

City Council of Monday, August 26, 2013

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 B. Young..... Director
Kelly Velez..... Clerk

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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.

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, August 26, 2013 5:30 PM

Pledge of Allegiance

Roll Call

Approval of the Minutes

Council Announcements

Presentations

Communications

A letter dated August 26, 2013, from Cary Kennedy, Chief Financial Officer, Manager of Finance, in keeping with the provisions of Section 20-93 of the Denver Revised Municipal Code notifying you of the Department of Finance's intent to issue City and County of Denver, Colorado, General Obligation Better Denver Bonds, Series 2013, in an amount not to exceed \$278 million.

Proclamations

CP13-0571 A proclamation honoring the work of Regis University Dual Language Campus in advancing higher education opportunities for adults. Sponsored by Councilmembers Shepherd, López, Ortega, Montero, Lehmann, Brooks, Robb, and Herndon.

Resolutions

Health, Safety, Education & Services

CR13-0542 A resolution approving the Mayor's appointment to the Denver Housing Authority Board of Directors.

Approves the Mayoral appointment of Jamie Torres to the Denver Housing Authority Board for a term effective immediately and expiring July 20, 2016, or until a successor is duly appointed. The Committee approved filing this resolution by consent on 8-15-13.

CR13-0586 A resolution authorizing and approving the expenditure and

payment from the appropriation account designated "liability claims," the sum of Forty Two Thousand Dollars (\$42,000.00), payable to Tanisha Thomas and The Law Office of Cornell Johnson, P.C., in full payment and satisfaction of all claims in Case No. 2012CV5377, in the Denver District Court.

Settles a claim involving the Denver Police Department. This resolution was approved for filing at the Mayor-Council meeting on 8-20-13.

Land Use, Transportation & Infrastructure

CR13-0543 A resolution approving the Mayor's appointment to the Denver Urban Renewal Authority Board of Directors.

Approves the Mayoral appointment of Ismael Guerrero to the Denver Urban Renewal Authority Board of Directors for a term effective immediately and expiring April 3, 2014, or until a successor is duly appointed. The Committee approved filing this resolution by consent on 8-15-13.

CR13-0549 A resolution accepting and approving the plat of Stapleton Filing No. 43.

Approves Stapleton Filing No. 43, a Subdivision Plat containing approximately 32 acres for mixed-use development and parks located at Northfield Blvd. and Yosemite St. in Council District 11. The Committee approved filing this resolution by consent on 8-15-13.

CR13-0550 A resolution granting a revocable permit to Auraria Higher Education Center, to encroach into the right-of-way on 7th Street near vacated Larimer Street.

Grants a revocable permit to Auraria Higher Education to encroach into the public right-of-way with electrical and telecommunications infrastructure on 7th St. near Walnut St. in Council District 9. The Committee approved filing this resolution by consent on 8-15-13.

Bills for Introduction

Business, Workforce & Sustainability

CB13-0448 A bill for an ordinance approving a proposed Airline Support Facilities Lease Agreement between the City and County of Denver and Republic Airline, Inc. related to leased space at Denver International Airport.

Approves a lease agreement with Republic Airline, Inc. for \$125,970 annually through 2016 for cargo support facilities to support operation of line maintenance and part storage at Denver International Airport (201310293). The last regularly scheduled Council meeting within the 30-day review period is on 9-16-13. The Committee approved filing this bill by consent on 7-11-13.

CB13-0544 A bill for an ordinance approving a proposed Design-Build Contract DIA Data Center between the City and County of Denver and PCL Construction Services, Inc. related to a new Data Center at Denver International Airport.

Approves a \$10,000,000 contract with PCL Construction Services, Inc. for design and construction of a new data center at Denver International Airport (201310374). The last regularly scheduled Council meeting within the 30-day review period is on 9-16-13. The Committee approved filing this bill at its meeting on 8-14-13.

CB13-0545 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Parsons Brinckerhoff, Inc. related to consultant services at Denver International Airport.

