

## City Council Meeting of Monday, January 30, 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: [denc@denvergov.org](mailto:denc@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 [denc@denvergov.org](mailto:denc@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](mailto: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](http://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 [denc@denvergov.org](mailto:denc@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](http://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**

[23-0092](#) Minutes of Monday, January 23, 2023

**COUNCIL ANNOUNCEMENTS**

**PRESENTATIONS**

**COMMUNICATIONS**

**PROCLAMATIONS**

[23-0093](#) **Recognizing the service of Deputy Sheriff Sheldon Marr**

Sponsor Ortega

**RESOLUTIONS**

**Business, Arts, Workforce, & Aviation Services Committee**

[23-0046](#) **A resolution approving a proposed Amendatory Loan Agreement between the City and County of Denver and Montbello Organizing Committee, to extend the Term of the Loan, to revise Exhibit A, and to allow for the transfer of the property securing the loan to an affiliate.**

Amends a loan agreement with the Montbello Organizing Committee by adding two years for a new end date of nine years from the completion of construction on the FreshLo facility, to remove "cultural hub" and "grocery store" from Exhibit A and to allow for the future transfer of the property located at 4690 Peoria Street in Council District 8 to an affiliate. No change in loan amount (OEDEV-202054444/ 202366331). The last regularly scheduled Council meeting within the 30-day review period is on 2-21-2023. The Committee approved filing this item at its meeting on 1-18-2023.

**[23-0047](#) 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 Commerce concerning the "Build to Scale Grant" program and the funding therefor.**

Approves a grant agreement with the United States Department of Commerce - Economic Development Administration for \$1,545,130 and through 10-31-2025, as part of the Build to Scale Grant, for the city to work with multiple partners to deliver TechUp, an entrepreneurial hub providing technical support and other resources to technology entrepreneurs, with a focus on entrepreneurs who are Black, Indigenous, and people of color (BIPOC), citywide (OEDEV-202265435). The last regularly scheduled Council meeting within the 30-day review period is on 2-21-2023. The Committee approved filing this item at its meeting on 1-18-2023.

**[23-0048](#) A resolution approving a proposed First Amendment between the City and County of Denver and Hensel Phelps Construction Company, concerning continuation of providing mechanical services for the Central Utility Plant, Main Terminal, airport office buildings and concourses at Denver International Airport.**

Amends a contract with Hensel Phelps Construction Company by adding \$1,500,000 for a new total of \$2,700,000 and one-year for a new end date of 12-31-2023 to continue providing mechanical services for the Central Utility Plant, Main Terminal, airport office buildings and concourses at Denver International Airport in Council District 11 (201843835/ PLANE-202263304-01). The last regularly scheduled Council meeting within the 30-day review period is on 2-21-2023. The Committee approved filing this item at its meeting on 1-18-2023.

**[23-0049](#) A resolution approving a proposed First Amendment between the City and County of Denver and United Airlines, Inc., concerning a space lease agreement at Denver International Airport.**

Amends a space lease agreement with United Airlines, Inc. for rates and charges to add 170,559 square feet to be used for deicing truck and other ground service equipment parking and storage at Denver International Airport in Council District 11. No change to lease duration (XC 2X020/ PLANE-202262054). The last regularly scheduled Council meeting within the 30-day review period is on 2-21-2023. The Committee approved filing this item at its meeting on 1-18-2023.

**[23-0050](#) A resolution approving a proposed Contract between the City and County of Denver and OTG DEN Venture, LLC, concerning operating and managing food and beverage concessions on Concourse B at Denver International Airport.**

Approves a contract with OTG DEN Venture, LLC for rates and charges and 10 years from construction completion date to operate and manage food and beverage concessions on Concourse B at Denver International Airport in Council District 11 (PLANE-202161603). The last regularly scheduled Council meeting within the 30-day review period is on 2-21-2023. The Committee approved filing this item at its meeting on 1-18-2023.

