

City Council Meeting of Monday, August 29, 2016

City and County of Denver

Robin Kniech..... At Large
Deborah "Debbie" Ortega..... At Large
Rafael G. Espinoza..... District 1
Kevin Flynn..... District 2
Paul D. López..... District 3
Kendra Black..... District 4
Mary Beth Susman..... District 5
Paul Kashmann..... District 6



Jolon Clark..... District 7
Christopher Herndon..... District 8
Albus Brooks..... District 9
Wayne New..... District 10
Stacie Gilmore..... District 11
Janna B. Young..... Director
Kelly Velez..... Clerk

Room 451
City & County Building
Denver CO 80202

Phone: 720-337-2000
Email: dencc@denvergov.org

WEB ACCESS

**Live video and archives may be
accessed at**
<https://denver8.tv>

REMINDER

As a courtesy to those in attendance,
please
turn off your cell phones.

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.

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 <http://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://denver8.tv>.

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 with the Council Secretary either before the meeting starting at 5pm in Rm. 451 of the City & County Building, or during the recess of Council. Speakers must be present to sign a speaker card – no sign-up by proxy permitted. Each speaker is allowed 3 minutes, unless another speaker has yielded his or her time which would result in a maximum of 6 minutes (for required hearings only; no yielding of time for courtesy hearings). Please contact the Denver City Council for more information at 720-337-2000.

GENERAL PUBLIC COMMENT SESSIONS

Starting at 5pm before the first regularly scheduled Council meeting each month, City Council hosts a 30-minute general public comment session, allowing members of the public to address the full Council with concerns regarding any city matter. Speakers have 3 minutes to speak and must sign up via email at dencc@denvergov.org, phone at 720-337-2000 or in person in Rm. 451, City & County Building before 4:30pm on the day the general public

comment session is scheduled. No sign up by proxy permitted. Please contact the Denver City Council for more information at 720-337-2000.

City Council Agenda and Explanatory Notes

Meeting Date: Monday, August 29, 2016 5:30 PM

Pledge of Allegiance

Roll Call

Approval of the Minutes

Council Announcements

Presentations

Communications

A letter dated August 25, 2016 from Brendan J. Hanlon, Manager of Finance, notifying City Council of the Department of Finance's intent to issue City and County of Denver, for and on behalf of the Wastewater Management Division of its Department of Public Works, Wastewater Enterprise Revenue Bonds, Series 2016 in a par amount not to exceed \$116,000,000 for the purpose of funding storm drainage projects primarily related to the Park to Platte Hill project and to pay associated costs of issuance.

Proclamations

CP16-0765 A proclamation recognizing September 2016 as Childhood Cancer Awareness Month.

Brooks, Clark, Flynn, Ortega, Kniech, New, Susman, López, Kashmann, Gilmore, and Black.

CP16-0766 A proclamation recognizing and celebrating Denver's Sister City relationships and the success of Denver Sister Cities International.

Council memBlack, Clark, Flynn, Ortega, New, Susman, López, Kashmann, Gilmore, and Brooks.

Resolutions

Business, Arts, Workforce & Aeronautical Services

CR16-0601 A resolution approving and providing for the execution of

proposed grant agreements between the City and County of Denver and the United States of America concerning the "Community Development Block Grant FY16" program and the funding therefor.

Approves a performance grant agreement with the United States Department of Housing and Urban Development (HUD), Fiscal Year 2016 allocations for Community Development Block Grant (CDBG) program (201629649). The last regularly scheduled Council meeting within the 30-day review period is on 9-19-16. The Committee approved filing this resolution by consent on 8-11-16.

CR16-0602 A resolution approving and providing for the execution of proposed grant agreement between the City and County of Denver and the United States of America concerning the "HOME FY16" program and the funding therefor.

Approves a performance grant agreement with the United States Department of Housing and Urban Development (HUD), Fiscal Year 2016 allocations for HOME Investment Partnerships (HOME) (201629646). The last regularly scheduled Council meeting within the 30-day review period is on 9-19-16. The Committee approved filing this resolution by consent on 8-18-16.

CR16-0603 A resolution approving and providing for the execution of proposed grant agreements between the City and County of Denver and the United States of America concerning the "Housing Opportunities for People with AIDS (HOPWA)" FY16 program and the funding therefor.

Approves a performance grant agreement with the United States Department of Housing and Urban Development (HUD), Fiscal Year 2016 allocations for Housing Opportunities for People with AIDS (HOPWA) (201629648). The last regularly scheduled Council meeting within the 30-day review period is on 9-19-16. The Committee approved filing this resolution by consent on 8-18-16.

CR16-0607 A resolution approving a proposed Agreement between the City and County of Denver and PetroPro Engineering, Inc. concerning the management and operation of seventy-five (75) oil and gas wells on the property of Denver International Airport.