Approves a three-year, \$2,000,000 contract with Parsons Brinckerhoff, Inc. for consulting and financial advisory services including detailed analysis of Denver International Airport's capital planning portfolio, specific projects and processes, and assistance with reporting, administration, and data compilation (201309306). The last regularly scheduled Council meeting within the 30-day review period is on 9-16-13. The Committee approved filing this bill by consent on 8-15-13.

CB13-0546 A bill for an ordinance approving a Second Amendment to Cooperative Service Agreement Reimbursable between the City and County of Denver and USDA-APHIS Wildlife Services to extend the contract for performing certain wildlife control measures at Denver International Airport.

Extends for one year and adds \$382,747 to the contract with the United States Department of Agriculture, Animal and Plant Inspection Service, and Wildlife Services to implement the Federal Aviation Administration approved Wildlife Hazard Management Plan addressing wildlife hazards observed at Denver International Airport (PLANE-201103051-00). The last regularly scheduled Council meeting within the 30-day review period is on 9-16-13. The Committee approved filing this bill by consent on 8-15-13.

Government & Finance

CB13-0547 A bill for an Ordinance amending Section 18-436 of Article XIII of Chapter 18, Employees' Voluntary Deferred Compensation Plan.

Allows the Denver Deferred Compensation Plan to have one or more providers. The Committee approved filing this bill at its meeting on 8-14-13.

CB13-0548 A bill for an ordinance approving an Agreement between the City and County of Denver and 75 S. Federal.

Approves a \$220,000 purchase and sale agreement for the sale of City-owned vacant land located at 57 South Federal Blvd., 65 South Federal Blvd., and 75 South Federal Blvd. to 75 S. Federal, LLC in Council District 3. The last regularly scheduled Council meeting within the 30-day review period is on 9-16-13. The Committee approved filing this bill by consent on 8-15-13.

Health, Safety, Education & Services

CB13-0462 A bill for an ordinance approving an Agreement between the City and County of Denver and the Regents of the University of Colorado – Addiction Research and Treatment Services for residential and non-residential community corrections services.

Approves an agreement with the University of Colorado Health Sciences Center - Addiction Research and Treatment Services Peer I and Haven - in the amount of \$4,549,934.20 through June 30, 2014, for residential and non-residential community corrections services (2013-11714). The last regularly scheduled Council meeting within the 30-day review period is on 9-16-13. The Committee approved filing this bill by consent on 7-18-13.

CB13-0465 A bill for an ordinance approving an agreement between the City and County of Denver and Community Education Centers, Inc.

Approves an agreement with Community Education Centers in the amount of \$2,016,577.61 through June 30, 2014, for residential and non-residential community corrections services (2013-11698). The last regularly scheduled Council meeting within the 30-day review period is on 9-16-13. The Committee approved filing this bill by consent on 7-18-13.

Land Use, Transportation & Infrastructure

CB13-0496 A bill for an ordinance vacating the southerly portion of the north/south alley bounded by 8th Avenue, 9th Avenue, Broadway and Lincoln Street, with reservations.

Vacates the southerly 220 feet of the north / south alley bounded by 8th Ave., 9th Ave., Broadway, and Lincoln, with reservation, for redevelopment in Council District 10. The Committee approved filing this bill by consent on 7-25-13.

CB13-0533 A bill for an ordinance vacating portions of the alleys in the three blocks between South Lincoln Street, South Sherman Street, south of East Mississippi Avenue and north of East Arizona Avenue, with reservations.

Vacates portions of the alleys in the three blocks between S. Lincoln and S. Sherman south of E. Mississippi and north of E. Arizona, with reservation, in Council District 7. The Committee approved filing this bill by consent on 8-8-13.

CB13-0535 A bill for an ordinance approving a proposed Funding and Assignment Agreement between the City and County of Denver and Denver Art Museum, to construct new public space for exhibitions, programs and events in the North Building.

Approves \$3,000,000 of the Cultural Facilities Bond Program funding and delegates authority to the Denver Art Museum to plan, design, and construct New Construction Projects (Purpose 8, Measure H), including First Floor Gallery new construction and associated lighting, technology and security upgrades. The last

regularly scheduled Council meeting within the 30-day review period is on 9-16-13. The Committee approved filing this bill at its meeting on 8-13-13.

