City Council Meeting of Monday, January 9, 2023

City and County of Denver



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

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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 dence@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

23-0019 Minutes of Tuesday, January 3, 2023

COUNCIL ANNOUNCEMENTS

PRESENTATIONS

COMMUNICATIONS

PROCLAMATIONS

RESOLUTIONS

City Council - Direct Files

<u>23-0025</u> A resolution extending the declaration of local disaster emergency pertaining to COVID-19, influenza, and respiratory syncytial virus filed with the clerk and recorder to February 27, 2023.

Approves the extension of the declaration of local disaster pertaining to COVID-19, influenza, and respiratory syncytial virus filed with the clerk and recorder to February 27, 2023. Councilmember Torres approved direct filing this item on 1-5-2023.

<u>23-0026</u> A resolution extending the declaration of local disaster emergency pertaining to sheltering of migrants and asylum seekers filed with the clerk and recorder to February 27, 2023.

Approves the extension of the declaration of local disaster pertaining to sheltering of migrants and asylum seekers filed with the clerk and recorder to February 27, 2023. Councilmember Torres approved direct filing this item on 1-5-2023.

Business, Arts, Workforce, & Aviation Services Committee

<u>22-1679</u> A resolution approving a proposed Purchase Order between the City and County of Denver and M-B Companies, Inc., concerning seven heavy-duty snow removal vehicles to support deicing operations at Denver International Airport.

Approves a purchase order with M-B Companies, Inc. for \$3,913,957.25 to purchase seven heavy-duty snow removal vehicles to support deicing operations at Denver International Airport in Council District 11 (PO-00124510). 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 12-28-2022.

Finance & Governance Committee

<u>22-1639</u> A resolution approving a proposed Master Purchase Order between the City and County of Denver and Skaggs Companies, Inc. to purchase uniforms for the Denver Fire Department.

Approves a master purchase order with Skaggs Companies, Inc. for \$600,000 and through 9-1-2025, with 2 one-year options to extend, to purchase uniforms for the Denver Fire Department (SC-00007083). 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 12-20-2022.

<u>22-1665</u> A resolution approving the Mayor's appointments to the Denver Women's Commission.

Approves the Mayoral appointments of Elena Mendoza, Rena Dulberg, Candice Smith, Kirsten Decker, and Rachel Garcia to the Denver Women's Commission for terms effective immediately and expiring 6-30-2025, or until successors are duly appointed. The Committee approved filing this item at its meeting on 12-27-2022.

<u>22-1666</u> A resolution approving the Mayor's appointment and reappointments to the Denver Commission for People with Disabilities.

Approves the Mayoral appointment of Karen Roberts and the Mayoral reappointments of Joanne Stranahan, Oliver Giminaro, and Wade Balmer to the Denver Commission for People with Disabilities for terms effective immediately and expiring 9-30-2024, or until successors are duly appointed. The Committee approved filing this item at its meeting on 12-27-2022.

<u>22-1667</u> A resolution approving the Mayor's reappointment to the Colfax Business Improvement District.

Approves the Mayoral reappointment of Andy Baldyga to the Colfax Business Improvement District for a term effective immediately and expiring 3-31-2025, or until a successor is duly appointed. The Committee approved filing this item at its meeting on 12-27-2022.

<u>22-1668</u> A resolution approving the Mayor's appointment to the Denver Preschool Program Board of Directors.

Approves the Mayoral appointment of Jennifer Luke to the Denver Preschool Program Board of Directors for a term effective immediately and expiring 12-31-2023. The Committee approved filing this item at its meeting on 12-27-2022.

<u>22-1670</u> A resolution approving a First Amendment to Agreement with Sterling Infosystems, Inc. between the City and County of Denver and Sterling Infosystems, Inc. to include an exhibit with the new global product codes used for employment hiring background screenings, citywide.

Amends a contract with Sterling Infosystems, Inc. to include an exhibit with the new global product codes used for employment hiring background screenings, citywide. No changes to contract amount or duration (CSAHR-202160650/CSAHR-202265113-01). 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 12-27-2022.

