

City Council of Monday, August 20, 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

ROOM 451
CITY & COUNTY BUILDING
DENVER COLORADO
80202
PHONE: 720-337-2000
FAX: 720-865-9540
EMAIL: denc@denvergov.org

WEB ACCESS

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REMINDER

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

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

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

CITY COUNCIL AGENDA

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

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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 20, 2012 5:30 PM

Pledge of Allegiance

Roll Call

Approval of the Minutes

Council Announcements

Presentations

Communications

Proclamations

CP12-0585 A proclamation recognizing the Week of August 20th through August 24th as Safety Net Clinic Week 2012.

Sponsored by Councilmembers Brooks, Lehmann, and Herndon.

Resolutions

Health, Safety, Education & Services

CR12-0618 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the sum of Twenty Four Thousand Five Hundred Dollars (\$24,500.00), payable to the Lonn Heymann Law Firm, P.C., in full payment and satisfaction of all claims by James Plunkett in Civil Action No. 11-cv-03174-RPM, in the United States District Court for the District of Colorado.

Settles a claim involving the Denver Police Department. This resolution was approved for filing at the Mayor Council meeting on 8-14-12.

Land Use, Transportation & Infrastructure

CR12-0593 A resolution granting a revocable permit to Triangle at Union Station Development, LLC, to encroach into the right-of-way at 16th Street and Wewatta Street.

Grants a revocable permit to Triangle at Union Station Development, LLC, to encroach into the public right-of-way with a portion of a sub-surface parking garage at 16th Street and Wewatta in Council District 9. The Committee approved filing

this resolution by consent on 8-9-12.

CR12-0619 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the sum of Thirty Thousand Dollars (\$30, 000.00), payable to ROBERT ARNOLD GOMEZ AND MINTZ LAW FIRM, in full payment and satisfaction of all claims by Robert Arnold Gomez in Case No. 11-CV-8004.

Approves a settlement involving the Public Works Department. This resolution was approved for filing at the Mayor Council meeting on 8-14-12.

Bills for Introduction

Business, Workforce & Sustainability

CB12-0576 A bill for an ordinance approving a proposed Third Amendment and Modification Agreement between the City and County of Denver and Del Norte Neighborhood Development Corporation.

Approves a loan modification with Del Norte to transfer the City's Deed of Trust filed on its 1936-40 West 32nd Ave property to its 1358 Emerson Street property in Council District 10 (GE5Y052-3). The last regularly scheduled Council meeting within the 30-day review period is on 9-10-12. The Committee approved filing this bill at its meeting on 8-8-12.

CB12-0588 A bill for an ordinance approving a proposed First Amendment to Agreement between the City and County of Denver and AECOM USA, INC. related to consulting support services at Denver International Airport.

Adds \$5,500,000 and two months to the existing contract with AECOM for project management, inspection and support services while new contracts are being awarded and processed. The last regularly scheduled Council meeting within the 30-day review period is on 9-10-12. The Committee approved filing this bill on consent on 8-9-12.

Government & Finance

CB12-0549 A bill for an ordinance making appropriations from the Capital Improvements and Capital Maintenance Fund for the Tremont Place Renovation Project.

Appropriates \$580,000 in Capital Improvement Funds for continued renovation of 2855 Tremont Place (former Eastside Human Services Facility) for Denver Motor Vehicle and the Council District 8 Office. The Committee approved filing this bill at its meeting on 8-8-12.

CB12-0589 A bill for an ordinance approving the purchase by the City and County of Denver and DIA of property and liability insurance policies through Marsh USA, Inc., AON Risk Insurance Services West, Inc. and

Willis of Minnesota, Inc. in an amount not to exceed \$4,235,375 for the period of September 1, 2012 through September 1, 2013.

Approves expending \$4,235,275 for the City's property and liability insurance coverages through contracts with March USA (CE02088-02), Willis (201204716), and Aon (201204715) for September 1, 2012 through September 1, 2013. The last regularly scheduled Council meeting within the 30-day review period is on 9-10-12. The Committee approved filing this bill by consent on 8-9-12.

