

City Council of Monday, August 13, 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 M. Bergquist..... Director
Kelly Velez..... Clerk

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accessed at**

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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

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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.

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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, August 13, 2012 5:30 PM

Pledge of Allegiance

Roll Call

Approval of the Minutes

Council Announcements

Presentations

Communications

Proclamations

CP12-0583 A proclamation in recognition of Pagliacci's Italian Restaurant. Montero, Brown, López, Shepherd, Robb, Susman, Lehmann, Herndon, Brooks, and Ortega.

Resolutions

Business, Workforce & Sustainability

CR12-0574 A resolution declaring the intent of the City and County of Denver, Colorado to issue housing revenue bonds or mortgage credit certificates to provide financing of residential facilities for low- and middle-income families or persons; prescribing certain terms and conditions of such bonds; and containing other provisions relating to the proposed issuance of such bonds.

Authorizes the City to carry forward to future years its remaining 2012 Private Activity Bond allocation of \$23,771,795 from Colorado's Department of Local Affairs. The Committee approved filing this resolution by consent on 8-2-12.

Health, Safety, Education & Services

CR12-0570 A resolution approving the Mayor's appointment to the Denver Latino Commission.

Approves the Mayoral appointment of Christina Montoya to the Denver Latino Commission for a term effective immediately and expiring on January 1, 2014 or until a successor is duly appointed. The Committee approved filing this resolution

by consent on 8-2-12.

Land Use, Transportation & Infrastructure

CR12-0581 A resolution granting a revocable permit to Central Platte Valley Management, LLC, to encroach into the right-of-way at 20th Street and Little Raven Street.

Grants a revocable permit to Central Platte Valley Management to encroach into the public right-of-way with a wall and sign identifying the Riverfront Park neighborhood, replacing the current sign on property being developed at 20th Ave. and Little Raven in Council District 9. The Committee approved filing this resolution by consent on 8-2-12.

Bills for Introduction

Business, Workforce & Sustainability

CB12-0298 A bill for an ordinance approving a proposed Sponsorship Agreement between the City and County of Denver and MillerCoors, LLC, relating to various sponsorship opportunities at specified City venues.

Approves a revenue contract with MillerCoors for the exclusive malt beverage advertising rights and certain signage rights for Red Rocks Amphitheatre, the Denver Coliseum, Boettcher Concert Hall, the Buell Theatre, the Newton Auditorium/Elle Caulkins Opera House and the Colorado Convention Center for total revenues of \$675,000 (THTRS-201205437). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill by consent on 4-19-12.

CB12-0578 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Denver Options, Inc., to provide employment and training services to eligible participants.

Approves a \$835,820 contract with Denver Options to provide employment and training services at two locations to Temporary Assistance for Needy Families participants (OEDEV: 201206811-00). The last regularly scheduled Council meeting within the 30-day period is on 8-27-12. The Committee approved filing this bill by consent on 8-2-12.

CB12-0579 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 "Workforce Investment Act and Wagner-Peyser PY12/FY13" programs and the funding therefor.

Accepts grant funds from the State of Colorado and approves expenditures for the following activities: 1) PY12/13 Workforce Investment Act (WIA) Adult \$1,678,532; 2) PY12/13 WIA Youth \$1,641,432; 3) PY12/13 WIA Dislocated Workers \$1,551,613; 4) PY12 Wagner Peyser \$1,590,181; and 5) PY12 Employment

Support Funds \$646,365. The last regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill by consent on 8-2-12.

CB12-0580 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 United States Department of Labor concerning the "Youth Ex-Offenders" program and the funding therefor.

Accepts \$1,500,000 from the U.S. Department of Labor for a project to work with young ex-offenders # PE-23374-12-60-A-8. The last regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill by consent on 8-2-12.

CB12-0586 A bill for an ordinance regulating outdoor advertising associated with the sale or distribution of medical marijuana by licensed medical marijuana centers and medical marijuana infused products manufacturers.

Restricts licensed medical marijuana businesses from all outdoor advertising as defined with the following exceptions: 1) on-premise business signage; 2) advertising in newspapers, magazines, or other periodicals; and 3) sponsorship advertising for charitable events; requires advertising to include the phrase "For registered Colorado medical marijuana patients only." with an exception for on-premise business location signage. The Committee approved filing this bill at its meeting on 8-1-12.

