

City Council of Monday, November 16, 2015

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

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WEB ACCESS

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<http://www.denvergov.org/citycouncil>

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 lorrie.kosinski@denvergov.org 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, November 16, 2015 5:30 PM

Pledge of Allegiance

Roll Call

Approval of the Minutes

Council Announcements

Presentations

Communications

Proclamations

Resolutions

Business Development

CR15-0834 A resolution approving a proposed First Amendment to Concession Agreement between the City and County of Denver and Advantage Opco, LLC, for car rental services at Denver International Airport.

Amends a concession agreement with Advantage Opco, LLC doing business as Advantage Rent A Car by extending the agreement for five years for a new end date of 12-31-20 at a rate of \$1,989,480 annually to provide car rental services to the general public at Denver International Airport (PLANE-2013-14186-01). The last regularly scheduled Council meeting within the 30-day review period is on 12-7-15. The Committee approved filing this resolution by consent on 11-5-15.

CR15-0835 A resolution approving a proposed First Amendment to Car Rental Facilities and Ground Lease between the City and County of Denver and Advantage Opco, LLC, for services at Denver International Airport.

Amends a ground lease agreement with Advantage Opco, LLC doing business as Advantage Rent A Car by extending the agreement for five years for a new end date of 12-31-20 at a rate of \$289,492 annually to rent ground space at 78th Avenue to provide car rental services to the general public at Denver International Airport (PLANE-2013-14187-01). The last regularly scheduled Council meeting within the 30-day review period is on 12-7-15. The Committee approved filing this

resolution by consent on 11-5-15.

CR15-0836 A resolution approving a proposed First Amendment to Concession Agreement between the City and County of Denver and E-Z Rent-A-Car Inc., for car rental services at Denver International Airport.

Amends a concession agreement with E-Z Rent-A-Car Inc. by extending the agreement for five years for a new end date of 12-31-20 at a rate of \$1,064,655 annually to provide car rental services to the general public at Denver International Airport (PLANE-2013-14188-01). The last regularly scheduled Council meeting within the 30-day review period is on 12-7-15. The Committee approved filing this resolution by consent on 11-5-15.

CR15-0837 a resolution approving a proposed First Amendment to Car Rental Facilities and Ground Lease between the City and County of Denver and E-Z Rent-A-Car Inc., for services at Denver International Airport.

Amends a ground lease agreement with E-Z Rent-A-Car Inc. extending the agreement for five years for a new end date of 12-31-20 at a rate of \$452,291 annually to rent ground space at 78th Avenue to provide car rental services to the general public at Denver International Airport (PLANE-2013-14189-01). The last regularly scheduled Council meeting within the 30-day review period is on 12-7-15. The Committee approved filing this resolution by consent on 11-5-15.

CR15-0838 a resolution approving a proposed First Amendment to Agreement between the City and County of Denver and Ricondo and Associates, Inc., for consulting services at Denver International Airport.

Amends a contract with Ricondo and Associates by adding \$250,000 for a new total of \$1.25 million to provide services related to airport and aviation planning at Denver International Airport (201310079). The last regularly scheduled Council meeting within the 30-day review period is on 12-7-15. The Committee approved filing this resolution by consent on 11-5-15.

Finance & Services

CR15-0842 A resolution approving a proposed Third Amendatory Agreement between the City and County of Denver and Fast Enterprises, LLC for maintenance and support services of the Treasury Tax Collection System.

Approves a proposed Third Amendatory Agreement between the City and County of Denver and Fast Enterprises, LLC for maintenance and support services of the Treasury Tax Collection System. The last regularly scheduled Council meeting within the 30-day review period is on 12-7-15. The Committee approved filing this resolution by consent on 11-5-15.

Governance & Charter Review

CR15-0844 A resolution approving the City Council appointment to the Denver Preschool Program Board of Directors.

Approves the City Council appointment of Councilwoman Stacie Gilmore to the Denver Preschool Program Board of Directors for a term effective immediately and expiring on November 16, 2018. The Committee approved filing this resolution by consent on 11-5-15.

Safety & Well-being

CR15-0590 A resolution approving a proposed Revival and Second Amendatory Agreement between the City and County of Denver and the Mental Health Center of Denver for the Recovery Court.

