

City Council of Monday, October 29, 2012

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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****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, October 29, 2012 5:30 PM

Pledge of Allegiance

Roll Call

Approval of the Minutes

Council Announcements

Presentations

Communications

Proclamations

Mayor's Proposed 2013 Budget - Budget Amendments

Resolutions

Land Use, Transportation & Infrastructure

CR12-0781 A resolution laying out, opening and establishing as part of the city street system a parcel of land as Brighton Boulevard located northeast of its intersection with 31st Street.

Dedicates land as part of the public right-of-way of Brighton Blvd, as part of the development project RiNo Center Apartments in Council District 9. The Committee approved filing this resolution by consent on 10-18-12.

Council Convenes as the Denver 14th Street General Improvement District Board of Directors

Land Use, Transportation & Infrastructure

CR12-0778 A resolution by the Council of the City and County of Denver, sitting ex officio as the Board of Directors of the Denver 14th Street General Improvement District, approving a Work Plan, adopting a Budget, imposing Capital Charges and Maintenance Charges, and making appropriations for the 2013 Fiscal Year.

Approves the Denver 14th Street General Improvement District 2013 Work Plan and Budget including the 2013 Capital Charges and Maintenance Charges. The Committee approved filing this resolution by consent on 10-18-12.

Bills for Introduction

Business, Workforce & Sustainability

CB12-0710 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Logistical Planners, LLC for on-call technical services at Denver International Airport.

Approves a 5-year \$12,000,000 contract with Logistical Planners, LLC for on-call baggage system and automated ground transportation system services (AGTS/train) at Denver International Airport (201207312). The last regularly scheduled Council meeting within the 30-day review period is on 11-19-12. The Committee approved filing this bill at its meeting on 10-17-12.

Government & Finance

CB12-0268 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Lakeview Renovations, Inc., d/b/a North American Property Services, Inc., to extend the term and revise the scope of work.

Adds additional cleaning staff and carpet cleaning services to the existing \$7,145,304 contract through 2014 with Lakeview Renovations, Inc. for services at the Van Cise-Simonet Detention Center within the current budget and negotiated billable rates (CE05006). The last regularly scheduled Council meeting within the 30-day review period is on 11-19-12. The Committee approved filing this bill by consent on 5-3-12.

CB12-0753 A bill for an ordinance approving a proposed Eighth Amendment to Agreement between Kaplan Kirsch & Rockwell, LLP and the City and County of Denver for Special Counsel in connection with Denver International Airport.

Adds \$475,000 to the contract (to total \$950,000) with Kaplan Kirsch & Rockwell and extends the contract through 12-31-15 for airport legal services including rates and charges, design and construction of facilities, gate usage, use and lease agreements, airline competition, air carrier service to Denver, potential and active litigation regarding the airport, National Environmental Policy Act-related matters, issues relating to rail or roadway links to the airport, commercial development, and land use issues related to airport land (CE60191). The last regularly scheduled Council meeting within the 30-day review period is on 11-19-12. The Committee approved filing this bill by consent on 10-11-12.

Health, Safety, Education & Services

CB12-0768 A bill for an ordinance authorizing expenditures in the Public Safety Special Revenue Fund based on a letter of intent from the Office of National Drug Control Policy to award funding for the "High Intensity Drug Trafficking Area (H.I.D.T.A) FY13" program.

Approves a grant agreement between the City and County of Denver and the Office of National Drug Control Policy (ONDCP) concerning the High Intensity Drug Trafficking Area (HID) Fiscal Year 2013 program funding in the amount of \$476,207.50 for various law enforcement initiatives (staffing and equipment). The Committee approved filing this bill by consent on 10-18-12.

Land Use, Transportation & Infrastructure

CB12-0731 A bill for an ordinance changing the zoning classification for properties located at 360 S. Monroe Street.

Changes the zoning classification of 360 S. Monroe from B-4 (Former code, business/residential, higher density) with waivers to C-MX-8 (Urban Center context, Mixed Use, 8 stories max.) in Council District 10. A PUBLIC HEARING WILL BE HELD AT LEAST FOUR WEEKS AFTER PUBLICATION. The Committee approved filing this bill at its meeting on 10-16-12.

CB12-0745 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Goodland Construction, Inc. for landscape improvement and irrigation construction.

Amends the \$1,500,000 million on-call landscape improvements and irrigation construction services contract awarded to Goodland Construction after a competitive bid process in Jan. 2012 with a term through Jan. 2015, to increase the capacity by \$1,000,000 since the remaining balance is under \$600,000 (201204309). The last regularly scheduled Council meeting within the 30-day review period is on 11-19-12. The Committee approved filing this bill by consent on 10-11-12.

