

City Council Meeting of Monday, May 1, 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

Room 450
City & County Building
1437 Bannock Street
Denver CO 80202
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Email: 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 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 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, 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

[23-0511](#) Minutes of Monday, April 24, 2023.

COUNCIL ANNOUNCEMENTS

PRESENTATIONS

COMMUNICATIONS

PROCLAMATIONS

RESOLUTIONS

Business, Arts, Workforce, & Aviation Services Committee

[23-0418](#) **A resolution approving a proposed Second Amendment between the City and County of Denver and Aerovias de Mexico, S.A. de C.V. dba Aeromexico concerning changes to the space leased by Aeromexico to support airline operations at Denver International Airport.**

Amends a use and lease agreement with Aerovias de Mexico S.A. de C.V. to increase the square feet of space leased and change the location of leased space to support airline operations, located at Denver International Airport in Council District 11. No change to agreement duration (PLANE-202255425/ PLANE - 202266117-02). The last regularly scheduled Council meeting within the 30-day review period is on 5-22-2023. The Committee approved filing this item at its meeting on 4-19-2023.

Finance & Governance Committee**[23-0411](#) A resolution approving a proposed Lease Agreement between the City and County of Denver and The Denver Center for the Performing Arts for use of the Garner Galleria Theatre, located at 1385 Curtis Street in Council District 9.**

Approves a lease agreement with The Denver Center for the Performing Arts (DCPA) for \$10 and through 1-31-2026 for use of the Garner Galleria Theatre, located at 1385 Curtis Street in Council District 9, while the city works with DCPA to make facility improvements (FINAN-202367175-00). The last regularly scheduled Council meeting within the 30-day review period is on 5-22-2023. The Committee approved filing this item at its meeting on 4-18-2023.

[23-0423](#) A resolution approving a proposed Purchase and Sale Agreement between the City and County of Denver and ACM Loretto VI LLC to purchase a theater and library on the Loretto Heights campus located at 3200 West Cornell Drive.

Approves a purchase and sale agreement with ACM Loretto VI LLC, for \$3,500,000 to purchase property in support of a theater and library on the Loretto Heights campus, located at 3200 West Cornell Drive in Council District 2 (FIN-202367684). The last regularly scheduled Council meeting within the 30-day review period is on 5-22-2023. The Committee approved filing this item at its meeting on 4-18-2023.

Land Use, Transportation & Infrastructure Committee**[23-0404](#) A resolution laying out, opening and establishing as part of the City street system a parcel of land as West 16th Avenue at the intersection of West 16th Avenue and North Yates Street.**

Dedicates a parcel of land as West 16th Avenue, located at the intersection of West 16th Avenue and North Yates Street in Council District 1. The Committee approved filing this item at its meeting on 4-18-2023.

[23-0405](#) A resolution granting a revocable permit to Osceola Stop Townhomes, LLC, to encroach into the right-of-way at 1300 North Osceola Street.

Grants a revocable permit, subject to certain terms and conditions, to Osceola Stop Townhomes LLC, their successors and assigns, to encroach into the right-of-way with approximately 51 feet of railing at 1300 North Osceola Street in Council District 3. The Committee approved filing this item at its meeting on 4-18-2023.

[23-0406](#) A resolution granting a revocable permit to Paradise Investment Properties LLC, to encroach into the right-of-way at 1300 Walnut Street.

Grants a revocable permit, subject to certain terms and conditions, to Paradise Investment Properties LLC, their successors and assigns, to encroach into the right-of-way with a three-story below grade parking structure, located at 1300 Walnut Street in Council District 9. The Committee approved filing this item at its meeting on 4-18-2023.

[23-0417](#) A resolution granting a revocable permit to Loretto Heights Metropolitan District No. 1, to encroach into the right-of-way at 3001 South Federal Boulevard.

Grants a revocable permit, subject to certain terms and conditions, to Loretto Heights Metropolitan District No. 1, their successors and assigns, to encroach into the right-of-way with approximately 103 linear feet of private sanitary sewer at 3001 South Federal Boulevard in Council District 2. The Committee approved filing this item at its meeting on 4-18-2023.

[23-0424](#) A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Merrick & Company to continue providing horizontal design and project management services in support of the National Western Center Program.

Amends a contract with Merrick & Company by adding one year for a new end date of 4-14-2024 to continue providing horizontal design and project management services in support of the National Western Center Program in Council District 9. No change to contract amount (PWADM-201840729/ DOTI-202367001-01). The last regularly scheduled Council meeting within the 30-day review period is on 5-22-2023. The Committee approved filing this item at its meeting on 4-18-2023.