Government & Finance

CB12-0548 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and JVA Consulting, LLC, to amend the scope of work.

Approves \$262,935 for year two of a five-year (through 2016) contract with JVA Consulting for grant research, management and writing services FINAN-201101318-01. The last regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill by consent on 7-26-12.

CB12-0553 A bill for an ordinance approving a proposed Master Purchase Order between the City and County of Denver and W. W. Grainger, Inc., dba Grainger Industrial Supply.

Approves a \$2.7 million master purchase order (MPO) for industrial related equipment such as hand tools needed by City agencies. The procurement process for this MPO was the State of Colorado's pricing agreement through the Western States Contracting Alliance (5836S0112). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill by consent on 7-26-12.

CB12-0554 A bill for an ordinance approving a proposed Master Purchase Order between the City and County of Denver and Neve's Uniforms, Inc., for Denver Police Department uniforms.

Approves a \$775,000 contract with Neve's Uniforms & Equipment, Inc. for uniforms and related equipment for the Denver Police Department (0166A0112). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill by consent on 7-26-12.

CB12-0566 A bill for an ordinance authorizing the City and County of Denver to retain and spend all tax revenue in excess of the constitutional limitations on revenue and spending, subject to the approval of the voters at a special municipal election to be coordinated with the state general election on November 6, 2012; providing for the restoration of the City's lawful maximum ad valorem property tax rate; adopting an alternative limitation on annual increases in ad valorem property tax revenue to be in effect while the city is restoring its lawful maximum property tax rate; specifying categories of expenditures to be made with revenue derived from the restoration of the maximum lawful property tax rate; allowing credits against business personal property taxes for new and expanded businesses; increasing the amount of tax refunds available to low-income elderly or disabled persons; and making related conforming amendments to the Denver Revised Municipal Code.

Refers to the voters at the November 6, 2012 election the question of whether or not the city should be allowed to exceed the TABOR limitations on annual increases of property tax revenue, and annual increases in overall city tax revenue and spending, commonly known as a "de-Brucing" ballot question. The ordinance also makes several related changes to the Denver Revised Municipal Code which would go into effect if and only if the voters approve the proposed de-Brucing question: Code language implementing previous city de-Brucing questions approved in 2000 and 2005 and codified at section 20-26, Denver Revised Municipal Code would be repealed and reenacted. The authority for the city to henceforth keep and spend all tax revenue in excess of TABOR limitations in perpetuity would be codified. A system for restoration of the city's lawful property tax millage rate would be codified, providing that the maximum millage rate will be restored over time rather than all at once in order to prevent "spikes" in city property tax revenue after the first year. Property tax revenue derived from the restored mill levy would generally be restored to identified categories of expenditures. A program would be implemented allowing businesses to claim a 100% credit against property taxes associated with newly-acquired business personal property, as authorized by a new state statute adopted in 2012. The city's longstanding program authorizing payments as relief to low-income senior and disabled property owners and renters would be increased. The bill must pass no later than 8-27-12 in order to meet the deadlines for the November ballot. The Committee approved filing this bill at its meeting on 8-1-12.

CB12-0568 A bill for an Ordinance approving an Amendatory Agreement with Waste Management of Colorado, Inc. increasing the term and maximum contract amount.

Adds \$375,000 and two years to the contract (through September 15, 2014) with Waste Management for trash removal services for City facilities (201101800-1). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill by consent on 8-2-12.

CB12-0575 A bill for an ordinance approving a Permanent Easement from the City and County of Denver to the Denver Cultural Center Parking Garage Condominium Association, Inc. for the Denver Cultural Center Parking Garage.

Approves a Permanent Encroachment Easement for the benefit of the Denver Cultural Center Parking Garage Condominium Association, Inc., a Colorado non-profit corporation. A small portion of the Denver Cultural Center Parking Garage encroaches onto certain property owned by the City and this ordinance authorizes a Permanent Easement to perpetually permit the encroachment. The last regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill by consent on 8-2-12.

