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## Safety and Well-being Committee Summary Minutes

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**Tuesday, October 14, 2014      1:30 PM      City & County Building, Room 391**

**Committee Members:**    López, Chair; Faatz, Vice-Chair; Brooks; Kniech;  
Lehmann; Susman

**Committee Staff:**        Gretchen Williams

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**Council Members Present:**    Faatz, Kniech, Lehmann, Lopez, Brooks, Susman, Herndon, Nevitt

**Members Absent:**        None

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### Presentation

#### **Recognition of Denver Sheriff Captain Paul Ortega** *Councilman Paul López*

Councilman Lopez recognized Sheriff Major Gary Anderson, who introduced Captain Paul Ortega. The Captain played a major role in the design and overseeing construction of the Van Cise-Simonet Detention Center, and he utilized his construction background to notice problems and raise concerns as the facility was constructed. He also has played a major role in organizing the Colorado Police and Fire Games, and he does work with the Special Olympics.

### Bill Requests

**BR14-0711    Amends Denver Revised Municipal Code Section 38-177 making it illegal to produce marijuana concentrate outside licensed facilities by any means except water- or food-based extraction or, with a permit, using small quantities of alcohol**

**or ethanol without heat. Continued amended since 9-16-14.**  
*Ashley Kilroy, Mayor's Office; Fire Chief Joe Gonzales. Public  
comment sign-up 1:00-1:15*

The Committee considered the original bill at its meeting on Sept. 16, at which time one of the public speakers raised concerns about the need for certain medical conditions to be treated with particular types of marijuana extractions. At that meeting, he told the Committee that he prepares the needed medication to treat his daughter's rare form of epilepsy. His process is evaporative, using no heat source, and he uses small amounts of alcohol. The Committee directed that this need be taken into consideration and the draft be revised. Today the Committee will consider adoption of the revised draft ordinance.

Ashley Kilroy, Director of Marijuana Policy, directed the Committee's attention to the new draft bill, Sec. 38-177(c)(3), which allows two exceptions to the ban on extraction by other than food or water based methods outside of licensed facilities. The exceptions are:

1. When the concentrate is produced using an evaporative processes without application of any heat to no more than 16 ounces of alcohol or ethanol during each extraction process; or
2. When the concentrate is produced by someone holding a valid permit from the Denver Fire Department to use new methods or ULI-approved machines.

Public health and safety is the first priority, and there are considerable safety concerns about this process. However, we want to make it possible for people to undertake safe processes when needed for specific medical needs. Even sixteen ounces can be dangerous if not used properly, but it is a reasonable balance.

#### **PUBLIC COMMENT**

1. Brian Wilson: Sixteen ounces is still too limited as it takes up to 32 ounces to produce two ounces of the extract. No heat is applied at all, so it is not a problem. Secondly, the list of holders of this proposed Permit needs to be sealed to protect the identity of parents breaking Federal law to save their children.
2. Josh Kappal: Overall, the new draft is good.
3. Kevin Mahmoalji: I have concerns with parents putting their name on a list. Public safety is the aim of this ordinance, but the butane issue is not addressed and is still a concern. The City must limit the amount of butane anyone can purchase in Denver.
4. Aly Piscatelli: Safety is an issue of course, but so is not having a way to remove residual when not using heat in the production. People will go underground and use butane, which is not safe at all. The City needs to have labs available and educate people to use them.

#### **COMMITTEE DISCUSSION**

Ms. Kilroy said there are multitudes of substances that can be used for this process, making it difficult to regulate by purchase of certain products in certain quantities. It is the process itself more than the quantity that is a potential problem. We think we have found a

balance.

Fire Chief Tade acknowledged that the permit list would not be confidential. No other permits are kept confidential.

Councilwoman Kniech said we are meeting certain needs but there are still other pathways to develop as well.

Councilman Nevitt said a local ban does not make a difference, as we learned with the graffiti materials ban. Perhaps this is an issue for a state law to address.

A motion offered by Councilmember Faatz, duly seconded by Councilmember Brooks, to file the bill carried by the following vote:

AYES: Herndon, Faatz, Kniech, Lehmann, Lopez, Brooks, Susman(7)  
NAYS: (None)  
ABSENT: (None)  
ABSTAIN: (None)

**BR14-0862 Approves the Denver Health & Hospital Authority 2015 Operating Agreement under which the City will expend \$58,471,100 for DHHA services and DHHA will pay \$1,487,951 for City services (CE60436-25).**

*Doug Linkhart, Manager, Dept. of Environmental Health; Elbra Wedgeworth, Denver Health & Hospital Authority; Cristal DeHerrera, Deputy City Attorney*

Doug Linkhart, Manager of Denver Environmental Health, said this is an annual process when the City and Denver Health & Hospital Authority (DHHA) outline the responsibilities of the each party.