Approves a contract with PetroPro Engineering, Inc. for \$3.6 million through 10-31-21 for the management and operation of seventy-five (75) oil and gas wells on airport property. The scope of services include optimization of production, monitoring revenue, cost control, well maintenance, oversight of third-party contract services, environmental compliance, regulatory reporting, and the provision of advisory support for economic evaluations, forecasting, operating, and capital budgets (201524898). The last regularly scheduled Council meeting within the 30-day review period is on 9-19-16. The Committee approved filing this resolution by consent on 8-18-16.

CR16-0608 A resolution approving a proposed Agreement between the City and County of Denver and Nossaman, LLP for special counsel concerning the Great Hall for Denver International Airport.

Approves a contract with Nossaman, LLP for \$600,000 and through 12-31-17 for special legal counsel services that will advise the City on all aspects of the Great Hall Development Agreement, including the structure of the agreement and the implications of various deal points and proposed terms (201629808). The last regularly scheduled Council meeting within the 30-day review period is on 9-19-16.

The Committee approved filing this at its meeting on 8-17-16.

CR16-0610 A resolution approving a proposed Agreement between the City and County of Denver and Denver Great Hall LLC concerning the predevelopment phase that will include project planning and redesign concerning the Great Hall for Denver International Airport.

Approves a contract with Denver Great Hall, LLC for \$9 million for 6 months for a pre-development phase that will include project planning and redesign of the Great Hall at Denver International Airport to the point where development agreement terms and costs can be established. The contractual value for the pre-development phase of work is to be paid only in the event the contract is terminated (201418237). The last regularly scheduled Council meeting within the 30-day review period is on 9-19-16. The Committee approved filing this resolution at its meeting on 8-17-16.

Infrastructure & Culture

CR16-0372 A resolution approving a proposed First Amendment To License Agreement between the City and County of Denver and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless to add additional funds and extend the term of the agreement.

Adds \$110,965.96 to the revenue agreement with Verizon Wireless through 3-31-26 for a new total of \$616,602.68 for the limited, non-exclusive license to use certain designated areas on the Red Rocks Amphitheatre property for the installation, maintenance, alteration, repair, replacement, operation, removal of radio frequency equipment, and a wireless distributed antenna system related equipment (THTRS-201415690-01). The last regularly scheduled Council meeting within the 30-day review period is on 9-19-16. The Committee approved filing this bill by consent on 5-19-16.

Land Use, Transportation & Infrastructure

CR16-0591 A resolution approving a proposed Second Amendatory Agreement between the City and County of Denver and Barker Rinker Seacat Architecture, P.C. for professional design services.

Adds \$75,000 to the contract with Barker Rinker Seacat Architecture, PC for a new total contract of \$1,859,032.50 for additional design services for the Carla Madison Recreation Center (201417595). The last regularly scheduled Council meeting within the 30-day review period is on 9-9-16. The Committee approved filing this resolution by consent on 8-18-16.

CR16-0598 A resolution laying out, opening and establishing as part of the City street system parcels of land as Brighton Boulevard near the intersection of 40th Street and Brighton Boulevard.

Dedicates land as public right-of-way as Brighton Boulevard at the intersection of 40th Street and Brighton Boulevard in Council District 9. The last regularly scheduled Council meeting within the 30-day review period is on 9-9-16. The Committee approved filing this resolution by consent on 8-18-16.

Safety, Housing, Education & Homelessness

CR16-0604 A resolution approving the Mayor's appointment to the Head Start Policy Council.

Approves the Mayoral appointment of Lauren Dennis to the Head Start Policy Council for a term effective immediately and expiring 7-20-17, or until a successor is duly appointed. The Committee approved filing this resolution by consent on 8-18-16.

CR16-0611 A resolution approving the Council appointments of Yvette Evans and Marilyn Halpern to the Denver Head Start Policy Council.

Approving the Council appointments of Yvette Evans and Marilyn Halpern to the Denver Head Start Policy Council. The Committee approved filing this bill by consent on 8-18-16.

Finance & Governance

CR16-0593 A resolution approving the Mayor's appointment to the Denver Urban Renewal Authority Board of Directors.

Approves the Mayoral appointment of Angela Montoya Bricmont to the Denver Urban Renewal Authority Board of Directors for a term effective immediately and expiring 4-3-19. The Committee approved filing this resolution by consent on 8-18-16.

CR16-0595 A resolution approving a proposed In-Building Service Enhancement Agreement by and between the City and County of Denver and AT&T Mobility National Accounts LLC for the installation of a Distributed Antenna System (DAS) in the Richard T. Castro Building.

Approves a ten-year \$15,000 lease agreement to upgrade City-owned equipment operating the AT&T distributed antenna system in the Denver Human Service Castro Building to enhance cellular signal levels on the AT&T network (201628673-000). The last regularly scheduled Council meeting within the 30-day review period is on 9-19-16. The Committee approved filing this resolution by consent on 8-18-16.

