

City Council of Monday, September 16, 2013

City and County of Denver

Robin Kniech..... At Large
Deborah "Debbie" Ortega..... At Large
Susan K. Shepherd..... District 1
Jeanne Faatz..... District 2
Paul D. López..... District 3
Peggy Lehmann..... District 4
Mary Beth Susman..... District 5
Charlie Brown..... District 6



Chris Nevitt..... District 7
Albus Brooks..... District 8
Judy H. Montero..... District 9
Jeanne Robb..... District 10
Christopher Herndon..... District 11
Janna B. Young..... Director
Kelly Velez..... Clerk

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WEB ACCESS

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REMINDER

As a courtesy to those in attendance,
please

turn off your cell phones.

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

The Council Chambers has listening devices for the hearing impaired; request a device from the Council Secretary. The City can provide sign language interpretation for persons attending City Council meetings. If you need sign language interpretation, please contact Lorrie Kosinski at TTY 720-913-8484 at least 72 hours in advance.

CITY COUNCIL AGENDA

The City Council agenda and meeting schedule are made available for public review during normal business hours at Denver City Council, 1437 Bannock St., Rm. 451, on Thursday afternoons prior to the regularly scheduled meeting on Monday. The agenda packet is also posted on the City Council website. Questions on agenda items may be directed to the Denver City Council at 720-337-2000.

AUDIO/VIDEO ACCESS TO CITY COUNCIL MEETINGS

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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 during a public hearing, speaker cards are available during the recess of Council. Each speaker is allowed 3 minutes, unless another speaker has yielded his or her time which would result in a maximum of 6 minutes. Public hearings allow citizens the opportunity to speak in favor or against specific items. The Council President will open the public hearing to receive public comment on that specific item. Upon hearing all public comments, the Council President will close or continue the public hearing. Council may then decide to engage in discussion and/or take action on the item.

City Council Agenda and Explanatory Notes

Meeting Date: Monday, September 16, 2013 5:30 PM

Pledge of Allegiance

Roll Call

Approval of the Minutes

Council Announcements

Presentations

**Update on the Impacts of Last Week's Flooding in Denver, Scott Field,
Director of the Office of Emergency Management and Homeland Security**

Communications

Proclamations

**CP13-0587 A proclamation in recognition of Brad Buchanan.
Brown, Montero, López, Ortega, Kniech, Brooks, Robb, Susman, Lehmann,
Faatz, and Shepherd.**

**CP13-0641 A proclamation recognizing September as World Alzheimer's
Disease Awareness Month.
Councilmembers Susman, Montero, López, Ortega, Brooks, Kniech,
Lehmann, Faatz, and Shepherd.**

Resolutions

Health, Safety, Education & Services

**CR13-0644 A resolution authorizing and approving the expenditure and
payment from the appropriation account designated "liability claims," the
sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00), payable to Roy
D. Evans, III; the sum of Four Thousand and 00/100 Dollars (\$4,000.00),
payable to Killmer, Lane & Newman, LLP; and the sum of Six Thousand and
00/100 Dollars (\$6,000.00), payable to the Law Office of Gary D. Fielder,
in full payment and satisfaction of all claims by the City and County of
Denver in Civil Action No. 11-cv-00406-RPM, in the United States District**

Court for the District of Colorado.

Settles a claim involving the Department of Safety. This resolution was approved for filing at the Mayor Council meeting on 9-10-13.

Land Use, Transportation & Infrastructure

CR13-0600 A resolution granting a revocable permit to Denver Public Schools to encroach into the right-of-way at 911 South Hazel Court for Kepner Middle School.

Grants a revocable permit to Denver Public Schools to encroach into a 0.12-acre portion of public right-of-way of S. Hooker Street at vacated W. Tennessee with synthetic turf field related construction at 911 S. Hazel Court, Kepner Middle School, in Council District 3. The Committee approved filing this resolution by consent on 9-5-13.

Bills for Introduction

Business, Workforce & Sustainability

CB13-0592 A bill for an ordinance approving a proposed Airport Use and Lease Agreement between the City and County of Denver and British Airways Plc, related to leased space at Denver International Airport.