CB12-0747 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Richdell Construction for landscape improvement and irrigation construction.

Amends the \$1,500,000 on-call landscape improvements and irrigation construction services contract awarded to Richdell Construction after a competitive bid process in Jan. 2012 with a term through Jan. 2015, to increase the capacity by \$1,000,000 since the remaining balance is under \$600,000 (201204310). The last regularly scheduled Council meeting within the 30-day review period is on 11-19-12. The Committee approved filing this bill by consent on 10-11-12.

CB12-0748 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and AECOM Technical Services, Inc., for engineering design and construction services.

Amends the contract with AECOM Technical Services, Inc. to extend the term by three years to Dec. 31, 2015, and to add \$1,352,153 for a new maximum of

\$1,840,829 for Phase II engineering design and construction services for replacement of the Blake St. bridge over 38th St., and pedestrian and bike access to the 38th and Blake rail station in Council District 9 (201204518). The last regularly scheduled Council meeting within the 30-day review period is on 11-19-12. The Committee approved filing this bill by consent on 10-11-12.

CB12-0782 A bill for an ordinance approving a proposed Second Amendatory Funding and Assignment Agreement between the City and County of Denver and The Colorado Museum of Natural History d/b/a Denver Museum Of Nature and Science, to construct and install a ground source heat pump that will heat and cool their new Education Collection Facility.

Amends the Funding and Assignment Agreement with the Denver Museum of Nature & Science (DMNS) to expand the project scope to add \$300,000 (from the City's interest earnings on the DMNS funds) for construction of a ground source heat pump to heat and cool the new Education Collection Facility and to allow use of City on-call contracts to complete work on this Better Denver Bond Project in Council District 8 (CE85027). The last Council meeting within the 30-day review period is on 11-19-12. The Committee approved filing this bill at its meeting on 10-16-12.

CB12-0784 A bill for an ordinance changing the zoning classification of 6801 East Mississippi Avenue to a Planned Unit Development District (PUD-G).

Changes the zoning classification of 6801 E. Mississippi from R-2-A (Former code residential of 2 or more units per lot) to PUD-G (Planned Unit Development-General) in Council District 6. A PUBLIC HEARING WILL BE HELD AT LEAST FOUR WEEKS AFTER PUBLICATION. The Committee approved filing this bill at its meeting on 10-16-12.

Recap of Bills to be Called Out

Pre-Recess Announcement

Tonight, City Council will convene as the Ex-Officio Board of Directors of the Gateway Village General Improvement District and will hold a required public hearing on the District's proposed 2013 Work Plan and Budget and mill levy. Also, Council will hold a required public hearing on CB12-0676 amending the Denver Zoning Code to delete the sunset provisions on medical marijuana in Sections 11.7.1.3.C and 11.8.4.1, a required public hearing on CB12-0677 changing the zoning classification for properties located at 61-81 S. Garfield Street, and a required public hearing on CB12-0678 changing the zoning classification of 290 S. Monaco Street. Anyone wishing to speak on any of these matters 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 Hearing - Council Convenes as the Gateway Village General Improvement District Board of Directors

Land Use, Transportation & Infrastructure

CR12-0779 A resolution by the Council of the City and County of Denver, sitting ex officio as the Board of Directors of the Gateway Village General Improvement District, approving a Work Plan, adopting a Budget and making appropriations for the Budget Year 2013 and approving a mill levy. Approves a resolution by the Denver City Council, sitting ex officio as the Board of Directors of the Gateway Village General Improvement District, approving a Work Plan, adopting a Budget and making appropriations for the Budget Year 2013 and approving a mill levy. The Committee approved filing this resolution by consent on 10-18-12.

Public Hearings - Bills for Final Consideration

Land Use, Transportation & Infrastructure

CB12-0676 A bill for an ordinance amending the Denver Zoning Code to delete the sunset provisions on medical marijuana in Sections 11.7.1.3.C and 11.8.4.1.

Repeals the expiration date on the current limitations on growing medical marijuana as an accessory use to residential uses and nonresidential uses in residential zone districts, which will expire on Nov. 1, 2012. This is Text Amendment No. 13 to the Denver Zoning Code. A PUBLIC HEARING WILL BE HELD AT LEAST FOUR WEEKS AFTER PUBLICATION. The Committee approved filing this bill by consent on 9-20-12.