<u>22-1681</u> A resolution approving a proposed License Agreement between the City and County of Denver and Fillmore @ Third, LLC for a crane to swing over city owned property at 305 North Milwaukee Street.

Approves a temporary construction easement with Fillmore @ Third, LLC for up to \$19,950 and 3 years to allow a crane boom to move over city owned property, located at 305 North Milwaukee Street, so the adjacent property owner can complete construction at 311 North Filmore in Council District 10 (FINAN-202265843). 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 12-27-2022.

Safety, Housing, Education & Homelessness Committee

<u>22-1567</u> A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Mental Health Center of Denver, doing business as WellPower, to extend the term of the agreement and expand the Support Team Assisted Response (STAR) program to add 6 behavioral health clinicians, citywide.

Amends a contract with Mental Health Center of Denver, doing business as WellPower, by adding \$885,986 for a new total of \$2,277,567 and one year for a new end date of 12-31-2023 to expand the Support Team Assisted Response (STAR) program to add 6 behavioral health clinicians, citywide (ENVHL-202160835/202265542-01). 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 11-30-2022.

<u>22-1669</u> A resolution approving a proposed Fourth Amendatory Agreement between the City and County of Denver and Denver Preschool Program.

Amends a contract with Denver Preschool Program to reflect the ordinance changes passed in CB 22-0805, which eliminated the requirement for an unappropriated fund balance. No changes to contract amount or duration (CE72086/ MOEAI-202265118). 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 12-28-2022.

23-0013 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the sum of One Hundred Sixty-Two Thousand Five Hundred Dollars (\$162,500.00) made payable to Shaiitarrio Brown and The Bagley Law Firm LLC in full payment and satisfaction of all claims related to the civil action captioned Shaiitarrio Brown and Brittany King v Denver, Colorado, Denver Police Department Officers John McAndrews, Frank Kerber, and Jim Bradley, in their individual and official capacities, which was filed in the United States District Court, State of Colorado, Case No. 21-cv-2050-WJM-NYM.

Settles a claim involving the Denver Police Department. This item was approved for filing at the Mayor-Council meeting on 1-3-2023.

23-0014 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the sum of Seventy-Five Thousand Dollars (\$75,000.00) made payable to Baumgartner Law, LLC in full payment and satisfaction of all claims related to the civil action captioned Luke Horowitz v. James Jeffery, a former Denver Sheriff's Department Deputy, which was filed in the United States District Court, State of Colorado, Case No. 1:21-cv-01092-PAB-MEH.

Settles a claim involving the Denver Sheriff Department. This item was approved for filing at the Mayor-Council meeting on 1-3-2023.

23-0023 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the total sum of One Hundred Sixty-Two Thousand Five Hundred Dollars (\$162,500.00) made payable to Brittany King and The Bagley Law Firm LLC in full payment and satisfaction of all claims related to the civil action captioned Shailtarrio Brown and Brittany King v Denver, Colorado, Denver Police Department Officers John McAndrews, Frank Kerber, and Jim Bradley, in their individual and official capacities, which was filed in the United States District Court, State of Colorado, Case No. 21-cv-2050-WJM-NYM.

Settles a claim involving the Denver Police Department. This item was approved for filing at the Mayor-Council meeting on 1-3-2023.

BILLS FOR INTRODUCTION

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

<u>22-1455</u> 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. If ordered published, a public hearing will be held on Monday, 2-6-2023. The Committee approved filing this item at its meeting on 11-15-2022.

<u>22-1551</u> 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. If ordered published, a public hearing will be held on Monday, 2-6-2023. The Committee approved filing this item at its meeting on 12-6-2022.

<u>22-1647</u> A bill for an ordinance changing the zoning classification for multiple properties to apply the Cherry Creek East Commercial and Residential Mixed Use Design Overlay 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. If ordered published, a public hearing will be held on Monday, 2-6-2023. The Committee approved filing this item at its meeting on 12-20-2022.

<u>22-1664</u> 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. If ordered published, a public hearing will be held on Monday, 2-6-2023. The Committee approved filing this item at its meeting on 12-20-2022.