Approves a lease agreement with British Airways, PLC through 2016 for the right to use Denver International Airport's facilities to support their international flight operation (201310739). The last regularly scheduled Council meeting within the 30-day review period is on 10-7-13. The Committee approved filing this bill by consent on 9-5-13.

CB13-0593 A bill for an ordinance approving a proposed Office Space Lease between the City and County of Denver and Prospect International Airport Services, Inc. concerning leasing space for an office at Denver International Airport.

Approves a Lease Agreement with Prospect International Airlines Services, Inc. for \$5,709.60 annually to provide Denver International Airport's airlines with wheel chair services (201309825). The last regularly scheduled Council meeting within the 30-day review period is on 10-7-13. The Committee approved filing this bill by consent on 9-5-13.

Government & Finance

CB13-0573 A bill for an ordinance authorizing the exercise of a purchase option under an existing lease purchase agreement, the approval and execution of an annually renewable Lease Purchase Agreement No. 2013A (Buell Theatre Property) between the Denver Public Facilities Leasing Trust 2013A, as lessor, and the City and County of Denver, as lessee, the

execution of other documents related thereto; authorizing officials of the City and County of Denver to take all action necessary to carry out the transactions contemplated hereby; ratifying action previously taken and providing other matters relating thereto.

Authorizes the City to refund the 2003B Certificates of Participation that financed the Buell Theatre and Jail Dorm #20. Refunding Certificates of Participation (COPs) will be issued in a principal amount not to exceed \$39,180,000, saving the City approximately \$4,500,000 in interest costs and releasing the Jail Dorm #20 from the collateral for the 2003B COPs. The last regularly scheduled Council meeting within the 30-day review period is on 10-7-13. The Committee approved filing this bill by consent on 8-29-13.

CB13-0576 A bill for an Ordinance approving a proposed purchase by the City and County of Denver ("City") of insurance coverage from: Kaiser Foundation Health Plan of Colorado; UnitedHealthCare Insurance Company; Denver Health Medical Plan, Inc.; Delta Dental of Colorado; Standard Insurance Company of Colorado, Inc.; Rocky Mountain Hospital & Medical Services, Inc. dba Anthem Blue Cross & Blue Shield.

Approves changes to the 2014 medical, short-term disability and life insurance plans for City employees as recommended by the Office of Human Resources. The last regularly scheduled Council meeting within the 30-day review period is on 10-7-13. The Committee approved filing this bill by consent on 8-29-13.

CB13-0577 A bill for an ordinance replacing Section 18-173 to Chapter 18, of the Revised Municipal Code, reducing the City's contribution and subsidy for HMO medical insurance.

Approves a 5% reduction in the City contribution for each coverage level of the Health Maintenance Organization plans for City employees. The Committee approved filing this bill by consent on 8-29-13.

CB13-0598 A bill for an ordinance approving a proposed Master Purchase Order between the City and County of Denver and Municipal Emergency Services, Inc., for self contained breathing apparatus for Denver Fire Department.

Approves a \$1,500,000 master purchase order for self contained breathing apparatus for the Denver Fire Department (SCBA_EQUIP_DFD_0628A0112). The last regularly scheduled Council meeting within the 30-day review period is on 10-7-13. The Committee approved filing this bill by consent on 9-5-13.

Health, Safety, Education & Services

CB13-0501 A bill for an ordinance to amend Chapter 48 (Solid Waste) of the Revised Municipal Code to add an Article IX (Disposable Bag Fees) and to make a corresponding amendment to Chapter 24.

Amends Chapter 48 (Solid Waste) of the Revised Municipal Code to add a disposable bag fee in the amount of five cents (\$0.05) at the time of purchase from a food store that meets two thresholds - is 1500 square feet or larger, located

within Denver city limits in a permanent building, operating year round, that is a full-line, self-service market, and which receives more than 2% of its revenue from sales of staple foodstuffs, meats, produce, dairy products, or other perishable items. A food store may retain two cents (\$0.02) of each five cent (\$0.05) disposable bag fee collected, to be used by the food store to defray the costs of implementation of the disposable bag fee program and the remaining three cents (\$0.03) will be remitted to the City to mitigate the impact of disposable bags in Denver. The Committee approved filing this bill at its meeting on 8-20-13.