**Finance & Governance Committee**

**[23-0027](#) A resolution approving the Mayor's reappointments and appointment to the Denver Public Health and Environment Board of Directors.**

Approves the Mayoral reappointments of Catherine Cooney and Gerene Duran and the Mayoral appointment of Jessica Brody to the Denver Board of Public Health and Environment Board of Directors for terms effective immediately and expiring 12-31-2027, or until successors are duly appointed. The Committee approved filing this item at its meeting on 1-17-2023.

**[23-0037](#) A resolution approving an Agreement with UnitedHealthcare Insurance Company between the City and County of Denver and UnitedHealthcare Insurance to provide medical benefit plans to Denver employees, including career service, uniformed sheriff and uniformed police.**

Approves a contract with UnitedHealthcare Insurance Company for \$80,000,000 and through 12-31-2025 to provide medical benefit plans to Denver employees, including career service, uniformed sheriff and uniformed police (CSAHR-202265732-00). The last regularly scheduled Council meeting within the 30-day review period is on 2-20-2023. The Committee approved filing this item at its meeting on 1-17-2023.

**Land Use, Transportation & Infrastructure Committee****[23-0028](#) A resolution approving a proposed Revival and Sixth Amendatory Agreement between the City and County of Denver and Alpine Disposal, Inc. to continue providing sorting and marketing of the city's recyclables while a new contract is executed.**

Amends and revives a contract with Alpine Disposal, Inc. by adding 90 days for a new end date of 3-31-2023 to continue providing sorting and marketing of the city's recyclables while a new contract is executed (DOTI-201737957-06/ 202266236-06). The last regularly scheduled Council meeting within the 30-day review period is on 2-20-2023. The Committee approved filing this item at its meeting on 1-17-2023.

**[23-0051](#) A resolution granting a revocable permit to 2801 Walnut LLC, to encroach into the right-of-way at 2811 Walnut Street.**

Grants a revocable permit, subject to certain terms and conditions, to 2801 Walnut LLC, their successors and assigns, to encroach into the right-of-way with a concrete platform and stairs to the raised entry of the existing building at 2811 Walnut Street in Council District 9. The Committee approved filing this item at its meeting on 1-17-2023.

**Safety, Housing, Education & Homelessness Committee****[22-1682](#) A resolution approving a proposed Loan Agreement between the City and County of Denver and 38th and Holly LLLP to develop affordable multi-family housing with 253 units, located in Council District 8.**

Approves a loan agreement with 38th and Holly, LLLP for \$8,319,000 to develop affordable multi-family housing with 253 units, located at 5908 and 5909 East 38th Avenue in Council District 8 (HOST-202264272). The last regularly scheduled Council meeting within the 30-day review period is on 2-21-2023. The Committee approved filing this item at its meeting on 1-4-2023.

**[23-0039](#) A resolution approving a proposed Third Amendatory Agreement between the City and County of Denver and Urban Peak Denver for to continue providing six (6) housing units and case management services for eligible youth (ages 16 to 22) experiencing homelessness, who have aged out and are transitioning out of foster care.**

Amends a contract with Urban Peak Denver by adding \$417,248 for a new total of \$1,043,150 and 2 years for a new end date of 12-31-2024 to continue providing six (6) housing units and case management services for eligible youth (ages 16 to 22) experiencing homelessness, who have aged out and are transitioning out of foster care 202265849-03 / SOCSV-2019-52843-03). The last regularly scheduled Council meeting within the 30-day review period is on 2-21-2023. The Committee approved filing this item at its meeting on 1-18-2023.

**[23-0040](#) A resolution approving a proposed Purchase Order between the City and County of Denver and CLNC Enterprises LLC, doing business as La Machaca, for meals for guests staying at emergency shelters.**

Amends a purchase order with CLNC Enterprises, LLC, doing business as La Machaca, by adding \$2,200,000 for a new total of \$2,680,000 for meals for guests staying at emergency shelters, citywide. No change to purchase order duration (PO-00124808). The last regularly scheduled Council meeting within the 30-day review period is on 2-21-2023. The Committee approved filing this item at its meeting on 1-18-2023.