CB12-0590 A bill for an ordinance making rescissions and appropriations in the Capital Improvements and Capital Maintenance Fund for Police Department facility projects.

Rescinds \$757,593 from the Metro SWAT relocation capital improvement project budget and re-appropriates to the District Station Improvements project. The Committee approved filing this bill at its meeting on 8-8-12.

Health, Safety, Education & Services

CB12-0518 A bill for an ordinance repealing subsection 42-1 (c), D.R.M.C., concerning fees associated with the registration of sex offenders in accordance with state law.

Repeals subsection 42-1 (c) of the Denver Revised Municipal Code concerning fees associated with the registration of sex offenders, in accordance with state law. The Committee approved filing this bill at its meeting on 7-17-12.

CB12-0558 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Community Education Centers, Inc. for residential and non-residential community corrections services.

Approves an agreement between the City and County of Denver and Community Education Centers (2011-01628-01) in the amount of \$2,192,714.80 for residential and non-residential community corrections services. The last regularly scheduled Council meeting within the 30-day review period is on 9-10-12. The Committee approved filing this bill by consent on 7-26-12.

CB12-0559 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and the Regents of the University of Colorado for residential and non-residential community corrections services.

Approves an agreement between the City and County of Denver and University of Colorado Health Sciences Center - Addiction Research and Treatment Services Peer I and Haven (2011-01631-01) in the amount of \$4,109,374.20 for residential and non-residential community corrections services. The last regularly scheduled Council meeting within the 30-day review period is on 9-10-12. The Committee approved filing this bill by consent on 7-26-12.

CB12-0567 A bill for an Ordinance approving a Sixth Amendatory Agreement with Walsh Environmental Scientists & Engineers, LLC to increase the contract's value and extend the term for additional months.

Approves an amendment to the Walsh Environmental Scientists & Engineers, LLC contract to add \$560,000 for a total contract amount not to exceed \$1.8 million, and to extend the contract through December 31, 2012, for services related to asbestos, lead-based paint, and mold remediation for ongoing projects including Ruby Hill Park irrigation project (OC81065). The last regularly scheduled Council meeting within the 30-day review period is on 9-10-12. The Committee approved filing this bill by consent on 8-2-12.

CB12-0591 A bill for an ordinance approving an Agreement between the City and County of Denver and RRK Enterprises, Inc., d/b/a Independence House, Inc. for residential and non-residential community corrections services.

Approves an agreement with Independence House in the amount of \$2,657,758.80 for residential and non-residential community corrections services (2011-01632-01). The last regularly scheduled Council meeting within the 30-day review period is on 9-10-12. The Committee approved filing this bill by consent on 8-9-12.

CB12-0592 A bill for an ordinance approving a license agreement with Cricket Communications, Inc., for the installation and operation of a communications facility at Denver Fire Station 30 (4898 Dudley Street).

Approves a revenue agreement in the amount of \$111,491.86 over a five-year period with Cricket Communications for co-location of communication equipment on a City-owned tower (Fire Station 30) located at 4898 S. Dudley Street (FIRES-201206472). The last regularly scheduled Council meeting within the 30-day review period is on 9-10-12. The Committee approved filing this bill by consent on 8-9-12.

Recap of Bills to be Called Out

Recess

Council Reconvenes and Resumes its Regular Session

Bills for Final Consideration - Public Hearings

Government & Finance

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.

Bills for Final Consideration

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.

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

Prohibits advertising of medical marijuana in proximity to schools, child care centers, and parks. A COURTESY PUBLIC HEARING WILL BE HELD TONIGHT ON THIS BILL FOLLOWING THE REQUIRED PUBLIC HEARING ON CB12-0327. The Committee approved filing this bill at its meeting on 6-6-12.

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.

CB12-0578 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.

CB12-0568 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.

CB12-0582 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.

Adjourn

Pending

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**

For 9-17-12

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

**Required Public Hearing
Final Consideration**