

City Council Minutes

Meeting Date: Monday, January 23, 2023 3:30 PM

PLEDGE OF ALLEGIANCE

Councilmember Gilmore led the Pledge of Allegiance.

LAND ACKNOWLEDGEMENT

Councilmember Gilmore led the Land Acknowledgement.

ROLL CALL

Councilmember Hinds attended the meeting virtually.

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

APPROVAL OF THE MINUTES

[23-0072](#) Minutes of Tuesday, January 17, 2023

The minutes of Monday, January 17, 2023 were distributed to members of Council. Council President Torres ordered the minutes approved.

Approved

COUNCIL ANNOUNCEMENTS

Council members Kniech, Sawyer and Torres offered announcements.

PRESENTATIONS

COMMUNICATIONS

BLOCK VOTE

A motion offered by Councilmember Gilmore, duly seconded by Councilmember Herndon, 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)

PROCLAMATIONS

[23-0076](#) A proclamation celebrating Lunar New Year 2023. (consent)

A motion offered by Councilmember Gilmore, duly seconded by Councilmember Herndon, that Council Proclamation 23-0076 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

Business, Arts, Workforce, & Aviation Services Committee

23-0008 A resolution approving a proposed First Amendment between the City and County of Denver and Enginuity Engineering Solutions, LLC, concerning updating the Small Business Enterprise (SBE) proposed goal, reflecting that the company is a SBE at Denver International Airport.

Amends an on-call contract with Enginuity Engineering Solutions, LLC to update the Small Business Enterprise (SBE) proposed goal from 30% to a 75% SBE self-performing goal, reflecting that the company is a SBE. No change to contract amount or duration (PLANE-202157833/ 202264570-01). 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 1-11-2023.

A motion offered by Councilmember Gilmore, duly seconded by Councilmember Herndon, that Council Resolution 23-0008 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)

23-0009 A resolution approving a proposed First Amendment between the City and County of Denver and Smith Environmental and Engineering, concerning updating the Small Business Enterprise (SBE) proposed goal, reflecting that the company is both a SBE and M/WBE at Denver International Airport.

Amends a contract with Smith Environmental and Engineering to update the Small Business Enterprise (SBE) and Minority, Women Business Enterprise (M/WBE) proposed goal from 30% to a 45% SBE/MBE self-performing goal, reflecting that the company is both a SBE and M/WBE. No change to contract amount or duration (PLANE-202157834/ 202264306-01). 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 1-11-2023.

A motion offered by Councilmember Gilmore, duly seconded by Councilmember Herndon, that Council Resolution 23-0009 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)

23-0010 A resolution approving a proposed Agreement between the City and County of Denver and Premisys Support Group, Inc., concerning a south campus office facilities and ground space lease at Denver International Airport.

Approves a space lease agreement with Premisys Support Group, Inc. (PSG) for rates and charges and 2 years, plus 3 one-year options to extend to lease 3,975 sq. ft. at Denver International Airport's south campus, allowing PSG to continue providing telecom design and installation services for DEN, located in Council District 11 (PLANE-202262571). 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 1-11-2023.

A motion offered by Councilmember Gilmore, duly seconded by Councilmember Herndon, that Council Resolution 23-0010 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

23-0022 A resolution approving the Mayor's reappointments to the Cherry Creek North Business Improvement District.

Approves the Mayoral reappointments of Dean Griffin and Liza McInroy to the Cherry Creek North Business Improvement District for terms effectively immediately and expiring 12-31-2025, or until successors are duly appointed. The Committee approved filing this item at its meeting on 1-10-2023.

A motion offered by Councilmember Gilmore, duly seconded by Councilmember Herndon, that Council Resolution 23-0022 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

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.

Council Bill 23-0001 was ordered published

Ordered published

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.

Council Bill 23-0011 was ordered published with a future required public hearing on 2-21-2023

Ordered published with a future required public hearing

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.

Council Bill 23-0012 was ordered published with a future required public hearing on 2-21-2023

Ordered published with a future required public hearing

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 2-13-2023.

Council Bill 23-0015 was ordered published

Ordered published

BILLS FOR FINAL CONSIDERATION

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.

A motion offered by Councilmember Gilmore, duly seconded by Councilmember Herndon, that Council Bill 23-0004 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

[22-1634](#) 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 Gilmore, duly seconded by Councilmember Herndon, that Council Bill 22-1634 be placed upon final consideration and do pass, was followed by a motion offered by Councilmember Sandoval, duly seconded by Councilmember Herndon, that final consideration of Council Bill 22-1634 be postponed to after the public hearing on Council Bill 22-1629. The motion to postpone carried by the following vote:

Postponed

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 22-1628, approving the Consolidated Service Plan for the creation of five (5) Title 32 Metropolitan Districts, the Park Hill Metropolitan District Nos. 1-5; a required public hearing on Council Bill 22-1629, changing the zoning classification for 4141 East 35th Avenue in Northeast Park Hill; and, a 30-minute 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. Anyone wishing to speak on any of 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 - REQUIRED PUBLIC HEARINGS

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.

Council sat as a Committee of the Whole, commencing at 5:31 p.m., Council President Torres presiding, to hear speakers on Council Bill 22-1628. Jennifer Tanaka, Shelby Noble, Kenneth Ho, Brian Connolly, Brandy Majors, Jesse Parris, Keith Pryor and Kevin Matthews signed up to speak in favor of the bill. Brad Cameron, Jeff Harbaugh, Cheryl A. Spector, Eleni Sarris, David Koppel, Amy Harris, Penfield Tate and Juan Ramirez Anzures signed up to speak in opposition of the bill. Michael Kerrigan of the Department of Finance delivered the staff report.