**[23-0041](#) A resolution approving a proposed Subaward Agreement between the City and County of Denver and Northeast Denver Housing Center, Inc. to administer the Emergency Rental Assistance Program to eligible households that are unable to pay rent during or due to the COVID-19 pandemic, citywide.**

Approves an agreement with Northeast Denver Housing Center, Inc. for \$2,175,000 and through 12-31-2023 to administer the Emergency Rental Assistance Program (ERAP) to eligible households earning up to 80% of the area median income that are unable to pay rent during or due to the COVID-19 pandemic, citywide (HOST-202266078). The last regularly scheduled Council meeting within the 30-day review period is on 2-21-2023. The Committee approved filing this item at its meeting on 1-18-2023.

**[23-0042](#) A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and Brothers Redevelopment, Inc. to administer the Emergency Rental Assistance Program to eligible households earning up to 80% of the area median income that are unable to pay rent during or due to the COVID-19 pandemic, citywide.**

Amends an agreement with Brothers Redevelopment, Inc. by adding \$2,425,320 for a new total of \$3,425,320 and six months for a new end date of 12-31-2023 to administer the Emergency Rental Assistance Program (ERAP) to eligible households earning up to 80% of the area median income that are unable to pay rent during or due to the COVID-19 pandemic, citywide (HOST-202263902-02/HOST-202266074-02). The last regularly scheduled Council meeting within the 30-day review period is on 2-21-2023. The Committee approved filing this item at its meeting on 1-18-2023.

## **BILLS FOR INTRODUCTION**

### **Finance & Governance Committee**

**[23-0024](#) A bill for an ordinance amending the classification and pay plan for employees in the Career Service and for certain employees not in the Career Service.**

Amends the Classification and Pay Plan for multiple small impact changes, provisionally approved by the Office of Human Resources Executive Director for the period of July 2022 through December 2022. The Committee approved filing this item at its meeting on 1-17-2023.

**[23-0036](#) A bill for an ordinance making a supplemental appropriation in the Wastewater Management Division Urban Drainage and Flood Control District Tracking Fund.**

Appropriates \$5 million in the Wastewater Management Division Urban Drainage and Flood Control District Tracking fund (72701) for land acquisitions related to the Weir Gulch Reach W1 - South Platte River to 8th Ave project in Council District 3. The last regularly scheduled Council meeting within the 30-day review period is on 2-20-2023. The Committee approved filing this item at its meeting on 1-17-2023.

**[23-0038](#) A bill for an ordinance approving a proposed Intergovernmental Agreement between the City and County of Denver and Regional Transportation District (RTD) to offer the EcoPass program to qualified city employees.**

Approves an intergovernmental agreement with the Regional Transportation District (RTD) for \$536,216.08 and through 12-31-2023 to offer the EcoPass program to qualified city employees (CSAHR-202265775-00). The last regularly scheduled Council meeting within the 30-day review period is on 2-20-2023. The Committee approved filing this item at its meeting on 1-17-2023.

**Land Use, Transportation & Infrastructure Committee**

**[22-1652](#) A bill for an ordinance approving a proposed Third Amendment to the Intergovernmental Agreement between the City and County of Denver and Urban Drainage and Flood Control District d/b/a Mile High Flood District to continue the Weir Gulch Reach drainage and flood control improvements in Council District 3.**

Amends an intergovernmental agreement with Urban Drainage and Flood Control District, doing business as Mile High Flood District, by adding \$5,000,000 in city funds for a new agreement total of \$18,400,000 for land acquisition approved by CB22-0320 to continue the Weir Gulch Reach drainage and flood control improvements in Council District 3. No change to contract duration. (202055100-03/202265765-03). The last regularly scheduled Council meeting within the 30-day review period is on 2-20-2023. The Committee approved filing this item at its meeting on 1-17-2023.

**[23-0030](#) A bill for an ordinance amending the Denver Zoning Code, establishing the Sunnyside Conservation Overlay zone district and the Sunnyside Conservation and Brick Overlay zone district, and clarifying standards in the Potter Highlands Conservation Overlay zone district and the Bungalow Conservation Overlay zone district.**

Approves a Denver Zoning code legislative text amendment to create the Sunnyside Conservation Overlay zone district (CO-7) and Sunnyside Conservation and Brick Overlay zone district (CO-8) in Council District 1. If ordered published, a public hearing will be held on Monday, 2-27-2023. The Committee approved filing this item at its meeting on 1-17-2023.



