

City Council Minutes

Meeting Date: Monday, February 6, 2023 3:30 PM

PLEDGE OF ALLEGIANCE

Councilmember Ortega led the Pledge of Allegiance.

LAND ACKNOWLEDGEMENT

Councilmember Ortega led the Land Acknowledgement.

ROLL CALL

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

APPROVAL OF THE MINUTES

The minutes of January 30, 2023 were distributed to members of Council. Council President Torres ordered the minutes approved.

[23-0113](#) Minutes of Monday, January 30, 2023.

Council Minutes 23-0113 were approved.

Approved

COUNCIL ANNOUNCEMENTS

PRESENTATIONS

COMMUNICATIONS

PROCLAMATIONS

Block Vote

Block Vote

A motion offered by Councilmember Ortega, 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)

[23-0118](#) **A proclamation honoring Council Secretary Mar'quasa Maes' years of service to the Denver City Council and the City and County of Denver. (Consent)**

A motion offered by Councilmember Ortega, duly seconded by Councilmember Hinds, that Council Proclamation 23-0118 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)

RESOLUTIONS

Finance & Governance Committee

[23-0057](#) A resolution approving a proposed Master Purchase Order between the City and County of Denver and Blazen Illuminations to continue providing exterior holiday lighting at the City & County Building.

Amends a contract with Blazen Illuminations by adding \$2,505,000 for a new total of \$3,000,000 and three 1-year options to extend, to continue providing exterior holiday lighting at the City & County Building (SC-00007135). The last regularly scheduled Council meeting within the 30-day review period is on 2-27-2023. The Committee approved filing this item at its meeting on 1-24-2023.

A motion offered by Councilmember Ortega, duly seconded by Councilmember Hinds, that Council Resolution 23-0057 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)

[23-0061](#) A resolution approving the Mayor's reappointments and appointments to the RiNo General Improvement District.

Approves the following Mayoral reappointments and appointments to the RiNo General Improvement District: reappointment of Liam Girard and Jamie Roupp for terms effective immediately and expiring 6-1-2025, or until successors are duly appointed; the appointment of Andrew Katz for a term effective immediately and expiring 6-1-2025, or until a successor is duly appointed; and the appointments of Kristy Greer, Teresa Ortiz and Edith "Edee" Anesi for terms effective immediately and expiring 6-1-2026, or until successors are duly appointed. The Committee approved filing this item at its meeting on 1-24-2023.

A motion offered by Councilmember Ortega, duly seconded by Councilmember Hinds, that Council Resolution 23-0061 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)

[23-0073](#) A resolution approving the City Council appointment of Keith Hayes to the Caring for Denver Board.

Approves the City Council appointment of Keith Hayes to the Caring for Denver Board. The Committee approved filing this item at its meeting on 1-24-2023.

A motion offered by Councilmember Ortega, duly seconded by Councilmember Hinds, that Council Resolution 23-0073 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

[23-0029](#) A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Bureau Veritas North America, Inc. to continue providing residential plan review services to reduce the current backlog in Community Planning and Development.

Amends a contract with Bureau Veritas North America, Inc. by adding \$700,000 for a new total of \$1,175,000 to continue providing residential plan review services to reduce the current backlog in Community Planning and Development. No change to contract duration (CPLAN-202264326-01/ CPLAN-202266215-01). The last regularly scheduled Council meeting within the 30-day review period is on 2-27-2023. The Committee approved filing this item at its meeting on 1-24-2023.

A motion offered by Councilmember Ortega, duly seconded by Councilmember Hinds, that Council Resolution 23-0029 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

[23-0064](#) A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and The Community Firm to continue administering 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 a contract with The Community Firm by adding \$1,350,000 for a new total of \$11,050,000 and two months for a new end date of 9-30-2023 to continue administering 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-202262616/ HOST-202366439-02). The last regularly scheduled Council meeting within the 30-day review period is on 2-27-2023. The Committee approved filing this item at its meeting on 1-25-2023.

A motion offered by Councilmember Ortega, duly seconded by Councilmember Hinds, that Council Resolution 23-0064 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

City Council - Direct Files

[23-0105](#) A bill for an ordinance authorizing a capital equipment purchase in the Planned Fleet Special Revenue Fund.

Approves the purchase of two vans from the Planned Fleet Fund (Special Revenue Fund 11804) to support the Department of Public Health and Environment, Office of the Medical Examiner for decedent transport. Councilmember Torres approved direct filing this item on 2-2-2023.