Land Use, Transportation & Infrastructure

CB13-0590 A bill for an ordinance approving an amendment to the Bluffs at Pinehurst R-X site plan pursuant to Section 59-107 of the Former Chapter 59.

Amends the 1999 R-X Development Plan for The Bluffs at Pinehurst to slightly modify the shape of and distance between the remaining 7 buildings, with no change to density or open space, in Council District 2. The Committee approved filing this bill by consent on 9-5-13.

CB13-0601 A bill for an ordinance vacating a portion of West Florida Avenue at South Lipan Street, with reservations.

Vacates a small portion of the public right-of-way on W. Florida at S. Lipan, with reservations, for parking in Council District 7. The Committee approved filing this bill by consent on 9-5-13.

CB13-0605 A bill for an ordinance approving a proposed Purchase Order by and between the City and County of Denver and Trans-West Truck, Inc., amending Section 1 of Ordinance No. 376, Series 2013, to read PWOPS0000008600.

Amends Section 1 of Ordinance No. 376, Series 2013, approving a contract with Trans-West Truck, Inc. to correct the Purchase Order Number to read PWOPS0000008600. The last regularly scheduled Council meeting within the 30-day review period is on 10-7-13. The Committee approved filing this bill by consent on 9-5-13.

Recap of Bills to be Called Out

Pre-Recess Announcement

Tonight there will be a required public hearing on CB13-0527, changing the zoning classification for 4735 Florence Street; and a required public hearing on CB13-0540, changing the zoning classification for 3057 West Kentucky Avenue. Anyone wishing to speak on either matter must see the Council Secretary to receive a speaker card to fill out and return to her during the recess of Council.

Recess

Council Reconvenes and Resumes its Regular Session

Public Hearings - Bills for Final Consideration

Land Use, Transportation & Infrastructure

CB13-0527 A bill for an ordinance changing the zoning classification for 4735 Florence Street.

Changes the zoning classification from C-MU-30 with waivers and UO-1 (Urban Center context with waivers and Use Overlay allowing adult businesses) to I-A (Light Industrial) for property at 4735 N. Florence St. in Council District 11. A PUBLIC HEARING WILL BE HELD AT LEAST FOUR WEEKS AFTER PUBLICATION. The Committee approved filing this bill at its meeting on 8-6-13.

CB13-0540 A bill for an ordinance changing the zoning classification for 3057 West Kentucky Avenue.

Changes the zoning classification from E-MX-2 (Urban Edge Context, Mixed Use, 2 stories) to E-MX-3 (Urban Edge Context, Mixed Use, 3 stories) for 3057 W. Kentucky in Council District 3. A PUBLIC HEARING WILL BE HELD AT LEAST FOUR WEEKS AFTER PUBLICATION. The Committee approved filing this bill at its meeting on 8-6-13.

Bills for Final Consideration

Business, Workforce & Sustainability

CB13-0505 A bill for an ordinance approving a proposed Grant Agreement between the City and County of Denver and the State of Colorado related to Transportation, Community, and System Preservation Program at Denver International Airport.

Accepts a \$500,000 grant from the Federal Highway Administration with a required match of \$125,000 for a regional land use and transportation study and planning program pertaining to the envisioned metro-area Aerotropolis. The grant will be administered by the Colorado Department of Transportation and invitations will be extended to the neighboring jurisdictions to participate in the process (PLANE 201312131-00). The last regularly scheduled Council meeting within the 30-day review period is on 9-30-13. The Committee approved filing this bill by consent on 8-1-13.

CB13-0560 A bill for an ordinance approving a proposed Contract between the City and County of Denver and Interstate Highway Construction, Inc. for apron expansion services at Concourse C at Denver International

Airport.

