

City Council Meeting of Monday, April 24, 2017

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
Leon Mason..... Director
Kelly Velez..... Clerk

Room 451
City & County Building
1437 Bannock Street
Denver CO 80202

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

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 <https://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://denver.legistar.com>.

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.

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF THE MINUTES

[17-0475](#) Minutes of Monday, April 17, 2017

COUNCIL ANNOUNCEMENTS

PRESENTATIONS

COMMUNICATIONS

PROCLAMATIONS

[17-0413](#) **A proclamation recognizing Sunday, April 30, 2017 as Dia del Niño Day.**

Sponsors New, Kashmann, Ortega, Brooks, Gilmore, Espinoza, Black and López

[17-0418](#) **A proclamation in recognition of the Washington Street Community Center.**

Sponsors Clark, New, Kashmann, Brooks, Gilmore, Espinoza, López and Black

[17-0476](#) **A proclamation thanking MSU Denver student volunteers for their service.**

Sponsors Brooks, New, Gilmore, Ortega, Espinoza, Black and López

RESOLUTIONS**Business, Arts, Workforce & Aeronautical Services Committee****[17-0395](#) A resolution approving a proposed Agreement between the City and County of Denver and DIA Retail Fashion, LLC concerning several concessions on Concourse B and C at Denver International Airport.**

Approves a concession use agreement with DIA Retail Fashion, LLC for ten years and to receive \$895,050 in annual revenue to construct, maintain, and manage three retail concessions spaces at Denver International Airport, and also to satisfy a settlement and release of claims and litigation involving the airport (201733877). The last regularly scheduled Council meeting within the 30-day review period is on 5-15-17. The Committee approved filing this resolution by consent on 4-12-17.

Land Use, Transportation & Infrastructure Committee**[17-0349](#) A resolution approving a proposed Contract between the City and County of Denver and Concrete Works of Colorado, Inc. to improve drainage and construct a storm sewer system along the 33rd Street corridor.**

Approves a one-year \$6,556,720 contract with Concrete Works of Colorado, Inc. to improve the drainage conditions in the Lower Platte Valley and 36th and Downing Basins during a 5-year storm event, a phase of the 33rd Street outfall project to construct the storm sewer system and its associated facilities along the 33rd Street corridor starting at Blake Street and ending at Arapahoe Street in Council District 9 (201631819). The last regularly scheduled Council meeting within the 30-day review period is on 5-15-17. The Committee approved filing this resolution by consent on 3-21-17.

[17-0364](#) **A resolution approving a proposed Agreement between the City and County of Denver and Environmental Learning for Kids for construction of a community-based environmental education center.**

Approves a \$500,000 contract with Environmental Learning for Kids through 05-30-20 with grant funding from Great Outdoors Colorado towards the construction of a community-based environmental educational center that features terrestrial and aquatic habitat, walking trails, interpretative kiosks, and areas for science and environmental education to be located at 12680 East Albrook Drive in Council District 8 (201733545). The last regularly scheduled Council meeting within the 30-day review period is on 5-15-17. The Committee approved filing this resolution by consent on 3-28-17.

[17-0383](#) **A resolution approving and providing for the execution of a proposed amendment to the Grant Agreement between the City and County of Denver and the State of Colorado, concerning the "Flood Mitigation at Sanderson Gulch" project and the funding therefor.**

Adds \$6,172,369 to the grant agreement with the Division of Homeland Security and Emergency Management for a new total of \$6,172,370 for partial funding of flood mitigation and infrastructure improvements on Sanderson Gulch from South Lipan Street and extending southeast to the confluence of the South Platte River in Council District 7 (201628916). The last regularly scheduled Council meeting within the 30-day review period is on 5-15-17. The Committee approved filing this resolution by consent on 4-4-17.

[17-0384](#) **A resolution approving a Grant Agreement between the City and County of Denver and the State of Colorado, concerning the "Flood Mitigation at Sanderson Gulch" project and the funding therefor.**

Approves a grant agreement with the State of Colorado and the Division of Homeland Security and Emergency Management (DHSEM) for \$881,767 and for two years to partially fund flood mitigation and infrastructure improvements of Sanderson Gulch, located near South Platte River Drive between West Florida Avenue and South Jason Street in Council District 7 (201733801). The last regularly scheduled Council meeting within the 30-day review period is on 5-15-17. The Committee approved filing this resolution by consent on 4-4-17.

[17-0393](#) A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Deighton Associates Ltd to continue providing transportation asset management consulting services.