CB12-0677 A bill for an ordinance changing the zoning classification for properties located at 61-81 S. Garfield Street.

Changes the zoning classification from PUD (Planned Unit Development) to G-RH-3 (General Urban context, rowhouse, max. 3 stories) for 61-81 S. Garfield in Council District 10. A PUBLIC HEARING WILL BE HELD AT LEAST FOUR WEEKS AFTER PUBLICATION. The Committee approved filing this bill at its meeting on 9-18-12.

CB12-0678 A bill for an ordinance changing the zoning classification of 290 S. Monaco Street to a Planned Unit Development District (PUD).

Approves a Planned Unit Development (PUD) amendment for additional parking spaces for 290 S. Monaco Parkway in Council District 5. A PUBLIC HEARING WILL

BE HELD AT LEAST FOUR WEEKS AFTER PUBLICATION. The Committee approved filing this bill at its meeting on 9-18-12.

Bills for Final Consideration

Business, Workforce & Sustainability

CB12-0702 A bill for an ordinance approving a proposed Concession Agreement between the City and County of Denver and Aramark Sports and Entertainment Services, LLC, to provide food and beverage services at City venues.

Approves a five-year food and beverage concession agreement with Aramark Sports and Entertainment Services for Red Rocks Amphitheatre and the Denver Coliseum for \$30,837,547 in estimated net revenue. The last regularly scheduled Council meeting within the 30-day review period is on 11-13-12. The Committee approved filing this bill at its meeting on 10-17-12.

CB12-0763 A bill for an ordinance approving a proposed First Amendment to Agreement between the City and County of Denver and BRUEL & KJAER EMS, INC. concerning consultant services at Denver International Airport.

Adds one year and \$300,000 to the contract with Bruel & Kjaer for technical support for the Airport Noise and Operations Monitoring System (2011036101(1)). The last regularly scheduled Council meeting within the 30-day review period is on 11-13-12. The Committee approved filing this bill by consent on 10-11-12.

Government & Finance

CB12-0615 A bill for an ordinance approving a proposed Equipment Lease Purchase Agreement between the City and County of Denver and Sovereign Leasing, LLC, to lease equipment for the crime lab.

Approves a capital lease agreement with Sovereign Leasing, LLC, through 2017 to replace aging crime lab equipment for the Crime Lab for no more than \$1,250,000, the payment of which was approved in the 2012 budget. (FINAN 201207277). The last regularly scheduled Council meeting within the 30-day review period is on 11-13-12. The Committee approved filing this bill by consent on 8-23-12.

CB12-0754 A bill for an ordinance making a supplemental appropriation from the General Contingency Fund to the City Attorney.

Approves a \$1,400,000 supplemental to the City Attorney's Office 2012 General Fund appropriation due to the need for additional process servers, outside legal services, court reporters, professional services, and a large number of retirements in 2012 (01010-451000). The Committee approved filing this bill by consent on 10-11-12.

CB12-0755 A bill for an ordinance amending Ordinance No. 87, Series of 2012, concerning the "Wildland Firefighting Reimbursement and Other

Fee-Based Programs” Special Revenue Fund.

Changes the Wildland Firefighting Reimbursement ordinance to authorize expenditures based on revenues instead of “deposits” so that the Department of Finance can set up budget in the fund—allowing the Fire Department to spend funds—based on revenue to be received from the State and other jurisdictions. The Committee approved filing this bill by consent on 10-11-12.

CB12-0756 A bill for an ordinance amending Ordinance No. 608, Series of 2011, concerning the appropriations to pay the expenses of conducting the public business for the year 2012 and for the purposes required by the Charter and by other law.

Amends the 2012 Long Bill, Ordinance 608, Series of 2011, to allocate 2012 merit increases from merit reserve to Departments’ General Fund appropriations. The Committee approved filing this bill by consent on 10-11-12.

CB12-0765 A bill for an ordinance amending various subsections of the Code of Ethics, Chapter 2, Sections 2-51 through 2-65 of the Revised Municipal Code to clarify certain provisions of the Code.

Amends the Code of Ethics to: 1) clarify an existing provision prohibiting "improper use of confidential information or records", 2) add the term "complaint" to Section 2-53(a), 3) clarify that it is acceptable not just to solicit charitable donations, but also to accept them, and 4) to recognize current practice regarding periodic updates of the employee handbook and to clarify its distribution to employees by agencies. The Committee approved filing this bill at its meeting on 10-10-12.