Approves a \$12,700,000 contract with Interstate Highway Construction for the concourse C west apron expansion to accommodate five new aircraft gates at Denver International Airport (201310903). The last regularly scheduled Council meeting within the 30-day review period is on 9-30-13. The Committee approved filing this bill by consent on 8-22-13.

CB13-0562 A bill for an ordinance approving a proposed Airport Cargo Facilities Lease Agreement between the City and County of Denver and Air General, Inc. related to leased space at Denver International Airport.

Approves a cargo support facilities lease agreement for Air General, Inc. for four (4) years and \$177,000 annually to support Air General's cargo handling operation at Denver International Airport (201310728). The last regularly scheduled Council meeting within the 30-day review period is on 9-30-13. The Committee approved filing this bill by consent on 8-22-13.

CB13-0569 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and the Denver Metro Convention and Visitors Bureau ("Visit Denver"), to direct a portion of the City's lodger's tax to Visit Denver to pay for convention and tourism marketing services.

Approves an expenditure contract with Metro Denver Convention & Visitor Bureau (doing business as Visit Denver) for ten (10) years for implementation of convention and tourism marketing services to promote the City of Denver as a visitor destination, funded by receipts from the City's "Lodger's Tax" (201312480). The last regularly scheduled Council meeting within the 30-day review period is on 9-30-13. The Committee approved filing this bill at its meeting on 8-28-13.

CB13-0574 A bill for an ordinance approving a proposed Loan Agreement between the City and County of Denver and Industry Office Denver, LLC, for office development.

Approves a loan request for \$1,000,000 to Industry Office Denver, LLC to aid in acquisition and development of an office development in Council District 9. The last regularly scheduled Council meeting within the 30-day review period is on 9-30-13. The Committee approved filing this bill at its meeting on 8-28-13.

CB13-0575 A bill for an ordinance approving a proposed Loan Agreement between the City and County of Denver and 2201 Arapahoe LLC, for the company's business expansion.

Approves a loan request for \$1,000,000 to 2201 Arapahoe, LLC (real estate holding company of Great Divide Brewing Company) for the company's business expansion in Council District 9. The last regularly scheduled Council meeting within the 30-day review period is on 9-30-13. The Committee approved filing this bill at its meeting on 8-28-13.

Government & Finance

CB13-0507 A bill for an ordinance authorizing the issuance of the "City and County of Denver, Colorado, General Obligation Better Denver and Refunding Bonds, Series 2013A" and the "City and County of Denver, Colorado, General Obligation Refunding Bonds, Series 2013B1 & B2", for the purpose of financing and/or refinancing and defraying the cost of acquiring, constructing, installing and improving various civic facilities, together with all necessary, incidental or appurtenant properties, facilities, equipment and costs; and refunding, paying and discharging certain general obligation bonds of the City; providing for the levy of general ad valorem taxes to pay the principal of and interest on the bonds; authorizing the execution of certain agreements and providing other details in connection therewith; ratifying action previously taken relating thereto; providing other matters relating thereto; and making other provisions relating thereto.

Authorizes the Manager of Finance, Chief Financial Officer to issue City and County of Denver General Obligation Bonds Series 2013A in an amount not to exceed \$278,000,000 for the purpose of funding Better Denver Bond Program projects, refunding outstanding General Obligation Bonds, and covering issuance expenses. The Committee approved filing this bill by consent on 8-1-13.

CB13-0509 A bill for an ordinance approving a proposed Purchase and Sale Agreement between the City and County of Denver and Silwan Petroleum Corporation to purchase real property located at 2405 East Colfax Avenue for locating the Central Denver Recreation Center.

Approves a \$1,125,000 purchase and sale agreement with Silwan Petroleum Corporation to purchase land located at 2405 East Colfax Avenue for the development of the Central Denver Recreation Center in Council District 8 (FINAN-201310296-00). The last regularly scheduled Council meeting within the 30-day review period is on 9-30-13. The Committee approved filing this bill at its meeting on 8-21-13.

CB13-0510 A bill for an ordinance approving a proposed Lease Agreement between the City and County of Denver and Superb Sandies, Inc. d/b/a Which Wich? Superior Sandwiches, to lease land for use as a restaurant.