**[23-0031](#) A bill for an ordinance changing the zoning classification for multiple properties to apply the Sunnyside Conservation Overlay and the Sunnyside Conservation and Brick Overlays within the Sunnyside neighborhood.**

Approves a legislative map amendment to rezone multiple properties in the Sunnyside neighborhood to apply the Sunnyside Conservation Overlay zone district (CO-7) and the Sunnyside Conservation Overlay and Brick zone district (CO-8) in Council District 1. If ordered published, a public hearing will be held on Monday, 2-27-2023. The Committee approved filing this item at its meeting on 1-17-2023.

## **BILLS FOR FINAL CONSIDERATION**

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

**[23-0001](#) A bill for an ordinance relinquishing a portion of the easement established in Tower 160 Filing No. 4, recorded with Denver Clerk & Recorder at Reception No. 2022036000 located at East 51st Avenue and North Yampa Street.**

Relinquishes a portion of the utility easements established in the Recordation Number 2022036000, located at East 51st Avenue and North Yampa Street in Council District 11. The last regularly scheduled Council meeting within the 30-day review period is on 2-13-2023. The Committee approved filing this item at its meeting on 1-10-2023.

**[23-0015](#) A bill for an ordinance amending certain provisions of Chapter 54, concerning pedestrian movement.**

Amends certain provisions of Chapter 54, concerning pedestrian movement. The Committee approved filing this item at its meeting on 1-10-2023.

## **RECAP OF BILLS TO BE CALLED OUT**

### **PRE-RECESS ANNOUNCEMENT**

Tonight, there will be a required public hearing on Council Bill 22-1602 changing the zoning classification for 365 South Ogden Street in Washington Park West; and a required public hearing on Council Bill 22-1603 changing the zoning classification for 1772 & 1788 South Acoma Street in Overland. 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**

[23-0094](#) **Celebrating the life of Dr. Martha Urioste, Chicana education trail blazer**

**Sponsor** Torres

**PUBLIC HEARINGS - BILLS FOR FINAL CONSIDERATION**

**Land Use, Transportation & Infrastructure Committee**

[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.

[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.

**PRE-ADJOURNMENT ANNOUNCEMENT**

Dependent upon publication, on Monday, February 27, 2023, Council will hold a combined required public hearing on Council Bill 23-0030 amending the Denver Zoning Code, establishing the Sunnyside Conservation Overlay zone district and the Sunnyside Conservation and Brick Overlay zone district, and clarifying standards in the Potter Highlands Conservation Overlay zone district and the Bungalow Conservation Overlay zone district; and Council Bill 23-0031 changing the zoning classification for multiple properties to apply the Sunnyside Conservation Overlay and the Sunnyside Conservation and Brick Overlays within the Sunnyside neighborhood. Any protests against Council Bill 23-0031, must be filed with the Council Offices no later than noon on Tuesday, February 21, 2023.

**ADJOURN****PENDING**

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.

[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.

[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.

**[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.

FOR 2-13-2023

**[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.

**[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.

**[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.

FOR 2-21-2023

**[23-0011](#) A bill for an ordinance changing the zoning classification for 4320 Morrison Road, 753 South Raleigh Street and 4849 West Kentucky Avenue in Westwood.**

Approves a map amendment to rezone property from E-MX-3, E-MX-3, UO-1, UO-2; E-UT-C; and E-SU-D to OS-A, located at 4320 Morrison Rd, 753 S Raleigh St, and 4849 W Kentucky Ave in Council District 3. The Committee approved filing this item at its meeting on 1-10-2023.

[23-0012](#) **A bill for an ordinance changing the zoning classification for 1254 North Monaco Street Parkway in Montclair.**

Approves a map amendment to rezone property from E-SU-Dx to E-SU-D1x, located at 1254 North Monaco Street Parkway in Council District 5. The Committee approved filing this item at its meeting on 1-10-2023.