Amends a contract with Mental Health Center of Denver authorizing a continuation of funding for Recovery Court, also known as Front End User program, by adding \$369,020 for a new total of \$738,040 and extending the program through 3-31-16 (Safety201414619-03). The last regularly scheduled Council meeting within the 30-day review period is on 12-7-15. The Committee approved filing this resolution by consent on 8-27-15.

CR15-0687 A resolution approving a proposed Eighth Amendatory Agreement between the City and County of Denver and Keefe Commissary Network, L.L.C. to provide commissary services and accounting software for inmate accounts at both the County Jail and Downtown Detention Center.

The last regularly scheduled Council meeting within the 30-day review period is on 12-7-15. The Committee approved filing this resolution by consent on 10-1-15.

CR15-0889 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the total sum of Seventy-Five Thousand Dollars (\$75,000.00), payable as follows: Thirty-Seven Thousand Dollars (\$37,000.00) payable to Susan Herschel and Thirty-Eight Thousand Dollars (\$38,000.00) payable to the Law Office of David Lichtenstein, LLC, in full payment and satisfaction of all claims in Civil Action No. 15-cv-01268-WJM-MEH, in the United States District Court for the District of Colorado.

Approves a settlement involving the Sheriff's Department. This resolution was approved for filing at the Mayor-Council meeting on 11-10-15.

Bills for Introduction

Business Development

CB15-0811 A bill for an ordinance adopting a new Article XII in Chapter 10 of the Denver Revised Municipal Code, concerning construction defect claims in common interest communities.

Amends the Denver Revised Municipal Code by adding a new Article XII to Chapter 10 concerning construction defect claims in common interest communities. The Committee approved filing this bill at its meeting on 10-27-15.

Finance & Services

CB15-0829 A bill for an ordinance to appropriate the 2015 Revenue Based Winter Park Parks and Recreation Capital Fund.

Appropriates \$764,271 to the Winter Park Parks and Recreation Capital Fund for the capital repair and rehabilitation of existing park and recreation facilities due to receipt of 2015 revenue based annual payment per the terms of the existing Winter Park Lease and Operating Agreement. The Committee approved filing this bill at its meeting on 11-3-15.

CB15-0830 A bill for an ordinance making appropriations from the State Conservation Trust Fund for the purchase of land from Xcel Energy.

Appropriates \$50,000 from State Conservation Trust Fund contingency to support the acquisition of two parcels that have been decommissioned by Xcel Energy at Irving and Kentucky in District 3 and at 29th and Fairfax in District 8 for use as open space. The Committee approved filing this bill at its meeting on 11-3-15.

CB15-0839 A bill for an ordinance making appropriations to pay the expenses of conducting the public business for the year 2016 and for the purposes required by the Charter and by other law.

Approves the 2016 Annual Appropriation Ordinance (Long Bill). The Committee approved filing this bill by consent on 11-5-15.

CB15-0840 A bill for an ordinance re-naming an "Alternative Fuel Station" fund in the Public Health Special Revenue Fund and the means for collecting revenues and authorizing expenditures from such fund.

Renames Fund 14601 from "Alternative Fuel Station" to "Health Private and Other Grants" to reflect a broadened purpose. The Committee approved filing this bill by consent on 11-5-15.

CB15-0841 A bill for an ordinance establishing a "Police/Fire Pension" fund in the Public Safety Special Revenue Fund and the means for collecting revenue and authorizing expenditures from such fund.

Establishes a Police and Fire Pension Special Revenue Fund to handle funds for the Police and Fire pensions programs. The Committee approved filing this bill by consent on 11-5-15.

Infrastructure & Culture

CB15-0831 A bill for an ordinance amending the legal description in Ordinance No. 15-0354, Series of 2015 to vacate a portion of the right-of-way between 2345 7th Street and 695 Water Street, with reservations.

Amends a vacating ordinance (Ordinance 15-0354, Series of 2015) to include a corrected legal description of 695 Water Street in Council District 1. The Committee approved filing this bill by consent on 11-5-15.

Neighborhoods & Planning

CB15-0827 A bill for an ordinance changing the zoning classification for 510 E. 51st Avenue, 480 E. 51st Avenue, 4855 Pearl Street, 4871 Pearl Street, and 4877 Pearl Street.

