

PENDING

FOR 1-23-2023:

[22-1629](#) A bill for an ordinance changing the zoning classification for 4141 East 35th Avenue in Northeast Park Hill.

Approves a map amendment to rezone property from OS-B to OS-A, C-MX-12, C-MX-8, C-MX-5, C-MX-5 with waivers, C-MS-5 with DO-8, G-RX-5, and G-RX-5 with waivers, located at 4141 East 35th Avenue in Council District 8. The Committee approved filing this item at its meeting on 12-13-2022.

Final Consideration 1-23-2023 | Required Public Hearing

FOR 1-30-2023:

[22-1602](#) A bill for an ordinance changing the zoning classification for 365 South Ogden Street in Washington Park West.

Approves a map amendment to rezone property from U-SU-B to U-SU-B1, located at 365 South Ogden Street in Council District 7. The Committee approved filing this item at its meeting on 12-6-2022.

Final Consideration 1-30-2023 | Required Public Hearing**[22-1603](#) A bill for an ordinance changing the zoning classification for 1772 & 1788 South Acoma Street in Overland.**

Approves a map amendment to rezone property from I-A, UO2 to I-MX-5, located at 1772 and 1788 South Acoma Street in Council District 7. The Committee approved filing this item at its meeting on 12-6-2022.

Final Consideration 1-30-2023 | Required Public Hearing

FOR 2-6-2023:

[22-1455](#) A bill for an ordinance changing the zoning classification for 4350 Shoshone Street in Sunnyside.

Approves a map amendment to rezone a property from U-TU-C to U-SU-B1, located at 4350 Shoshone Street in Council District 1. The Committee approved filing this item at its meeting on 11-15-2022.

Final Consideration 2-6-2023 | Required Public Hearing

[22-1551](#) A bill for an ordinance changing the zoning classification for 1901 North Eudora Street in South Park Hill.

Approves a map amendment to rezone property from PUD 377 to PUD-G 30, located at 1901 North Eudora Street in Council District 8. The Committee approved filing this item at its meeting on 12-6-2022.

Final Consideration 2-6-2023 | Required Public Hearing

[22-1647](#) A bill for an ordinance changing the zoning classification for multiple properties to apply the Cherry Creek East Mixed Use and Cherry Creek East Residential Design Overlays in Cherry Creek.

Approves a legislative map amendment to rezone multiple properties in the Cherry Creek neighborhood to apply the Cherry Creek East Commercial Mixed Use Design Overlay zone district (DO-9) and the Cherry Creek East Residential Design Overlay zone district (DO-10) in Council District 10. The Committee approved filing this item at its meeting on 12-20-2022.

Final Consideration 2-6-2023 | Required Public Hearing

[22-1664](#) A bill for an ordinance amending the Denver Zoning Code, establishing the Cherry Creek East Mixed Use Design Overlay zone district and the Cherry Creek East Residential Design Overlay zone district, and clarifying certain rules of measurement.

Approves a Denver Zoning Code text amendment to create the Cherry Creek East Commercial Mixed-Use Design Overlay zone district (DO-9) and the Cherry Creek East Residential Design Overlay zone district (DO-10), as well as make a minor clarification to the rules of measurement. The Committee approved filing this item at its meeting on 12-20-2022.

Final Consideration 2-6-2023 | Required Public Hearing