CR16-0596 A resolution approving a proposed In-Building Service Enhancement Agreement by and between the City and County of Denver and AT&T Mobility National Accounts LLC for the installation of a Distributed Antenna System (DAS) in the Wellington E. Webb Municipal Office Building.

Approves a ten-year lease agreement with AT&T Mobility to upgrade an existing distributed antenna system in the Wellington Webb Municipal Office Building to enhance cellular signal levels in the building and on the AT&T network (TECHS-201627295-00). The last regularly scheduled Council meeting within the 30-day review period is on 9-19-16. The Committee approved filing this resolution by consent on 8-18-16.

Land Use Transportation & Infrastructure

Bills for Introduction

Business Arts Workforce & Aeronautical Services

CB16-0609 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and FC Stapleton II, LLC relating to the land sale of a parcel of former Stapleton land located in Denver and known as Section 10 Arsenal Railroad Parcel.

Approves a land sale agreement with FC Stapleton II, LLC for a parcel of former Stapleton land located in Denver and is known Section 10 Arsenal Railroad Parcel that is approximately 515,956 square feet or 11.845 acres in size for \$431,452.44 minus closing costs. The land is outside the Master Lease and Disposition Agreement and is a strip of land underlying the old Arsenal Railroad bounded on the south by East 56th Avenue and between Dallas Street and Havana Street in Council District 8. The Committee approved filing this resolution by consent on 8-18-16.

Finance & Governance

CB16-0605 A bill for an ordinance amending the Classification and Pay Plan to conform with the Fair Labor Standards Act's exemption salary threshold and abolishes certain classes and pay grades.

Amends the Classification and Pay Plan to conform with the Fair Labor Standards Act's exemption salary threshold and abolishes certain classes and pay grades. The Committee approved filing this bill by consent on 8-18-16.

CB16-0606 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.

Adds Semi-Tractor Trailer Operator at pay grade 616-J to the Classification and Pay Plan. The Committee approved filing this bill by consent on 8-18-16.

CB16-0585 A bill for an ordinance approving a Service Plan for the creation of Denver Connection West Metropolitan District.

Approves a service plan for the creation of Denver Connection Metropolitan District in Council District 11. IF ORDERED PUBLISHED, A PUBLIC HEARING WILL BE HELD ON THIS ITEM. REFER TO THE "PENDING" SECTION OF THE FUTURE COUNCIL MEETING AGENDAS FOR THE DATE. The Committee approved filing this bill at its meeting on 8-9-16.

Land Use Transportation & Infrastructure

CB16-0549 A bill for an ordinance changing the zoning classification for 3201 Walnut Street.

Rezoned property at 3201 Walnut Street from I-MX-3, UO-2 (industrial, mixed use, 3 stories, use overlay allowing billboards) to C-MX-5, UO-2 in Council District 9. IF ORDERED PUBLISHED, A PUBLIC HEARING WILL BE HELD ON THIS ITEM. REFER TO THE "PENDING" SECTION OF THE FUTURE COUNCIL MEETING AGENDAS FOR THE DATE. The Committee approved filing this bill at its meeting on 8-16-16.

CB16-0551 A bill for an ordinance changing the zoning classification for 4402 Umatilla Street.

Rezone property at 4402 Umatilla Street from PUD #358 to U-MS-2 (urban, main street, 3 stories) in Council District 1. IF ORDERED PUBLISHED, A PUBLIC HEARING WILL BE HELD ON THIS ITEM. REFER TO THE "PENDING" SECTION OF THE FUTURE COUNCIL MEETING AGENDAS FOR THE DATE. The Committee approved filing this bill at its meeting on 8-16-16.

CB16-0597 A bill for an ordinance changing the zoning classification for approximately 99 Monaco Street Parkway.

Rezones property located at approximately 99 Monaco Parkway from O-1 to G-MX-3 in Council District 5. IF ORDERED PUBLISHED, A PUBLIC HEARING WILL BE HELD ON THIS ITEM. REFER TO THE "PENDING" SECTION OF THE FUTURE COUNCIL MEETING AGENDAS FOR THE DATE. The Committee approved filing this bill at its meeting on 8-16-16.

Bills for Final Consideration

Finance & Governance

CB16-0553 A bill for an ordinance referring a question to the ballot at the November 8, 2016 coordinated election concerning the retention and continuation of the .03% sales and use tax increase to provide additional funding for the Denver Preschool Program, as originally approved by the voters at the November 4, 2014 election.

Refers a question to the November 2016 ballot to allow the City to retain and spend revenues from the increase in Denver Preschool Program sales and use tax previously approved by the voters and to continue to impose and collect the tax per the original voter approval. This bill must pass no later than August 29, 2016 to meet the deadlines for the November ballot. The Committee approved filing this bill at its meeting on 8-9-16.