<u>22-1675</u> 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.

BILLS FOR FINAL CONSIDERATION

Finance & Governance Committee

22-1633 A bill for an ordinance authorizing a recission from and an appropriation in the Wastewater Enterprise Fund to make a cash transfer to the Wastewater Division Planned Fleet Replacement Special Revenue Fund and authorizing the purchase of capital equipment in the Fund.

Approves a rescission from and an appropriation in the Enterprise Fund (72100) to make a cash transfer to the Wastewater Planned Fleet Replacement Fund (72200) and authorizes the purchase of a vehicle from the Wastewater Planned Fleet Replacement Fund to support clean-up operations preventing debris from getting in waterways. The Committee approved filing this item at its meeting on 12-13-2022.

<u>22-1649</u> A bill for an ordinance amending Ordinance No. 1317, Series of 2022 to change the capital budget rescission from Fund 34991 to Fund 33069 and to approve a transfer of cash between Fund 33069 to Fund 34991.

Amends the ordinance approved by CB22-1317 to correct a clerical error by changing the capital budget rescission from fund 34991 to fund 33069 and approving a cash transfer between fund 33069 and 34991. No change to original appropriation amounts. The Committee approved filing this item at its meeting on 12-20-2022.

Land Use, Transportation & Infrastructure Committee

22-1625 A bill for an ordinance approving a proposed Intergovernmental Agreement between the City and County of Denver and Housing Authority of the City and County of Denver, for certain transportation, safety, and green space improvements at the intersection of 32nd Avenue and Shoshone Street in Council District 1.

Approves an intergovernmental agreement with the Housing Authority of the City and County of Denver (DHA) for \$900,000 and through 7-1-2023 for the city to make transportation, safety, and green space improvements at the intersection of 32nd Avenue and Shoshone Street, next to the DHA property being redeveloped at 3210 North Shoshone Street in Council District 1 (DOTI-202265717). The last regularly scheduled Council meeting within the 30-day review period is on 1-17-2023. The Committee approved filing this item at its meeting on 12-13-2022.

22-1627 A bill for an ordinance relinquishing an easement, in its entirety, reserved in Ordinance No. 107, Series of 1985, recorded with Denver Clerk & Recorder at Reception No. 1985086465 located at 3300 Blake Street.

Relinquishes the easement in its entirety as established in the Ordinance No. 107, Series of 1985, located at 3300 Blake Street in Council District 9. The last regularly scheduled Council meeting within the 30-day review period is on 1-17-2023. The Committee approved filing this item at its meeting on 12-13-2022.

22-1630 A bill for an ordinance relinquishing a portion of the easement reserved in Ordinance No. 584, Series of 1991, recorded with Denver Clerk & Recorder at Reception No. 1991075551, located in the vacated alley bounded by 36th Street, Chestnut Place, 38th Street, and Delgany Street. Relinquishes a portion of the alley easement as established in Vacating Ordinance No. 584, Series of 1991, located in the vacated alley bounded by 36th Street, 38th Street, Delgany Street, and Chestnut Place in Council District 9. The last regularly scheduled Council meeting within the 30-day review period is on 1-17-2023. The Committee approved filing this item at its meeting on 12-13-2022.

<u>22-1651</u> A bill for an ordinance vacating a portion of right-of-way located near East Mississippi Drive and South Parker Road, with reservations. Vacates approximately 17,876 square feet of right-of-way near East Mississippi Drive and South Parker Road, with reservations in Council District 5. The Committee approved filing this item at its meeting on 12-20-2022.

<u>22-1653</u> A bill for an ordinance amending Chapter 10 of the Denver Revised Municipal Code concerning buildings and building regulations, to adopt the **2022 Denver Building Code, Denver Fire Code, and Denver Green Code.**Amends Article II, Chapter 10 of the Denver Revised Municipal Code concerning buildings and building regulations to adopt the 2022 Denver Building Code, Denver Fire Code, and Denver Green Code. The Committee approved filing this item at its meeting on 12-20-2022.