Approves an agreement with Superb Sandies, Inc. (doing business as Which Wich Superior Sandwiches) to lease space adjacent to the Colorado Convention Center for 5 years and approximately \$417,830 in revenues (FINAN-201309730-00). The last regularly scheduled Council meeting within the 30-day review period is on 9-30-13. The Committee approved filing this bill by consent on 8-1-13.

CB13-0564 A bill for an ordinance approving a proposed Lease Agreement between the City and County of Denver and Colorado Symphony Association for the lease of the 3rd and 4th floors of the 1245 Champa Building for use as offices for a two year period.

Approves a two-year lease agreement with the Colorado Symphony Orchestra for the 3rd and 4th floors of 1245 Champa for \$1.00 per year plus a pro-rata share of utilities and common area maintenance expenses. The last regularly scheduled

Council meeting within the 30-day review period is on 9-30-13. The Committee approved filing this bill by consent on 8-22-13.

CB13-0578 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 by adding the classification of Senior Recreation Supervisor (810-A) as well as changing the title of Recreation Director to Director of Recreation. The Committee approved filing this bill by consent on 8-29-13.

CB13-0579 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.

Corrects the Classification and Pay Plan by adjusting the pay for the Professional Occupations Intern II from \$15.35/hour to \$15.53/hour retroactive to the effective date of the 2013 Pay Survey, July 1, 2013. The Committee approved filing this bill by consent on 8-29-13.

CB13-0580 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 by adding the classifications of Marketing/Communications Professional I (615-A), Marketing/Communications Professional II (808-A), Marketing/Communications Professional II Hourly (808-A) Marketing/Communications Specialist (811-A), and Marketing/Communications Manager (814-A). Additionally, the proposed change abolishes five classifications. The Committee approved filing this bill by consent on 8-29-13.

CB13-0581 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 by increasing the pay grade associated with the following classifications: Associate Development Project Coordinator, Associate City Planner, Associate City Planner Hourly, Senior Development Project Coordinator, Senior City Planner, Senior City Planner Hourly, Principal City Planner, and Development and Planning Supervisor. The Committee approved filing this bill by consent on 8-29-13.

Health, Safety, Education & Services

CB13-0558 A bill for an ordinance approving and providing for the execution of a proposed grant agreement between the City and County of Denver and the State of Colorado concerning the "2013-2014 AmeriCorps" program and the funding therefor.

Accepts a grant from the Colorado Governor's Commission on Community Service in the amount of \$279,300 for the 2013-2014 AmeriCorps program to provide

services to youth who were formerly in the foster care system or other systems of youth care (2012-06844-0). The last regularly scheduled Council meeting within the 30-day review period is on 9-30-13. The Committee approved filing this bill by consent on 8-22-13.

CB13-0559 A bill for an ordinance approving and providing for the execution of a proposed grant agreement between the City and County of Denver and the State of Colorado concerning the "Promoting Safe and Stable Families (PSSF)" program and the funding therefor.

Amends a contract with the Colorado Department of Human Services for the Promoting Safe and Stable Families (PSSF) 2013-2014 grant to add \$403,750 for a total contract of \$807,750 to reduce barriers to children achieving permanency through adoption and reunification with family members (2012-06798-01). The last regularly scheduled Council meeting within the 30-day review period is on 9-30-13. The Committee approved filing this bill by consent on 8-22-13.

CB13-0566 A bill for an ordinance approving the Third Amendatory Agreement between the City and County of Denver and the State of Colorado, Department of Corrections to provide outpatient dialysis to incarcerated patients.

Approves a one-year contract extension with the Department of Corrections through July 31, 2014 to continue to provide dialysis services as needed for inmates at the County Jail. The current maximum contract amount is \$607,500; no additional money is requested (CE91216). The last regularly scheduled Council meeting within the 30-day review period is on 9-30-13. The Committee approved filing this bill by consent on 8-22-13.

CB13-0567 A bill for an ordinance approving a Second Amendatory Agreement between the City and County of Denver and Correctional Management, Inc., for residential and non-residential community corrections services.