CB16-0564 A bill for an ordinance approving a proposed Agreement by and between the City and County of Denver and Cellco Partnership, dba Verizon Wireless LLC for installation of a Distributed Antenna System (DAS).

Approves a ten-year lease agreement with Verizon Wireless for a distributed antenna system in the Wellington Webb Municipal Office Building to enhance cellular signal levels on the Verizon network (TECHS 201627906-00).

Land Use, Transportation & Infrastructure

CB16-0515 A bill for an ordinance approving and providing for the execution of a proposed Intergovernmental Agreement between the City and County of Denver and the Colorado Department of Transportation (CDOT) concerning the "Sheridan Sidewalks Improvements" project and the funding therefor.

Approves an intergovernmental agreement with Colorado Department of Transportation for \$800,000 in Federal funds and \$200,000 in City matching funds through 6-26-17 to construct detached sidewalks on the east side of Sheridan

Boulevard from north of West 8th Avenue to West 10th Avenue and from north of West Colfax Avenue to West 17th Avenue in Council Districts 1 and 3 (201629035). The Committee approved filing this bill at its meeting on 8-10-16.

CB16-0589 A bill for an Ordinance amending Ordinance Number 426, Series of 2007, as amended by Ordinance Number 335, Series of 2009, Ordinance Number 148, Series of 2010, Ordinance Number 11, Series of 2011, Ordinance Number 191, Series of 2011, Ordinance Number 258, Series of 2011, Ordinance Number 630, Series of 2011, Ordinance Number 63, Series of 2013, Ordinance Number 73, Series of 2014, Ordinance Number 376, Series of 2014, and Ordinance Number 738, Series of 2014 designating the project to be undertaken and funded with the proceeds of the Better Denver bonds.

Reallocates unused funds among projects for the Better Denver Bond Program. The Committee approved filing this bill at its meeting on 8-10-16.

Recap of Bills to be Called Out

Pre-Recess Announcement

Tonight, there will be a required public hearing on Council Bill 16-0482, changing the zoning classification for 45 North Harrison Street; a required public hearing on Council Bill 16-0507, changing the zoning classification for 1145 and 1165 South Broadway; and a required public hearing on Council Bill 16-0508, changing the zoning classification for 3801 Himalaya Road. 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 Hearings - Bills for Final Consideration

Neighborhoods & Planning

CB16-0482 A bill for an ordinance changing the zoning classification for 45 N. Harrison St., with a waiver.

Rezones property at 45 N. Harrison St. from PUD #453 to G-RH-3, with waiver (general urban, row house, 3 stories) in Council District 10. The Committee approved filing this bill at its meeting on 7-20-16.

CB16-0507 A bill for an ordinance changing the zoning classification for 1145 and 1165 S. Broadway.

Rezones property at 1145 and 1165 South Broadway from Gateway with waivers and conditions, UO-1 (use overlay allowing adult businesses) to C-MX-12, UO-1 (urban center, mixed use, 12 stories) in Council District 7. The Committee

approved filing this bill at its meeting on 7-20-16.

CB16-0508 A bill for an ordinance changing the zoning classification for 3801 Himalaya Road.

Rezones property at 3801 Himalaya Road from B-2 with waivers and conditions to S-MX-3x (suburban, mixed use, 3 stories, less intense use) in Council District 11. The Committee approved filing this bill at its meeting on 7-20-16.

Announcement

Dependent upon publication, on Monday, September 26, 2016, Council will hold a required public hearing on CB16-0549, changing the zoning classification for 3201 Walnut Street; a required public hearing on CB16-0551, changing the zoning classification for 4402 Umatilla Street; and, a required public hearing on CB16-0597, changing the zoning classification for 99 Monaco Street Parkway.

Adjourn

Pending

For 9-12-16

CB16-0430 A bill for an ordinance changing the zoning classification for Geneva Court and Martin Luther King Jr. Boulevard.

**Required Public Hearing
Final Consideration**

For 9-12-16

CB16-0509 A bill for an ordinance changing the zoning classification for 3705 Shoshone St. & 1945 W. 37th Ave.

**Required Public Hearing
Final Consideration**

For 9-12-16

CB16-0563 A bill for an ordinance changing the zoning classification for 2541-2731 W. Holden Pl., 2602-2660 W. Holden Pl., 2516-2610 W. 13th Ave., 2646-2746 W. 13th Ave., 1260-1280 N. Decatur St. and 2775 W. 13th Ave.

**Required Public Hearing
Final Consideration**

For 9-12-16

CR16-0555 A resolution to set a public hearing on the Service Plan for a C.R.S. Title 32 metropolitan district: Denver Connection Metropolitan District.

**Final Consideration
Required Public Hearing**