Council Bill 23-0105 was ordered published on first reading

Ordered published on first reading

Finance & Governance Committee

[23-0060](#) A bill for an ordinance repealing the requirement to include a “worker without authorization” clause in city contracts, and related provisions, from the Denver Revised Municipal Code.

Repeals Denver Revised Municipal Code Article IV Division 5 to remove requirements for city verification of contractor employee lawful employment status in conformance with changes to state law. The Committee approved filing this item at its meeting on 1-24-2023.

Council Bill 23-0060 was ordered published on first reading

Ordered published on first reading

[23-0065](#) A bill for an ordinance amending Article VII of Chapter 15 of the Revised Municipal Code, regarding the ACCESO-Spanish Language Voter Advisory Board.

A bill for an ordinance updating the provisions governing the Acceso Spanish Language Voter Advisory Board. Amends Article XII of Chapter 15 of the Denver Revised Municipal Code to facilitate better recruitment of Acceso Board members; lower the minimum number of serving board members; and add consideration of new laws regarding language access to the Board’s purpose. The Committee approved filing this item at its meeting on 1-24-2023.

Council Bill 23-0065 was ordered published on first reading

Ordered published on first reading

Land Use, Transportation & Infrastructure Committee

[23-0032](#) A bill for an ordinance changing the zoning classification for 961 South Washington Street in Washington Park West.

Approves a map amendment to rezone property from U-SU-B, UO-3 to U-SU-B1, UO-3, located at 961 South Washington Street in Council District 7. If ordered published, a public hearing will be held on Monday, 3-6-2023. The Committee approved filing this item at its meeting on 1-24-2023.

Council Bill 23-0032 was ordered published with a future required public hearing on 3-6-2023.

Ordered published with a future required public hearing

[23-0033](#) A bill for an ordinance changing the zoning classification for 1100 South Vine Street in Washington Park.

Approves a map amendment to rezone property from U-SU-C to U-SU-C1, located at 1100 South Vine Street in Council District 6. If ordered published, a public hearing will be held on Monday, 3-6-2023. The Committee approved filing this item at its meeting on 1-24-2023.

Council Bill 23-0033 was ordered published with a future required public hearing on 3-6-2023.

Ordered published with a future required public hearing

[23-0058](#) A bill for an ordinance amending the Denver Zoning Code.

Approves a Denver Zoning Code legislative text amendment to update the DO-8 Active Centers and Corridors Design Overlay and to expand replacement of mobile home units in nonconforming mobile home parks, citywide. If ordered published, a public hearing will be held on Monday, 3-6-2023. The Committee approved filing this item at its meeting on 1-24-2023.

Council Bill 23-0058 was ordered published with a future required public hearing on 3-6-2023.

Ordered published with a future required public hearing

[23-0059](#) A bill for an ordinance changing the zoning classification for Multiple properties in the Lincoln Park and Baker neighborhoods.

Approves a legislative map amendment to rezone multiple properties from C-MS-8, UO-1, UO-2; C-MS-5; C-MS-5, UO-1, UO-2; and U-MS-3, UO-1, UO-2 to add the DO-8 Overlay along the Santa Fe and 8th Avenue corridors, located in Council Districts 3 and 7. If ordered published, a public hearing will be held on Monday, 3-6-2023. The Committee approved filing this item at its meeting on 1-24-2023.

Council Bill 23-0059 was ordered published with a future required public hearing on 3-6-2023.

Ordered published with a future required public hearing

[23-0062](#) A bill for an ordinance relinquishing an easement, in its entirety, established in the Permanent Non-Exclusive Easement recorded with Denver Clerk & Recorder at Reception No. 2020053681 located at 2100-2130 Arapahoe Street.

Relinquishes the easement in its entirety as established in the Permanent Non-Exclusive Easement with recordation No. 2020053681, located at 2100-2130 Arapahoe Street in Council District 9. The last regularly scheduled Council meeting within the 30-day review period is on 2-27-2023. The Committee approved filing this item at its meeting on 1-24-2023.

Council Bill 23-0062 was ordered published on first reading

Ordered published on first reading

[23-0063](#) A bill for an ordinance vacating a portion of the alley right-of-way bounded by 40th Street, East 40th Avenue, and Walnut Street at 4003 Walnut Street, without reservations.

Vacates 190 square feet of alley without reservations, bounded by 40th Street and East 40th Avenue and Walnut Street, located at 4003 Walnut Street in Council District 9. The Committee approved filing this item at its meeting on 1-24-2023.

Council Bill 23-0063 was ordered published on first reading

Ordered published on first reading

BILLS FOR FINAL CONSIDERATION

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.