Safety, Housing, Education & Homelessness Committee

[23-0341](#) **A resolution approving a proposed Fourth Amendatory Agreement between the City and County of Denver and Denver Food Rescue for operation of the No Cost Grocery Program that provides fresh, healthy food for free, citywide.**

Amends a grant agreement with Denver Food Rescue to add \$18,599 in Healthy Food for Denver's Kids sales tax funds for a new contract total of \$894,167 to correct an error in approved funding shown in the previous contract language for operation of the No Cost Grocery Program that provides fresh, healthy food for free, citywide. No change to contract duration (ENVHL 202367191-04). The last regularly scheduled Council meeting within the 30-day review period is on 5-22-2023. The Committee approved filing this item at its meeting on 4-5-2023.

BILLS FOR INTRODUCTION**Finance & Governance Committee**

[23-0396](#) **A bill for an ordinance granting the authority to acquire through negotiated purchase or condemnation of all or any portion of any property interest as needed in completing sidewalk gap improvements along a portion of North Newton Street and at the northeast corner of Federal Boulevard and West 45th Avenue as part of Council District 1 and Council District 3 Sidewalk Gap Improvement Project in Council Districts 1 and 3.**

Grants the authority to acquire through negotiated purchase or condemnation of all or any portion of any property interest as needed in support of the Elevate Denver Bond Sidewalk Gap Program, including easement interests, access rights, improvements, buildings, fixtures, licenses, permits and other appurtenances, located at the northeast corner of Federal Boulevard and West 45th Avenue in Council District 1, and North Newton Street between West 12th Avenue and West 13th Avenue in Council District 3. The Committee approved filing this item at its meeting on 4-18-2023.

[23-0397](#) A bill for an ordinance granting the authority to acquire through negotiated purchase or condemnation of all or any portion of any property interest as needed in completing sidewalk gap improvements along a portion of East Girard Avenue as part of Council District 4 Sidewalk Gap Improvement Project in Council District 4.

Grants the authority to acquire through negotiated purchase or condemnation of all or any portion of any property interest as needed in support of the Elevate Denver Bond Sidewalk Gap Program, including easement interests, access rights, improvements, buildings, fixtures, licenses, permits and other appurtenances, located between South Dayton Street and South Akron Street, along East Girard Avenue in Council District 4. The Committee approved filing this item at its meeting on 4-18-2023.

[23-0419](#) A bill for an ordinance establishing a new Fund in the Capital Improvements and Capital Maintenance Fund Series for the "Climate Federal Capital Projects" program.

Establishes the Climate Federal Capital Projects Fund (34805) in the Capital Improvements and Capital Maintenance Fund Series. The Committee approved filing this item at its meeting on 4-18-2023.

[23-0420](#) A bill for an ordinance establishing a new Fund in the General Government Special Revenue Fund Series for the "Climate Federal Revenue" program.

Establishes the Climate Federal Revenue Special Revenue Fund (11889) in General Government Special Revenue Fund Series. The Committee approved filing this item at its meeting on 4-18-2023.

Land Use, Transportation & Infrastructure Committee

[23-0408](#) A bill for an ordinance relinquishing portion of the easement established in Tower Farms Subdivision Filing No. 1, recorded with Denver Clerk & Recorder at Reception No. 2022025118 located at North Tower Road and East 56th Avenue.

Relinquishes a portion of the easement established in Tower Farms Subdivision Filing No. 1, Recordation Number 2022025118, located at North Tower Road and East 56th Avenue in Council District 11. The last regularly scheduled Council meeting within the 30-day review period is on 5-22-2023. The Committee approved filing this item at its meeting on 4-18-2023.

[23-0409](#) A bill for an ordinance approving a proposed On Call Professional Services Agreement between the City and County of Denver and Downtown Denver Business Improvement District to purchase fixtures, furniture, and equipment on an as needed basis for the 16th Street Mall Reconstruction Project.

Approves an intergovernmental agreement with the Downtown Denver Business Improvement District for \$4,000,000 and through 5-31-2028 to purchase fixtures, furniture, and equipment on an as needed basis for the 16th Street Mall Reconstruction Project in Council District 9. The last regularly scheduled Council meeting within the 30-day review period is on 5-22-2023. The Committee approved filing this item at its meeting on 4-18-2023.

[23-0421](#) A bill for an ordinance amending Ordinance 20220424, Series 2022, to extend the deadlines by which an applicant must obtain approval of a site development plan or site development plan amendment in order to comply with the requirements of the Denver Zoning Code, as it existed prior to July 1, 2022.