Cristal DeHerrerer, Deputy City Attorney, outlined the changes from last year, including the new agreement regarding marijuana data collection, which is the topic in another bill before the Committee today.

Councilwoman Faatz asked if DHHA is working on plans for a potential Ebola outbreak. Dr. Burman said yes, and he outlined the steps being taken. Mr. Linkhart suggested a separate briefing on what the City, the Airport and DHHA are doing with regard to emergency planning around that disease.

A motion offered by Councilmember Kniech, duly seconded by Councilmember Brooks, to file the bill carried by the following vote:

AYES: Herndon, Faatz, Kniech, Lehmann, Lopez, Brooks, Susman(7)

NAYS: (None)  
ABSENT: (None)  
ABSTAIN: (None)

**BR14-0869 Approves an agreement between Denver Public Health and Denver Health & Hospital Authority regarding collection of data on marijuana impacts.**

*Molly Duplechian, Marijuana Policy Office*

The contract details how the City and DHHA will coordinate collection of information on the impacts of marijuana use on children.

Councilwoman Kniech asked how we are ensuring we are not duplicating any State efforts. Dr. Berman replied that one of his staff sits on the State's committee partly to ensure there is no duplication.

A motion offered by Councilmember Faatz, duly seconded by Councilmember Brooks, to file the bill carried by the following vote:

AYES: Herndon, Faatz, Kniech, Lehmann, Lopez, Brooks, Susman(7)  
NAYS: (None)  
ABSENT: (None)  
ABSTAIN: (None)

**BR14-0870 Amends the agreement with Denver Health & Hospital Authority regarding construction of the South West Clinic at 1339 S. Federal Blvd. to reflect new funding levels and an extension of the term to 30 years.**

*Cristal DeHerrera, Deputy City Attorney; Laura Perry, Budget & Management*

Laura Perry, Budget & Management, said the basic agreement concerning construction of the new clinic was approved last year by Council, and this is a request to extend the agreement for 30 years.

Councilwoman Faatz said she is pleased to have this clinic being built in her part of the City.

Councilman Lopez said the highest number of patients to DHHA are from Zip Code 80209 in his Council District. This will be the largest clinic outside the main campus, and it will provide many services badly needed in the area.

A motion offered by Councilmember Susman, duly seconded by Councilmember Kniech, to file the bill carried by the following vote:

AYES: Herndon, Faatz, Kniech, Lehmann, Lopez, Brooks, Susman(7)  
NAYS: (None)  
ABSENT: (None)

ABSTAIN: (None)

## Presentation

### **Denver's Five-Year Housing Plan, 2015-2019**

*Rick Padilla, Housing Director, Office of Economic Development*

Rick Padilla, Office of Economic Development, presented the 5-year Housing Plan, which is a statement of the City's principles, priorities, goals and initiatives with regard to housing. His presentation and the plan are attached to this meeting.

In 2013, Denver had a gap in affordable housing of 26,300 units.

The plan presents eight priorities:

1. Increase housing resources
2. Revise and articulate City funding process
3. Reduce regulatory burden of subsidized housing development
4. Provide additional critical needs and homeless housing
5. Increase housing diversity
6. Preserve workforce and critical needs housing
7. Provide greater homeownership opportunities
8. Encourage sustainable housing development

Councilwoman Susman asked if they considered micro-housing and container homes. Mr. Padilla said those are discussed under Housing Diversity. OED is excited about the possibilities.

Councilman Brooks said that under homeless housing, we should make more prominent the social impact bonds. Rick said this is a very high level strategy document and does not get to that level.

Councilwoman Kniech said we have not had a plan like this in about 15 years. The conversation has changed over the years from compassion for homeless to real and direct impacts of the recession and, now, of the rebounding housing costs. Action Item 1A, the dedicated revenues generated by the Metro Mortgage Assistance Plus Program to the revolving housing fund, is appropriately placed as first. This will require a conversation with the public over the next few years.

Councilman Lopez agreed that we need to be bolder about affordable housing across the city. We must look at that permanent funding source.

Councilwoman Faatz said that based on her annual survey, many of her constituents do not believe that government, and especially the City government, should be providing housing. She asked for more explanation about using shipping containers for housing. Mr. Padilla explained the concept, noting that Las Vegas and other cities have made good use of them.