Adds \$634,644 and one year to the contract with Deighton Associates, LTD for a new total of \$916,621 and end date of 12-31-17 for asset management consulting services for city streets, including the collection of distress data, a network analysis with recommendations for a multi-year paving program, analysis of pedestrian ramps and prioritization of rehabilitation of those ramps, and other services citywide (201627262). The last regularly scheduled Council meeting within the 30-day review period is on 5-15-17. The Committee approved filing this resolution by consent on 4-11-17.

[17-0405](#) A resolution laying out, opening and establishing as part of the City street system parcels of land as Archer Place, Lowry Boulevard and South Pontiac Street near the intersection of Lowry Boulevard and South Quebec Street.

Dedicates City-owned land as public right-of-way as Archer Place, Lowry Boulevard, and South Pontiac Street located near the intersection of Lowry Boulevard and South Quebec Street in Council District 5. The Committee approved filing this resolution by consent on 4-11-17.

[17-0407](#) A resolution approving a proposed Parks Use Agreement between the City and County of Denver and Downtown Denver Events, Inc. for the use of Skyline Park for a multi-day event.

Approves a park use agreement with Downtown Denver Events, Inc. for three years to operate food and beverage concessions in Skyline Park in Council District 9 (PARKS 201733626). The last regularly scheduled Council meeting within the 30-day review period is on 5-15-17. The Committee approved filing this resolution by consent on 4-11-17.

Safety, Housing, Education & Homelessness Committee**[17-0110](#) A resolution approving a proposed Agreement between the City and County of Denver and Compass Group USA, Inc. to provide beverage and snack vending products at the Denver County Jail.**

Approves a contract with Compass Group USA, Inc. for \$50,000 in revenue, and for two years through 12-31-18 for beverage and food vending machines at the Denver County Jail (201632221). The last regularly scheduled Council meeting within the 30-day review period is on 5-15-17. The Committee approved filing this resolution by consent on 2-1-17.

BILLS FOR INTRODUCTION**Land Use, Transportation & Infrastructure Committee****[17-0391](#) A bill for an ordinance vacating an alley near the intersection of West 4th Avenue and Kalamath Street, with reservations.**

Vacates the alley located at West 4th Avenue and Kalamath Street, with reservations, in Council District 7. The Committee approved filing this bill by consent on 4-11-17.

[17-0392](#) A bill for an ordinance relinquishing four easements dedicated to the City by the Denver Connection West Filing No. 1 subdivision, recorded with the Denver Clerk & Recorder at Reception Number 2016106834.

Relinquishes certain easements conveyed in the Denver Connection West Filing No. 1 Subdivision, recorded on 08-12-16 with reception no. 2016106834, located along Kittredge Street from Warner Drive to Elk Drive in Council District 11. The last regularly scheduled Council meeting within the 30-day review period is on 5-15-17. The Committee approved filing this bill by consent on 4-11-17.

[17-0394](#) A bill for an ordinance authorizing the purchase of capital equipment from the Asphalt Plant Fund.

Approves a capital equipment expenditure for \$1.1 million for the purchase of an asphalt crushing and screening system to recycle existing materials for the production of asphalt for street paving operations citywide. The Committee approved filing this bill by consent on 4-11-17.

[17-0402](#) A bill for an ordinance authorizing the purchase of capital equipment from the Wastewater Management Enterprise Fund.

Approves a one-time capital equipment expenditure for \$210,000 to procure two utility trucks for use in Public Works manhole adjustment operations to adjust manhole castings in conjunction with the Street Maintenance overlay program on a yearly basis citywide. The Committee approved filing this bill by consent on 4-11-17.

[17-0406](#) A bill for an ordinance relinquishing a portion of the easement established by Ordinance No. 793, Series of 2002, located at 2520 East Alameda Circle.

Relinquishes a portion of the easement established in Vacating Ordinance No. 793, Series of 2002, located at 2520 East Alameda Circle in Council District 10. The last regularly scheduled Council meeting within the 30-day review period is on 5-15-17. The Committee approved filing this bill by consent on 4-11-17.

BILLS FOR FINAL CONSIDERATION

Special Issues: Marijuana

[17-0324](#) AS AMENDED a bill for an ordinance amending sections 6-206 and 24-508, Denver Revised Municipal Code regarding the hours of operation of retail marijuana stores and medical marijuana centers.

Allows licensed marijuana stores to remain open until 10:00 pm. The Committee approved filing this bill at its meeting on 4-3-17. Amended 4-17-17 to clearly communicate to the public and to the marijuana industry the first date upon which any retail marijuana store or medical marijuana center may remain open until 10:00 p.m. will be Monday, May 1.