Health, Safety, Education & Services

CB12-0595 A bill for an ordinance confirming the Mayor's appointment to the position of Independent Monitor.

Approves the Mayoral appointment of Nicholas E. Mitchell, Esq. as the Independent Monitor for the City and County of Denver. The Committee approved filing this bill at its meeting on 8-7-12.

Land Use, Transportation & Infrastructure

CB12-0536 A bill for an ordinance approving a Third Amendatory Agreement to Supplemental Agreement No. VII with Winter Park Recreational Association to clarify understanding and intention of the transfer fee.

Clarifies the basis of authority to collect transfer and rental fees upon sale of development property at Winter Park Resort in conformance with recent legislation. The last regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill at its meeting on 7-31-12.

CB12-0537 A bill for an ordinance, amending the Building and Fire Code of the City and County of Denver by amending sections R302.2 and R313.2 of the Denver Amendments to the International Residential Code.

Amends Denver Building and Fire Code, deleting the requirement for installation of fire sprinklers in new construction of single-family, duplex and townhome units, which is currently to take effect in 2013. The Committee approved filing this bill at its meeting on 7-31-12.

CB12-0572 A bill for an ordinance changing the zoning classification for property located at 8104 Martin Luther King Jr. Boulevard.

Changes the zoning classification from C-MU-20 [Commercial Mixed Use, lower intensity; former code classification] to U-RX-5 [Urban context, Residential Mixed Use, max. 5 stories] for a residence for older adults at 8104 Martin Luther King Jr. Blvd. 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 7-31-12.

CB12-0582 A bill for an ordinance relinquishing the easement and terminating the Easement and Indemnity Agreement recorded at Reception No. 2008034585.

Relinquishes the Easement and Indemnity Agreement, recorded at reception number 2008034585, for redevelopment of the property at Logan and E. 6th Ave. in Council District 10. The last regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill by consent on 8-2-12.

Recap of Bills to be Called Out

Pre-Recess Announcement

Tonight Council's agenda includes two required public hearings on zoning map amendments. These are CB12-0462 for 4800 Verbena Street and 4801 Willow Street, and on CB12-0463 for 5001 Willow Street. However, due to technical issues, it is Council's intent to continue these public hearings to Monday, September 17. If you are here to speak on either matter, Council asks that you hold your comments until this date.

Tonight there will be a combined required public hearing on CB12-0472 approving a proposed Cooperation Agreement between the City and County of Denver and Denver Urban Renewal Authority, for the Ironworks Foundry Urban Redevelopment Area, and on CB12-0473 approving the Ironworks Foundry Urban Redevelopment Plan. Also, there will be a one-hour courtesy public hearing on CB12-0586 regarding medical marijuana advertising. Anyone wishing to speak on any of these matters must see the Council Secretary to sign up during the recess of Council.

Recess

Council Reconvenes and Resumes its Regular Session

Public Hearings - Bills for Final Consideration

Land Use, Transportation & Infrastructure

CB12-0462 A bill for an ordinance changing the zoning classification for property located at approximately 4800 Verbena Street and 4801 Willow Street.

Changes the zoning classification from M-MX-5 (Master Planned context, mixed use, 5 stories) to M-RX-5 (Master Planned context, residential mixed use, 5 stories) of property at approximately 4800 N. Verbena and 4801 N. Willow in Council District 11. A PUBLIC HEARING WILL BE HELD AT LEAST FOUR WEEKS AFTER PUBLICATION. The Committee reviewed this bill at its meeting on 6-12-12; due to lack of a quorum, Councilwoman Robb filed the bill.

CB12-0463 A bill for an ordinance changing the zoning classification for property located at approximately 5001 Willow Street.

Changes the zoning classification from M-RH-3 (Master Planned context, Row House, 3 stories) to M-RX-5 (Master Planned context, Residential Mixed Use, 5 stories) on property located at approximately 5001 N. Willow in Council District 11. A PUBLIC HEARING WILL BE HELD AT LEAST FOUR WEEKS AFTER PUBLICATION. The Committee reviewed this bill at its meeting on 6-12-12; due to lack of a quorum, Councilwoman Robb filed the bill.