Rezones 510 E. 51st Avenue, 480 E. 51st Avenue, 4855 Pearl Street, 4871 Pearl Street, and 4877 Pearl Street from I-A, UO-2 (Light Industrial, Billboard Use Overlay) and I-MX-3, UO-2 (Industrial, Mixed Use, 3 stories) to C-MX-5 (Urban Center, Mixed Use, 5 stories) 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 11-4-15.

Recap of Bills to be Called Out

Pre-Recess Announcement

Tonight there will be a required public hearing on CB15-0768 as amended, designating 2323 West 23rd Avenue (formerly addressed as 2329 Eliot Street), the William W. Anderson House, as a structure for preservation.; and a one-hour courtesy public hearing on CB15-0811, which adopts a new Article XII in Chapter 10 of the Denver Revised Municipal Code, concerning construction defect claims in common interest communities. 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

Neighborhoods & Planning

CB15-0768 AS AMENDED a bill for an ordinance designating 2323 W. 23rd Avenue (formerly addressed as 2329 Eliot Street), the William W. Anderson House, as a structure for preservation.

Approves the designation of 2329 Eliot Street (also known as 2323 W. 23rd Avenue) as an individual structure for preservation in Council District 1. Amended

11-2-15 to reduce the size of the proposed designation area at the rear (western side) of the parcel by 3,920 sq. ft. This reduces the percent of the original parcel subject to the designation to 53%. The purpose of the amendment is to ensure flexibility of any development on the site, while maintaining the historical significance of the Anderson House. IF ORDERED PUBLISHED, A PUBLIC HEARING WILL BE HELD ON THIS ITEM. REFER TO THE "PENDING" SECTION OF FUTURE COUNCIL MEETING AGENDAS FOR THE DATE. The Committee approved filing this bill at its meeting on 10-28-15.

Public Hearings - Bills for Introduction

Business Development

CB15-0811 A bill for an ordinance adopting a new Article XII in Chapter 10 of the Denver Revised Municipal Code, concerning construction defect claims in common interest communities.

Amends the Denver Revised Municipal Code by adding a new Article XII to Chapter 10 concerning construction defect claims in common interest communities. The Committee approved filing this bill at its meeting on 10-27-15.

Bills for Final Consideration

Business Development

CB15-0785 A bill for an ordinance approving an Operating Plan and Budget for 2016 for the Bluebird Business Improvement District.

Approves the 2016 Operating Plan and Budget for the Bluebird Business Improvement District in Council Districts 9 and 10. The Committee approved filing this bill by consent on 10-29-15.

CB15-0786 A bill for an ordinance approving an Amended Operating Plan and Budget for 2015 and an Amended Operating Plan and Budget for 2016 for the Cherry Creek North Business Improvement District.

Amends the 2015 Operating Plan and Budget and approves the 2016 Operating Plan and Budget for the Cherry Creek North Business Improvement District in Council District 10. The Committee approved filing this bill by consent on 10-29-15.

CB15-0787 A bill for an ordinance approving an Operating Plan and Budget for 2016 for the Cherry Creek Subarea Business Improvement District.

Approves the 2016 Operating Plan and Budget for the Cherry Creek Subarea Business Improvement District in Council District 9. The Committee approved filing this bill by consent on 10-29-15.

CB15-0788 A bill for an ordinance approving an Operating Plan and Budget

for 2016 for the Colfax Business Improvement District.

Approves the 2016 Operating Plan and Budget for the Colfax Business Improvement District for 2016. The Committee approved filing this bill by consent on 10-29-15.

CB15-0789 A bill for an ordinance approving an Operating Plan and Budget for 2016 for the Downtown Denver Business Improvement District.

Approves the 2016 Operating Plan and Budget for the Downtown Denver Business Improvement District in Council Districts 9 and 10. The Committee approved filing this bill by consent on 10-29-15.

CB15-0790 A bill for an ordinance approving an Operating Plan and Budget for 2016 for the Fax-Mayfair Business Improvement District.

Approves the 2016 Operating Plan and Budget for the Fax-Mayfair Business Improvement District in Council Districts 5 and 8. The Committee approved filing this bill by consent on 10-29-15.

CB15-0791 A bill for an ordinance approving an Operating Plan and Budget for 2016 for the Federal Boulevard Business Improvement District.