Land Use, Transportation & Infrastructure Committee

[17-0381](#) A bill for an ordinance approving the License between the City and County of Denver and Magellan Pipeline Company, L.P. relating to relocation of a pipeline into City-owned land north of 56th Avenue in Stapleton.

Approves a license agreement to allow the Magellan Pipeline Company to construct and operate pipeline facilities in City-owned land in Stapleton north of 56th Avenue. The last regularly scheduled Council meeting within the 30-day review period is on 5-8-17. The Committee approved filing this bill by consent on 4-4-17.

RECAP OF BILLS TO BE CALLED OUT

PRE-RECESS ANNOUNCEMENT

Tonight there will be a required public hearing on Council Bill 17-0311, approving a text amendment to the Denver Zoning Code comprised of multiple substantive, clarification, and usability changes across the entirety of the code, prioritized in response to customer and community feedback, industry changes and other factors, to maintain a citywide zoning code that is modern, clear and user-friendly. Anyone wishing to speak on this 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

Land Use, Transportation & Infrastructure Committee

[17-0311](#) **A bill for an ordinance to amend Chapter 59 (Zoning) of the Denver Revised Municipal Code relating to the Denver Zoning Code and to amend and restate the Denver Zoning Code.**

Approves a text amendment to the Denver Zoning Code comprised of multiple substantive, clarification, and usability changes across the entirety of the code, prioritized in response to customer and community feedback, industry changes and other factors, to maintain a citywide zoning code that is modern, clear and user-friendly. The Committee approved filing this bill at its meeting on 3-14-17.

PRE-ADJOURNMENT ANNOUNCEMENT

ADJOURN

PENDING

FOR 05-01-17

[17-0161](#) AS AMENDED a bill for an ordinance amending the Denver Zoning Code to revise parking exemptions for pre-existing small zone lots.

Approves a text amendment to the Denver Zoning Code to revise the Pre-Existing Small Zone Lot parking exemption. The Committee approved filing this bill at its meeting on 2-14-17. On 2-27-17, Council held this item in Committee to 3-20-17. Amended 3-20-17 to ensure that the parking exemption is applied for all uses. Some parking requirements are calculated based on gross floor area while others are on number of units and not explicitly for gross floor area, to further clarify the legislative intent of the proposed bill to emphasize the city's commitment to more comprehensively address transportation demand management strategies in the short term, and to require a Zoning Permit with Informational Notice for all new buildings on Pre-Existing Small Zone Lots that request to use the small lot parking exemption; Enables all expansions to existing buildings to receive the full parking exemption; and clarifies at what point an "existing building" is considered a "new building" for the purposes of applying the small lot parking exemption (i.e., "Voluntary Demolition"). Amended 04-03-17 to reduce the number of stories that will be exempt from providing vehicle parking by one story from the current proposal.

Final Consideration**Required Public Hearing**

FOR 5-15-17

[17-0362](#) A bill for an ordinance changing the zoning classification for 689 West 39th Avenue, 700 West 40th Avenue, and 725 West 39th Avenue in Globeville.

Approves an official map amendment to rezone property located at 689 West 39th Avenue, 700 West 40th Avenue, and 725 West 39th Avenue from I-B, UO-2 and I-A, UO-2 to C-MX-20 (industrial to commercial-mixed use) in Council District 9. The Committee approved filing this bill at its meeting on 4-4-17.

Final Consideration

Required Public Hearing

[17-0366](#) A bill for an ordinance changing the zoning classification for 3505-3507 West 3rd Avenue and 332 Lowell Boulevard in Barnum.

Approves an official map amendment to rezone property located at 3505-3507 West 3rd Avenue and 332 Lowell Boulevard from E-SU-Dx to CMP-EI2 (adding to the existing campus and unifying the zone district) in Council District 3. The Committee approved filing this bill at its meeting on 4-4-17.

Final Consideration

Required Public Hearing

[17-0368](#) A bill for an ordinance changing the zoning classification for 2880 West Holden Place, 1155 North Decatur Street, 1201 North Decatur Street and 1101 North Decatur Street in Sun Valley.

Approves an official map amendment to rezone property located at 2880 West Holden Place, 1155 North Decatur Street, 1201 North Decatur Street and 1101 North Decatur Street from PUD 487 to C-MX-5, (planned development to commercial-mixed use) in Council District 3. The Committee approved filing this bill at its meeting on 4-4-17.

Final Consideration

Required Public Hearing