Health, Safety, Education & Services

CB12-0614 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Agilent Technologies, Inc. for the purchase of Denver crime laboratory equipment to be financed through a separate lease-purchase agreement with Sovereign Leasing, LLC.

Approves a contract with Agilent Technologies, Inc. in the amount of \$588,073.90 for Denver Police Department Crime Laboratory specialized equipment purchases (POLIC 201207340-00). This is a companion bill to the Sovereign Leasing, LLC, leasing contract for the equipment purchases. The last regularly scheduled Council meeting within the 30-day review period is on 11-13-12. The Committee approved filing this bill by consent on 8-23-12.

CB12-0631 A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and Knowledge Computing Corporation dba i2 Merger Sub Two, Inc. to increase the maximum contract amount.

Approves a second amendatory agreement with Knowledge Computing Corporation to add \$37,375 for services related to the Denver Sheriff’s Jail Management System (JMS) data integration into the COPLINK system (GE-93040-02). The last regularly scheduled Council meeting within the 30-day review period is on 11-13-12. The Committee approved filing this bill by consent on 8-30-12.

CB12-0740 A bill for an ordinance approving a contract for purchase and sale of 1548 Ogden Street, Denver, Colorado.

Approves a contract with Urban Peak Development for the purchase and sale of the apartment building located at 1548 Ogden St. in Council District 8 to serve the needs of homeless youth. The last regularly scheduled Council meeting within the 30-day review period is on 11-13-12. The Committee approved filing this bill at its meeting on 10-9-12.

CB12-0744 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 "UASI FY12" program and the funding therefor, and authorizing the purchase of capital equipment items from the "UASI FY12" Special Revenue Fund budget.

Approves a grant agreement with the State of Colorado to receive and expend the FY12 Urban Area Security Initiative (UASI) program funding in the amount of \$2,022,020 for procurement of equipment and training for Denver and other counties in Colorado (MOOEM-2012-08017-00). The last regularly scheduled Council meeting within the 30-day review period is on 11-13-12. The Committee approved filing this bill by consent on 10-11-12.

Land Use, Transportation & Infrastructure

CB12-0746 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and T2 Construction, Inc., for landscape improvement and irrigation construction.

Amends the \$1,500,000 million on-call landscape improvements and irrigation construction services contract awarded to T2 Construction after a competitive bid process in Jan. 2012 with a term through Jan. 2015, to increase the capacity by \$1,000,000 since the remaining balance is under \$700,000 (201204313). The last regularly scheduled Council meeting within the 30-day review period is on 11-13-12. The Committee approved filing this bill by consent on 10-11-12.

CB12-0760 A bill for an ordinance relinquishing the reservation of easements established in Ordinance No. 59, Series of 1947 and Ordinance No. 11, Series of 1942.

Relinquishes certain easements containing 0.3 acre created in 1947 and 1942 with the vacation of portions of 21st St. between Delgany and Wewatta for new development in Council District 9 (2011-0422-02). The Committee approved filing this bill by consent on 10-11-12.

Announcement

Dependent upon publication, on Monday, November 26, 2012, Council will hold a required public hearing on CB12-073,1 changing the zoning classification for properties located at 360 S. Monroe Street, and a required

public hearing on CB12-0784, changing the zoning classification of 6801 East Mississippi Avenue. Any protests against CB12-0731 or CB12-0784 must be filed with the Council Offices no later than Monday, November 19, 2012.

Also, on Tuesday, November 13, Council will sit as the Board of Equalization to hear the protests filed with the Manager of Public Works regarding the South Broadway Streetscape (Wesley to Yale) Local Improvement District, and the South Broadway Streetscape (Wesley to Yale) Local Maintenance District.

No hearings are required for the following Local Maintenance Districts and the proposed assessments are confirmed: Welton Street Pedestrian Mall, St. Luke's Pedestrian Mall, Delgany Street Pedestrian Mall, Tennyson Street II Pedestrian Mall, Phase II West 38th Pedestrian Mall, Broadway Viaduct Pedestrian Mall, 22nd Street and Park Avenue West Pedestrian Mall, Consolidated Morrison Road Pedestrian Mall, and the South Broadway Streetscape (Iowa to Wesley) Local Maintenance District.

Adjourn

Pending

For 11-19-12

CB12-0675 A bill for an ordinance changing the zoning classification, with a reasonable condition, for 200, 234 and 280 Columbine Street and 2600 E. 3rd Avenue.

**Required Public Hearing
Final Consideration**