Approves the 2016 Operating Plan and Budget for the Federal Boulevard Business Improvement District in Council District 1. The Committee approved filing this bill by consent on 10-29-15. The Committee approved filing this bill by consent on 10-29-15.

CB15-0792 A bill for an ordinance approving an Operating Plan and Budget for 2016 for the Old South Gaylord Business Improvement District.

Approves the 2016 Operating Plan and Budget for the Old South Gaylord Business Improvement District in Council District 6. The Committee approved filing this bill by consent on 10-29-15.

CB15-0793 A bill for an ordinance approving an Operating Plan and Budget for 2016 for the Santa Fe Business Improvement District.

Approves the 2016 Operating Plan and Budget for the Santa Fe Business Improvement District in Council District 3. The Committee approved filing this bill by consent on 10-29-15.

CB15-0794 A bill for an ordinance approving an Operating Plan and Budget for 2016 for the West Colfax Business Improvement District.

Approves the 2016 Operating Plan and Budget for the West Colfax Business Improvement District in Council Districts 1 and 3. The Committee approved filing this bill by consent on 10-29-15.

CB15-0795 A bill for an ordinance approving an Operating Plan and Budget for 2016 for the 9TH Avenue Business Improvement District.

Approves the 2016 Operating Plan and Budget for the 9th Avenue Business Improvement District in Council District 5. The Committee approved filing this bill by consent on 10-29-15.

CB15-0796 A bill for an ordinance approving an Operating Plan and Budget for 2016 for the RiNo Business Improvement District.

Approves the 2016 Operating Plan and Budget for the RiNo Business Improvement District in Council District 9. The Committee approved filing this bill by consent on 10-29-15.

Infrastructure & Culture

CB15-0780 A bill for an ordinance revoking the revocable permit granted by Ordinance No. 768, Series of 1986, to Auraria Higher Education Center.

Revokes Ordinance No. 768, Series of 1986, which granted a revocable permit to Auraria Higher Education Center to encroach into the right-of-way into Lawrence Street between 11th Street and 12th Street to reflect the fact that the area is no longer public right-of-way in Council District 9. The Committee approved filing this bill by consent on 10-29-15.

CB15-0816 A bill for an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the Welton Street Pedestrian Mall Local Maintenance District upon the real property, exclusive of improvements thereon, benefited.

Approves the 2016 annual costs of the continuing care, operation, repair, maintenance, and replacement of the Welton Street Pedestrian Mall Local Maintenance District in Council District 9. The Committee approved filing this bill by consent on 10-29-15.

CB15-0817 A bill for an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the West 38th Avenue Phase I Pedestrian Mall Local Maintenance District upon the real property, exclusive of improvements thereon, benefited.

Approves the 2016 annual costs of the continuing care, operation, repair, maintenance, and replacement of the West 38th Avenue Phase I Pedestrian Mall Local Maintenance District in Council District 1. The Committee approved filing this bill by consent on 10-29-15.

CB15-0818 A bill for an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the Expanded Greektown Pedestrian Mall Local Maintenance District upon the real property, exclusive of improvements thereon, benefited.

Approves the 2016 annual costs of the continuing care, operation, repair, maintenance, and replacement of Expanded Greektown Pedestrian Mall Local Maintenance in Council District 9 and 10. The Committee approved filing this bill by consent on 10-29-15.

CB15-0819 A bill for an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the Phase II West 38th Avenue Pedestrian Mall Local Maintenance District upon the real property, exclusive of improvements thereon, benefited.

Approves the 2016 annual costs of the continuing care, operation, repair, maintenance, and replacement of the Phase II West 38th Avenue Pedestrian Mall Local Maintenance District in Council District 1. The Committee approved filing this bill by consent on 10-29-15.

CB15-0820 A bill for an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the 32nd and Lowell Pedestrian Mall Local Maintenance District upon the real property, exclusive of improvements thereon, benefited.

Approves the 2016 annual costs of the continuing care, operation, repair, maintenance, and replacement of the 32nd and Lowell Pedestrian Mall Local Maintenance District in Council District 1. The Committee approved filing this bill by consent on 10-29-15.

CB15-0821 A bill for an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the Broadway Pedestrian Mall B Local Maintenance District upon the real property, exclusive of improvements thereon, benefited.

Approves the 2016 annual costs of the continuing care, operation, repair, maintenance, and replacement of the Broadway Pedestrian Mall B Local Maintenance District in Council District 7. The Committee approved filing this bill by consent on 10-29-15.