A motion offered by Councilmember Ortega, duly seconded by Councilmember Hinds, that Council Bill 23-0024 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)

[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.

A motion offered by Councilmember Ortega, duly seconded by Councilmember Hinds, that Council Bill 23-0036 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)

[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.

A motion offered by Councilmember Ortega, duly seconded by Councilmember Hinds, that Council Bill 23-0038 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

[22-1652](#) 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.

A motion offered by Councilmember Ortega, duly seconded by Councilmember Hinds, that Council Bill 22-1652 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

President Torres announced that tonight, there will be a required public hearing on Council Bill 22-1455 changing the zoning classification for 4350 Shoshone Street in Sunnyside; a required public hearing on Council Bill 22-1551 changing the zoning classification for 1901 North Eudora Street in South Park Hill; and a combined required public hearing on Council Bill 22-1664 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 and Council Bill 22-1647 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. 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

[22-1455](#) 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.

A motion offered by Councilmember Ortega, duly seconded by Councilmember Hinds, that Council Bill 22-1455 be placed upon final consideration and do pass, carried by the following vote:

Placed upon final consideration and do pass

Council sat as a Committee of the Whole, commencing at 5:30 pm, Council President Torres presiding, to hear speakers on Council Bill 22-1455. Jesse Paris signed up to speak in favor of the bill. No one signed up to speak in opposition of the bill. Edson Ibanez of Community Planning and Development delivered the staff report.

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

Nay: (None) (0)

Absent: Kniech (1)

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.

A motion offered by Councilmember Ortega, duly seconded by Councilmember Hinds, that Council Bill 22-1551 be placed upon final consideration and do pass, carried by the following vote:

Placed upon final consideration and do pass

Council sat as a Committee of the Whole, commencing at 5:39 pm, Council President Torres presiding, to hear speakers on Council Bill 22-1551. Alisha Hammett and Jesse Paris signed up to speak in favor of the bill. No one signed up to speak in opposition of the bill. Edson Ibanez of Community Planning and Development delivered the staff report.

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Ortega, Sandoval, Sawyer, Torres (12)
Nay: (None) (0)
Absent: Kniech (1)

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.

A motion offered by Councilmember Ortega, duly seconded by Councilmember Hinds, that Council Bills 22-1664 and 22-1647 be placed upon final consideration and do pass en bloc, carried by the following vote:

Placed upon final consideration and do pass

Council sat as a Committee of the Whole, commencing at 6:04 pm, Council President Torres presiding, to hear speakers on Council Bills 22-1647 and 22-1664. Bill Tanner, Robin Pittman, Jesse Paris, Brooks Waldman, and Richard Farley signed up to speak in favor of the bill. Sam Werner signed up to speak in opposition of the bill. Libby Kaiser of Community Planning and Development delivered the staff report.

Aye: Black, CdeBaca, Clark, Flynn, Gilmore, Herndon, Hinds, Kashmann, Ortega, Sandoval, Sawyer, Torres (12)
Nay: (None) (0)
Absent: Kniech (1)

[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.

A motion offered by Councilmember Ortega, duly seconded by Councilmember Hinds, that Council Bills 22-1664 and 22-1647 be placed upon final consideration and do pass en bloc, carried by the following vote:

Placed upon final consideration and do pass

Council sat as a Committee of the Whole, commencing at 6:04 pm, Council President Torres presiding, to hear speakers on Council Bills 22-1647 and 22-1664. Bill Tanner, Robin Pittman, Jesse Paris, Brooks Waldman, and Richard Farley signed up to speak in favor of the bill. Sam Werner signed up to speak in opposition of the bill. Libby Kaiser of Community Planning and Development delivered the staff report.

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

Nay: (None) (0)

Absent: Kniech (1)

PRE-ADJOURNMENT ANNOUNCEMENT

Council President Torres announced that, dependent upon publication, on Monday, March 6, 2023, Council will hold a required public hearing on Council Bill 23-0032 changing the zoning classification for 961 South Washington Street in Washington Park West; a required public hearing on Council Bill 23-0033 changing the zoning classification for 1100 South Vine Street in Washington Park; and a combined required public hearing on Council Bill 23-0058 amending the Denver Zoning Code and Council Bill 23-0059 changing the zoning classification for Multiple properties in the Lincoln Park and Baker neighborhoods. Any protests against Council Bills 23-0032, 23-0033 or 23-0059, must be filed with the Council Offices no later than noon on Monday, February 27, 2023.

ADJOURN

There being no further business before the City Council, Council President Torres adjourned the meeting at 6:43 pm.

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