Amends section 2 of Ordinance No. 0424, series 2022 to extend the deadlines by which an applicant must obtain approval of a site development plan in order to be exempt from the requirements in CB22-0424. If ordered published, a public hearing will be held on Monday, 5-22-2023. The Committee approved filing this item at its meeting on 4-18-2023.

[23-0422](#) A bill for an ordinance amending Ordinance 20220426, Series 2022, to extend the deadlines by which an applicant must obtain approval of a site development plan or site development plan amendment in order to comply with the requirements of Articles V or VI, Chapter 27 of the DRMC, as applicable, as it existed prior to July 1, 2022 and amend the reporting requirements of the Department of Community Planning and Development.

Amends section 4 of Ordinance No. 0426, Series 2022 to extend the deadlines by which an applicant must obtain approval of a site development plan to be exempt from the requirements in CB22-0426, increase the required number of times that Community Planning and Development must provide the applicable report to City Council and extend the final deadline for the report. The Committee approved filing this item at its meeting on 4-18-2023.

Safety, Housing, Education & Homelessness Committee

[23-0372](#) **A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and Denver Urban Renewal Authority to increase the contract amount and extend the term to continue to operate the Rental/Homeowner Access & Modification program (RHAMP).**

Amends an intergovernmental agreement with Denver Urban Renewal Authority by adding \$30,000 for a new total of \$705,000 and one year for a new end date of 12-31-2023 to continue operating the Rental/Homeowner Access & Modification program (RHAMP), which helps remove architectural and accessibility barriers for income-qualified persons in their owner-occupied or rental unit, citywide (HOST-202057135-02/ HOST-202366394-02). The last regularly scheduled Council meeting within the 30-day review period is on 5-22-2023. The Committee approved filing this item at its meeting on 4-12-2023.

BILLS FOR FINAL CONSIDERATION**Business, Arts, Workforce, & Aviation Services Committee**

[23-0387](#) **A bill for an ordinance enacting Article XI of Chapter 28 to create the Denver Construction Careers Program.**

Amends Chapter 28 of the Denver Revised Municipal Code by adding a new Article XI Workforce Development Requirements in City Construction to create the Denver Construction Careers Program to address construction labor shortages through apprenticeship training requirements and employment opportunities for people living in economically disadvantaged areas or experiencing economic disadvantage. The Committee approved filing this item at its meeting on 4-12-2023.

[23-0388](#) **A bill for an ordinance approving a proposed Intergovernmental Agreement between the City and County of Denver and Denver Public Schools, to administer the Denver Youth Employment Program.**

Approves an intergovernmental agreement with Denver Public Schools for \$1,500,000 and through 12-31-2023 to administer the Denver Youth Employment Program to provide customized workforce development services, including year-round programming and summer internships for approximately 375 eligible Denver youth, citywide (OEDEV-202366654-00). The last regularly scheduled Council meeting within the 30-day review period is on 5-15-2023. The Committee approved filing this item at its meeting on 4-12-2023.

Finance & Governance Committee

[23-0377](#) **A bill for an ordinance designating certain properties as being required for public use and authorizing use and acquisition thereof by negotiation or through condemnation proceedings of fee simple, easement and other interests, including any rights and interests related or appurtenant to properties designated as needed for the installment of Phase 1 of the 48th Avenue Greenway (Outfall) project on 48th Avenue from Emerson Street continuing west to Washington Street. This includes easement interests, access rights, improvements, buildings, fixtures, licenses, and permits as part of the Project.**

Grants the authority to acquire through negotiated purchase or condemnation of all or any portion of any property interest as needed in support of the 48th Avenue Greenway Outfall Project, including easement interests, access rights, improvements, buildings, fixtures, licenses, permits and other appurtenances, located at 48th Avenue from Emerson Street to Washington Street in Council District 9. The Committee approved filing this item at its meeting on 4-11-2023.

[23-0378](#) **A bill for an ordinance granting the authority to acquire through negotiated purchase or condemnation of all or any portion of any property interest as needed for the first phase of the Globeville Levee Improvements Project, located along the west bank of the South Platte River from East 50th Avenue to North of Westbound Interstate 70, in Council District 9.**

Grants the authority to acquire through negotiated purchase or condemnation of all or any portion of any property interest as needed in support of the Globeville Levee Improvements Project, including easement interests, access rights, improvements, buildings, fixtures, licenses, permits and other appurtenances, located along the west bank of the South Platte River from East 50th Avenue to North of Westbound I-70 in Council District 9. The Committee approved filing this item at its meeting on 4-11-2023.