CB12-0472 A bill for an ordinance approving a proposed Cooperation Agreement between the City and County of Denver and Denver Urban Renewal Authority, for the Ironworks Foundry Urban Redevelopment Area.

Approves a Cooperation Agreement with the Urban Renewal Authority for the Ironworks Foundry Urban Redevelopment Area to establish, among other matters, the parameters for tax increment financing with property tax increment and sales tax increment at 3350 Brighton in Council District 9. A PUBLIC HEARING WILL BE HELD ON AUGUST 13, 2012. The last regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill at its meeting on 7-17-12.

CB12-0473 A bill for an ordinance approving the Ironworks Foundry Urban Redevelopment Plan.

Approves the Ironworks Foundry Urban Redevelopment Plan authorizing the creation of an Urban Redevelopment Area and the use of property tax increment and sales tax increment at 3350 Brighton in Council District 9. A PUBLIC HEARING WILL BE HELD ON AUGUST 13, 2012. The Committee approved filing this bill at its meeting on 7-17-12.

Public Hearings - Bills for Introduction

Business, Workforce & Sustainability

CB12-0586 A bill for an ordinance regulating outdoor advertising associated with the sale or distribution of medical marijuana by licensed medical marijuana centers and medical marijuana infused products manufacturers.

Restricts licensed medical marijuana businesses from all outdoor advertising as defined with the following exceptions: 1) on-premise business signage; 2) advertising in newspapers, magazines, or other periodicals; and 3) sponsorship advertising for charitable events; requires advertising to include the phrase "For registered Colorado medical marijuana patients only." with an exception for on-premise business location signage. The Committee approved filing this bill at its meeting on 8-1-12.

Bills for Final Consideration

Business, Workforce & Sustainability

CB12-0535 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Denver Housing Authority to remove 8 units listed as collateral for the loan and replace them with 8 units of similar size and equal or greater value.

Amends the HOME loan agreement with Denver Housing Authority to remove 8 units listed as collateral for the loan and replace them with 8 units of similar size and equal or greater value (GE6A125). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill by consent on 7-19-12.

CB12-0561 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Denver Housing Authority to allocate Community Development Block Grant funds for infrastructure and street improvements for the Mariposa 2 Project.

Allocates \$2.0 million in Community Development Block Grant funds to the Denver Housing Authority for infrastructure and street improvements for the Mariposa 2 project. The last regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill by consent on 7-26-12.

CB12-0562 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Jewish Family Services of Colorado, Inc. dba Shalom Denver to provide employment and training services to eligible participants.

Approves a \$644,330 contract with Jewish Family Service of Colorado Inc, for 2012-2013 to help Temporary Assistance for Needy Families recipients fulfill work participation requirements and obtain unsubsidized employment (OEDEV-201206708-00). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill by consent on 7-26-12.

CB12-0563 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Bayaud Enterprises, Inc., to provide employment and training services to eligible participants.

Approves a \$538,195 contract with Bayaud Enterprises, Inc., for 2012-2013 to help Temporary Assistance for Needy Families recipients fulfill work participation requirements and obtain unsubsidized employment (OEDEV-201206809-00). The last regularly scheduled Council meeting within the 30-day review period is 8-27-12. The Committee approved filing this bill by consent on 7-26-12.

Government & Finance

CB12-0552 A bill for an ordinance approving a proposed Purchase and Sale Agreement between the City and County of Denver and James W. Rodriguez and Michael J. Brohman, to sell the City property located at 3429 Shoshone Street.

Approves a \$373,000 sale of residential property located at 3429 Shoshone Street in Council District 9. The property was received through a quit claim deed back to the City. The last regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill by consent on 7-26-12.

Health, Safety, Education & Services

CB12-0547 A bill for an Ordinance approving the Denver Health and Hospital Authority's sale of property formerly known as the La Mariposa Clinic.

Approves the sale of property at 1020 W. 11th Ave, formerly known as the La Mariposa Clinic, where proceeds of the sale shall only be used for construction of the new Westside Clinic. The Committee approved filing this bill at its meeting on 7-24-12.

CB12-0555 A bill for an ordinance amending Sections 14-31 and 14-37 of Article II of Chapter 14, Service of Summons, Subpoena and Warrant of Arrest & Witness Fees.