Safety, Housing, Education & Homelessness Committee

<u>22-1564</u> A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Denver Health and Hospital Authority (DHHA), for maternal child health services for care coordination for children and youth with special healthcare needs.

Approves an intergovernmental agreement with Denver Health and Hospital Authority (DHHA) for \$500,000 and through 09-30-2023 for maternal child health services for care coordination for children and youth with special healthcare needs, including general consultation to families, service navigation, coordination between providers, and other services, citywide (ENVHL-202265544). The last regularly scheduled Council meeting within the 30-day review period is on 1-17-2023. The Committee approved filing this item at its meeting on 11-30-2022.

22-1622 A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and the Housing Authority of the City and County of Denver, to extend the term, modify the scope of services, and provide additional funding for the construction of accessory dwelling units that will benefit low-income households, citywide.

Amends an intergovernmental agreement with Housing Authority of the City and County of Denver by adding \$630,000 for a new total of \$1,130,000 and two years for a new end date of 12-31-2024 and to modify certain terms of the program to continue supporting the construction of additional accessory dwelling units for low-income households through the West Denver Renaissance Collaborative to mitigate involuntary displacement, citywide (OEDEV-201846549/HOST-202265146-02). The last regularly scheduled Council meeting within the 30-day review period is on 1-17-2023. The Committee approved filing this item at its meeting on 12-14-2022.

RECAP OF BILLS TO BE CALLED OUT

PRE-RECESS ANNOUNCEMENT

Tonight, there will be a required public hearing on Council Bill 22-1456, changing the zoning classification for 6302 East 63rd Avenue and 6308 North Argonne Street in DIA; and, a one-hour courtesy public hearing on Council Bill 22-1614, amending Chapter 58 of the Denver Revised Municipal Code to provide a civil penalty for the offense of wage theft and clarifying enforcement provisions for wage violations in connection therewith. Anyone wishing to speak on either of these matters must go online to sign up during the recess of Council.

RECESS

COUNCIL RECONVENES AND RESUMES ITS REGULAR SESSION

UNFINISHED BUSINESS

PROCLAMATIONS

23-0018 A proclamation honoring Alton P. Dillard II.

Sponsor Ortega

REQUIRED PUBLIC HEARINGS

Land Use, Transportation & Infrastructure Committee

22-1456 A bill for an ordinance changing the zoning classification for 6302 East 63rd Avenue and 6308 North Argonne Street in DIA.

Approves a map amendment to rezone property from C-MU-20 with waivers and conditions, AIO to S-MX-5 AIO, located at 6302 East 63rd Avenue and 6308 North Argonne Street in Council District 11. The Committee approved filing this item at its meeting on 11-15-2022.

COURTESY PUBLIC HEARINGS

Finance & Governance Committee

<u>22-1614</u> A bill for an ordinance amending Chapter 58 of the Denver Revised Municipal Code to provide a civil penalty for the offense of wage theft and clarifying enforcement provisions for wage violations in connection therewith.

Amends Chapter 58 of the Denver Revised Municipal Code to provide a civil penalty for the offense of wage theft and clarifying enforcement provisions for wage violations in connection therewith. The Committee approved filing this item at its meeting on 12-20-2022.

PRE-ADJOURNMENT ANNOUNCEMENT

Dependent upon publication, on Monday, February 6, 2023, Council will hold 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 public hearing on Council Bill 22-1647, changing the zoning classification for multiple properties to apply the Cherry Creek East Commercial and Residential Mixed Use Design Overlay in Cherry Creek, and 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. Any protests against Council Bills 22-1455, 22-1551 or 22-1647 must be filed with the Council Offices no later than noon on Monday, January 30, 2023.

ADJOURN

PENDING

FOR 1-17-2023:

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.

Final Consideration 1-17-2023 | Required Public Hearing

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.

Final Consideration 1-17-2023 | Required Public Hearing

<u>22-1553</u> 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.

Final Consideration 1-17-2023 | Required Public Hearing

FOR 1-23-2023:

<u>22-1629</u> 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:

<u>22-1602</u> 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