Land Use, Transportation & Infrastructure Committee**[23-0373](#) A bill for an ordinance amending Chapter 54 of the Denver Revised Municipal Code to regulate and enforce the parking of vehicles, including large vehicles and vehicle junkers, in the public right-of-way.**

Amends Chapter 54 of the Denver Revised Municipal Code to create new curbside and parking enforcement mechanisms to address emerging safety and space management issues, citywide. The Committee approved filing this item at its meeting on 4-11-2023.

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

Tonight, there will be a required public hearing on Council Bill 23-0272 changing the zoning classification for 5005 West 29th Avenue in West Highland; a required public hearing on Council Bill 23-0283 changing the zoning classification for multiple properties in Athmar Park and Valverde; and a courtesy public hearing on Council Bill 23-0401 naming the community park at 4000 N. Kirk Street as "William H. Whitsell Park". Anyone wishing to speak on any 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**

REQUIRED PUBLIC HEARINGS - BILLS FOR FINAL CONSIDERATION**Land Use, Transportation & Infrastructure Committee****[23-0272](#) A bill for an ordinance changing the zoning classification for 5005 West 29th Avenue in West Highland.**

Approves a map amendment to rezone property from PUD-83 to U-MX-3, located at 5005 West 29th Avenue in Council District 1. If ordered published, a public hearing will be held on Monday, 5-1-2023. The Committee approved filing this item at its meeting on 3-21-2023.

[23-0283](#) A bill for an ordinance changing the zoning classification for multiple properties in Athmar Park and Valverde.

Approves a legislative map amendment to rezone multiple properties from E-SU-B, E-SU-D, and E-SU-Dx to E-SU-B1, E-SU-D1 and E-SU-D1x to allow for the construction of Accessory Dwelling Units (ADUs), located in the Athmar Park and Valverde neighborhoods in Council District 7. If ordered published, a public hearing will be held on Monday, 5-1-2023. The Committee approved filing this item at its meeting on 3-21-2023.

COURTESY PUBLIC HEARINGS - BILLS FOR INTRODUCTION**Land Use, Transportation & Infrastructure Committee****[23-0401](#) A bill for an ordinance naming the community park at 4000 N. Kirk Street as "William H. Whitsell Park".**

Approves naming an unnamed park as "William H. Whitsell Park", located at 4000 North Kirk Street in Council District 11. If ordered published, a public hearing will be held on Monday, 5-1-2023. The Committee approved filing this item at its meeting on 4-18-2023.

PRE-ADJOURNMENT ANNOUNCEMENT

Dependent upon publication, on Monday, May 22, 2023, Council will hold a required public hearing on Council Bill 23-0421 amending Ordinance 20220424, Series 2022, to extend the deadlines by which an applicant must obtain approval of a site development plan or site development plan amendment in order to comply with the requirements of the Denver Zoning Code, as it existed prior to July 1, 2022. Any protests against Council Bill 23-0421, must be filed with the Council Offices no later than noon on Monday, May 15, 2023.

ADJOURN**PENDING**

FOR 5-8-23

[23-0282](#) **A bill for an ordinance changing the zoning classification for 1085 North Lowell Boulevard in Villa Park.**

Approves a map amendment to rezone property from E-SU-D1x to U-RH-2.5, located at 1085 Lowell Boulevard in Council District 3. The Committee approved filing this item at its meeting on 3-21-2023.

FOR 5-15-23

[23-0335](#) **A bill for an ordinance changing the zoning classification for 8405 & 8415 East Colfax Avenue in East Colfax.**

Approves a map amendment to rezone property from E-MS-3 to E-MS-5, located at 8405 & 8415 East Colfax Avenue in Council District 8. The Committee approved filing this item at its meeting on 4-4-2023.

FOR 5-22-23

[23-0374](#) **A bill for an ordinance amending the Denver Zoning Code, concerning relief processes of zoning standards.**

Approves a Denver Zoning Code text amendment to create new administrative adjustment and variance procedures. The Committee approved filing this item at its meeting on 4-11-2023.

[23-0375](#) **A bill for an ordinance amending Chapter 59 of the Denver Revised Municipal Code, concerning relief processes of zoning standards.**

Amends Chapter 59 of the Denver Revised Municipal Code to allow properties that retain zoning designation under Former Chapter 59 or that need to comply with state or federal law, access to the text amendment approved in CB23-0374. The Committee approved filing this item at its meeting on 4-11-2023.

[23-0384](#) **A bill for an ordinance designating 602 South Harrison Lane as a structure for preservation.**

Approves an individual landmark designation for a structure located at 602 South Harrison Lane in Council District 10. The Committee approved filing this item at its meeting on 4-11-2023.