A motion offered by Councilmember Gilmore, duly seconded by Councilmember Herndon, that Council Bill 22-1628 be placed upon final consideration and do pass, carried by the following vote:

Placed upon final consideration and do pass

Aye: Black, Clark, Flynn, Gilmore, Herndon, Hinds, Kniech, Ortega, Sawyer (9)

Nay: CdeBaca, Kashmann, Sandoval, Torres (4)

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.

A motion offered by Councilmember Cdebaca that final consideration of Council Bill 22-1629, with its public hearing, be postponed to Monday, 1-30-2023, failed for a lack of a second.

Postponed

Council sat as a Committee of the Whole, commencing at 6:38 p.m., Council President Torres presiding, to hear speakers on Council Bill 22-1629. Kenneth Ho, Brian Connolly, Akilah Graham, Susan Powers, Charles Allison-Godfrey, Naiely Miranda, Norman Harris Jr, Mary Coddington, Rev. Eugene Downing, Doug Snyder, Shareef Aleem, Greg Holm, April Denmon, Kevin Marchman, Ryan Keeney, Ben Townsend, David Pardo, Muriel Williams, Tobin Stone, Yosef Assefa, John Hersey, Luchia Brown, Chelsea Harris, Kevin Matthews, Derek Parks, Keith Pryor, Matthew Larsen, Gretchen Armijo, Jourdan Clark, Lisa Wingrove, Matthew Suprunowicz, Terri Hobart, Andrew Lefkowitz, Helen Bradshaw, Alfie Campbell, Dalton Fox, Phil Ord, Noah Stout, Jeff Martinez, John Desmond, Milford Adams, Jason McBride, Amy Yarger, Jonathan Pira, Robert Duncan, Jennifer Ford Keel, Laura Leckband, Marshae Whitlock, Malorie Torrey, Dane Washington, Oren Lomena, Brandy Majors, Jesse Parris, T'Chaka King, Adrian Brown, Heather Lafferty, Azariah Ammishaddai, Mina Goldstein, Katie Bonomo, Renee Martinez-Stone, Mike Reed, Andy Bosselman and Jeremiah Bebo signed up to speak in favor of the bill. Tyler Drum, Juan Ramirez Anzures, Jeffrey Hersch, Stephen Good, Alex Walsh, Maria Flora, Brad Cameron, Tracey MacDermott, Kevin Doyle, Woody Garnsey, Ean Tafoya, Rachel Coates, Harry Doby, Pauline Reetz, Judith Cohen, Elaine Granata, Amy Harris, Wendy Haring, Leslie Twarogowski, Penfield Tate, Erik Stark, Michael Kosnett, Tiffany Caudill, Joan Kenney, Brenda Morrison, Georgia Garnsey, Robyn Fishman, Rafael Espinoza, Veronica Valenzuela, Joseph Sorich, Carlos Valenzuela and Nora Kelly signed up to speak in opposition of the bill. Libbie Adams of Community Planning and Development delivered the staff report.

A motion offered by Councilmember Gilmore, duly seconded by Councilmember Herndon, that Council Bill 22-1629 be placed upon final consideration and do pass, carried by the following vote:

Placed upon final consideration and do pass

Aye: Black, Clark, Flynn, Gilmore, Herndon, Hinds, Kniech, Ortega, Torres (9)

Nay: CdeBaca, Kashmann, Sandoval, Sawyer (4)

[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 Gilmore, duly seconded by Councilmember Herndon, that Council Bill 22-1634 be placed upon final consideration and do pass, carried by the following vote:

Placed upon final consideration and do pass

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

Nay: CdeBaca, Kashmann, Sandoval (3)

PUBLIC HEARINGS - COURTESY PUBLIC HEARINGS

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.

Council sat as a Committee of the Whole, commencing at 11:22 p.m., Council President Torres presiding, to hear speakers on Council Bill 22-1635. Kenneth Ho, Brian Connolly, Dindi Gaines, Kevin Matthews, Matthew Larsen, Keith Pryor, Loren Hansen, Naiely Miranda, Stefka Fanchi, Luke Miller, Abdur-Rahim Ali, Lauren Leckbend, Brandy Majors, Jesse Parris, Anna DeWitt, Karen Kallenberg, Carroll Watkins Ali, Helen Bradshaw, Norman Harris and Lamone Noles signed up to speak in favor of the bill. Shane Murphy, Maria Flora, Woody Garnsey, Jeff Peshut, Harry Doby, Amy Harris, Sandrea Robnett, Woody Garnsey, Penfield Tate, Betsy Rumely and Jim Schneck signed up to speak in opposition of the bill. Skye Stuart of the Mayor's Office delivered an overview.

A motion offered by Councilmember Gilmore, duly seconded by Councilmember Herndon, that Council Bill 22-1635 be placed upon final consideration and do pass, carried by the following vote:

Placed upon final consideration and do pass

- Aye: Black, Clark, Flynn, Gilmore, Herndon, Hinds, Kniech, Ortega, Sandoval, Sawyer, Torres (11)
- Nay: CdeBaca, Kashmann (2)

PRE-ADJOURNMENT ANNOUNCEMENT

Council President Torres announced that on Tuesday, February 21, 2023, Council will hold a required public hearing on Council Bill 23-0011, changing the zoning classification for 4320 Morrison Road, 753 South Raleigh Street and 4849 West Kentucky Avenue in Westwood; and, a required public hearing on Council Bill 23-0012, changing the zoning classification for 1254 North Monaco Street Parkway in Montclair. Any protests against Council Bills 23-0011 or 23-0012 must be filed with the Council Offices no later than noon on Monday, February 13, 2023.

ADJOURN

There being no further business before the City Council, Council President Torres adjourned the meeting at 12:37 a.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