Amends the Denver Revised Municipal Code Section 14-37 (a) and (b) Witness Fees and Section 14-31 (b) and (c) Service of summons, subpoenas, and warrants of arrest to raise the witness fee payment from \$1.50 to \$5.00. The Committee approved filing this bill at its meeting on 7-24-12.

CB12-0556 A bill for an ordinance approving and providing for the execution of proposed contracts between the City and County of Denver and the State of Colorado concerning the "Community Corrections FY12-13" program and the funding therefor.

Approves a contract with the State of Colorado for the Community Corrections Program FY 2012-2013 funding in the amount of \$14,357,841.77. The last regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill by consent on 7-26-12.

CB12-0557 A bill for an ordinance approving an Agreement between the

City and County of Denver and Correctional Management, Inc., for residential and non-residential community corrections services.

Approves the agreement between the City and County of Denver and Correctional Management Inc. for residential and non-residential community corrections services in the amount of \$3,846,926.80 (2011-01626-01). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill by consent on 7-26-12.

CB12-0560 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 United States Department of Health and Human Services concerning the "Head Start FY12-13" program and the funding therefor.

Accepts the Head Start program funding from the U.S. Dept. of Human Services for the period July 1, 2012 to June 30, 2013 in the amount of \$8,825,714 (201206819). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill by consent on 7-26-12.

Land Use, Transportation & Infrastructure

CB12-0338 A bill for an ordinance approving an agreement between URS Corporation and the City & County of Denver to advance the 56th Avenue corridor project.

Approves a \$900,000 contract (PWADM-201205382) with URS Corporation through Sept. 30, 2014, and exceeds Denver Small Business Office goals with 20.2%, for environmental compliance, design and engineering consulting services for design of improvements on 56th Ave. from Chambers Road to Pena Boulevard in Council District 11. The last regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill by consent on 5-3-12.

CB12-0521 A bill for an ordinance approving an agreement between W. L. Contractors, Inc. and the City & County of Denver to reconstruct traffic signals, ramps and sidewalks.

Approves a \$1,358,329 contract with W.L. Contractors, Inc. to reconstruct traffic signals, ramps and sidewalks at 5 major intersections: 1) I-70 east-bound off-ramp and Colorado; 2) I-225 south-bound off-ramp and Tamarac; 3) Alameda and Pecos; 4) Sheridan and Florida; and 5) Hampden and Oneida (201205433). The last regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill by consent on 7-12-12.

CB12-0564 A bill for an ordinance approving an amendatory on-call agreement between CH2M Hill, Inc. and the City & County of Denver for the Better Denver Bond Program.

Amends the on-call contract with CH2M Hill to extend the term eighteen months, to June 30, 2014, and increases capacity by \$2,296,000, for a new total of \$14,908,399, to provide continuing program and project management services in support of the Better Denver Bond Program projects (OC85035-1). The last

regularly scheduled Council meeting within the 30-day review period is on 8-27-12. The Committee approved filing this bill by consent on 7-26-12.

CB12-0565 A bill for an ordinance vacating the alley bounded by W. 44th Avenue, W. 43rd Avenue, Jason Street and Inca Street, with reservations.

Vacates the alley bounded by W. 44th and W. 43rd avenues, Jason and Inca in Council District 9 to allow for upsizing the existing Argo Substation to power the RTD commuter rail line. The Committee approved filing this bill by consent on 7-26-12.

Announcement

Dependent upon publication on Monday, September 10, 2012, Council will hold a required public hearing on CB12-0572 changing the zoning classification for property located at 8104 Martin Luther King Jr. Boulevard. Any protests against CB12-0572 must be filed with the Council Offices no later than Tuesday, September 4, 2012.

Adjourn

Pending

For 8-20-12

CB12-0365 A bill for an ordinance prohibiting the advertising of medical marijuana in proximity to schools, child care centers, and parks.

**No Required Public Hearing
Final Consideration**

For 9-10-12

CR12-0550 A resolution to set a public hearing relating to the approval of the Welton Corridor Urban Redevelopment Plan for September 10, 2012.

**Required Public Hearing
Final Consideration**