CB15-0822 A bill for an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the Phase II Broadway Pedestrian Mall Local Maintenance District upon the real property, exclusive of improvements thereon, benefited.

Approves the 2016 annual costs of the continuing care, operation, repair, maintenance, and replacement of the Phase II Broadway Pedestrian Mall Local Maintenance District in Council District 7. The Committee approved filing this bill by consent on 10-29-15.

CB15-0823 A bill for an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the Broadway Viaduct Pedestrian Mall Local Maintenance District upon the real property, exclusive of improvements thereon, benefited.

Approves the 2016 annual costs of the continuing care, operation, repair, maintenance, and replacement of the Broadway Viaduct Pedestrian Mall Local Maintenance District in Council District 9. The Committee approved filing this bill by consent on 10-29-15.

CB15-0824 A bill for an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the 22nd Street and Park Avenue West Pedestrian Mall Local Maintenance District upon the real property, exclusive of improvements thereon, benefited.

Approves the 2016 annual costs of the continuing care, operation, repair, maintenance, and replacement of the 22nd Street and Park Avenue West

Pedestrian Mall Local Maintenance District in Council District 9. The Committee approved filing this bill by consent on 10-29-15.

CB15-0825 A bill for an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the Consolidated Morrison Road Pedestrian Mall Local Maintenance District upon the real property, exclusive of improvements thereon, benefited.

Approves the 2016 annual costs of the continuing care, operation, repair, maintenance, and replacement of the Consolidated Morrison Road Pedestrian Mall Local Maintenance District in Council District 3. The Committee approved filing this bill by consent on 10-29-15.

Safety & Well-being

CB15-0764 A bill for an Ordinance approving a Third Amended and Restated Intergovernmental Agreement with the City of Sheridan to provide fire protection.

Amends an intergovernmental agreement with the City of Sheridan by renewing the agreement for an additional year through 12-31-16 at annual rate of \$1,956,144 in revenue to provide fire protection services to the City of Sheridan (FIRES201208809-03). The last regularly scheduled Council meeting within the 30-day review period is on 11-30-15. The Committee approved filing this bill by consent on 10-22-15.

CB15-0765 A bill for an ordinance approving a proposed Amendment to Agreement between the City and County of Denver and the State of Colorado acting by and through the Department of Health Care Policy and Financing to create financial incentives for counties that achieve certain performance standards related to Medicaid eligibility and cooperation with other Medicaid related entities.

Amends an agreement with the Colorado Department of Health Care Policy and Financing (HCPF), for HCPF's County Medicaid Incentive Program Agreement that will allow the Denver Department of Human Services to earn incentives up to \$1,004,682.88 for the current state fiscal year based upon meeting specific program outcomes as found in the agreement (2014-19599-01). The last regularly scheduled Council meeting within the 30-day review period is on 11-30-15. The Committee approved filing this bill at its meeting on 10-27-15.

Announcement

On Monday, December 14, 2015, there will be a required public hearing on CB15-0827, changing the zoning classification for 510 East 51st Avenue, 480 East 51st Avenue, 4855 Pearl Street, 4871 Pearl Street, and 4877 Pearl Street. Any protests against CB15-0827 must be filed with the Council Offices no later than Monday, December 7.

Adjourn

Pending

For 11-23-15

CB15-0676 A bill for an ordinance changing the zoning classification for South Sloan's Lake Subdivision Filing 1, Block 2, Lots 1 and 2 located at the southeast corner of 17th Avenue and Raleigh Street.

**Required Public Hearing
Final Consideration**

For 11-23-15

CB15-0722 A bill for an ordinance relating to the Denver Zoning Code, to establish the new S-MX-2A, S-MX-3A, S-MX-5A, S-MX-8A, and S-MX-12A Zone Districts.

**Required Public Hearing
Final Consideration**

For 12-7-15

CB15-0775 A bill for an ordinance changing the zoning classification for 2901 Grove Street, 2921 Grove Street, 2890 Hazel Court, and 3120 West 29th Avenue.

**Final Consideration
Required Public Hearing**

For 1-25-16

CB15-0625 A bill for an ordinance changing the zoning classification for 3268 West 32nd Avenue.

**Required Public Hearing
Final Consideration**