Approves an amendment to the agreement with Correctional Management, Inc. to add \$53,542.45 for a total contract amount of \$3,900,469.25 to provide for additional residential and non-residential community corrections services in fiscal years 2012-2013 (2011-01626-02). The last regularly scheduled Council meeting within the 30-day review period is on 9-30-13. The Committee approved filing this bill by consent on 8-22-13.

Land Use, Transportation & Infrastructure

CB13-0514 A bill for an Ordinance approving an agreement with Colorado Department of Transportation regarding certain land transfers for roadway improvements to the Federal Boulevard/U.S. 6 interchange and park improvements to Barnum North, Barnum South and Barnum East parks and the South Platte River Trail.

Approves an intergovernmental agreement with the Colorado Department of Transportation (CDOT) regarding property transfers for improvements of the

Federal and US 6 interchange, Barnum East, Barnum North and Barnum South parks and S. Platte River Trail in Council Districts 3 and 9 (PARKS-201311899-00). The last Council meeting within the 30-day review period is on 9-30-13. The Committee approved filing this bill at its meeting on 7-30-13.

CB13-0582 A bill for an ordinance vacating a portion of 39th Street at its intersection with Wynkoop Street; vacating all of the alley near the intersection of Wynkoop and 38th Streets; and vacating all of the alley near the intersection of Wynkoop and 40th Streets, without reservations.

Vacates a portion of 39th St. and alleys at Wynkoop and 38th St. and at 40th St. for the 38th/Blake rail station in Council District 9. The Committee approved filing this bill by consent on 8-29-13.

CB13-0583 A bill for an ordinance vacating an alley at East 42nd Avenue at its intersection with Monroe Street, with reservations.

Vacates the alley north of E. 42nd Ave. between Monroe and Jackson for the Colorado rail station in Council District 9. The Committee approved filing this bill by consent on 8-29-13.

CB13-0584 A bill for an ordinance vacating a portion of West 41st Avenue at its intersection with Fox Street, with reservations.

Vacates a portion of W. 41st Ave. west of Fox St. for the 41st St. rail station in Council District 9. The Committee approved filing this bill by consent on 8-29-13.

Special Issues: Amendment 64

CB13-0570 A bill for an ordinance concerning the regulation and licensing of retail marijuana establishments, adopting the Denver Retail Marijuana Code, and making conforming amendments to the Denver Medical Marijuana Code.

Affirmatively allows state-licensed retail marijuana establishments to exist in Denver, and establishes a requirement for a separate local license to be administered by the Denver Department of Excise and Licenses for the four types of retail marijuana businesses authorized under state law: stores, cultivation facilities, products manufacturers, and testing laboratories. Establishes a transition period until Jan. 1, 2016, during which time no retail marijuana facility may be licensed unless the applicant is currently operating, in good standing, a medical marijuana facility. Adopts regulations regarding the sale, cultivation, manufacture and testing of retail marijuana; adds unlicensed retail marijuana facilities as "public nuisances"; and requires notification to Registered Neighborhood Organizations of all proposed retail marijuana establishments. This bill was filed by Councilman Brown.

Adjourn

Pending

For 9-30-13

CB13-0556 A bill for an ordinance changing the zoning classification of 3345, 3403 and 3457 Brighton Boulevard.

**Required Public Hearing
Final Consideration**

For 10-7-13

CB13-0557 A bill for an ordinance changing the zoning classification for 2500 Larimer Street.

**Required Public Hearing
Final Consideration**

For 10-7-13

CB13-0565 A bill for an ordinance changing the allowable uses for the District Plan for PUD-602 located at 1700–1718 East 6th Avenue.

**Required Public Hearing
Final Consideration**

For 10-7-13

CB13-0572 A bill for an ordinance changing the zoning classification of 2150 South Downing Street, 2190 South Downing Street, 2190 South Marion Street and a portion of 1316 East Evans Avenue.

**Required Public Hearing
Final Consideration**

For 10-28-13

CB13-0555 A bill for an ordinance changing the zoning classification for 2137 Glenarm Place.

**Required Public Hearing
Final Consideration**