CB13-0536 A bill for an ordinance approving a proposed Funding and Assignment Agreement between the City and County of Denver and The Denver Center for Performing Arts (DCPA), to renovate the Space and Stage theatres and the Seawell ballroom at the Helen Bonfils Theatre Complex.

Approves \$9,932,000 of the Cultural Facilities Bond Program funding and delegates authority to the Denver Center for Performing Arts (DCPA) to plan, design, and construct Deferred Maintenance Projects (Purpose 2, Measure G) in the Helen Bonfils Complex, including renovations of the Seawell Ballroom and the Stage and Space theatres. The last regularly scheduled Council meeting within the 30-day review period is on 9-16-13. The Committee approved filing this bill at its meeting on 8-13-13.

CB13-0537 A bill for an ordinance approving a proposed Funding and Assignment Agreement between the City and County of Denver and Denver Botanic Garden, to construct new improvements including, new restrooms, café, and science pyramid.

Approves \$6,619,000 of the Cultural Facilities Bond Program funding and delegates authority to the Denver Botanic Garden to plan, design, and construct New Construction Projects (Purpose 8, Measure H) in the Helen Bonfils Complex, including construction of a new Science Pyramid, new outdoor café, restrooms and outdoor deck area. The last regularly scheduled Council meeting within the 30-day review period is on 9-16-13. The Committee approved filing this bill at its meeting on 8-13-13.

CB13-0551 A bill for an ordinance relinquishing portions of certain easements reserved in Ordinance No. 580, Series of 1976, Ordinance No. 407, Series of 1990 and Ordinance No. 745, Series of 1990.

Relinquishes certain easements established in 1976 and 1990 in the alley between Walnut, Larimer, 11th and 12th streets and Speer Blvd. for construction of a new academic building on the Auraria Campus in Council District 9. The last regularly scheduled Council meeting within the 30-day review period is on 9-16-13. The Committee approved filing this bill by consent on 8-15-13.

CB13-0552 A bill for an ordinance approving a proposed Third Amendatory Agreement between the City and County of Denver and Deighton Associates LTD., to increase funds and extend the term of the Agreement.

Amends the Technical Services Agreement with Deighton Associates LTD to extend the term of the agreement for one year and increase the maximum expenditure amount from \$803,402 to \$1,064,929, by adding \$261,527 for Pavement / Asset Management consulting services for Denver's street, alley, and bridge network (CE01113-03). The last regularly scheduled Council meeting within the 30-day review period is on 9-16-13. The Committee approved filing this bill by consent on 8-15-13.

CB13-0553 A bill for an ordinance approving a proposed Purchase Order between the City and County of Denver and Rush Truck Centers of Colorado, Inc., to purchase four Peterbilt Refuse Trucks.

Approves a purchase order with Rush Truck Center for \$1,218,127.00 for four Peterbilt refuse trucks with dual-collection capabilities, allowing for phase-in of automated barrel collection service by Solid Waste Management (PWOPS0000008628). The last regularly scheduled Council meeting within the 30-day review period is on 9-16-13. The Committee approved filing this bill by consent on 8-15-13.

CB13-0556 A bill for an ordinance changing the zoning classification of 3345, 3403 and 3457 Brighton Boulevard.

Changes the zoning classification from C-MX-8, UO-2 (Urban Center context, Mixed-Use, 8 stories max., Use Overlay allowing billboards) to PUD-G, UO-2 (Planned Unit Development-General allowing manufacturing of malt beverage greater than 60,000 barrels per year, Use Overlay allowing billboards) of properties at 3345, 3403, and 3457 Brighton Blvd. in Council District 9. A PUBLIC HEARING WILL BE HELD AT LEAST FOUR WEEKS AFTER PUBLICATION. The Committee approved filing this bill at its meeting on 8-20-13.

Recap of Bills to be Called Out

Pre-Recess Announcement

Tonight there will be a combined one-hour courtesy public hearing on CB13-0521, CB13-0522, and CB13-0523, which propose amendments to the City Charter concerning the authority and functions of various departments to be referred to the voters in November. And, there will be a one-hour courtesy public hearing on Council Bill 541 which proposes a special retail marijuana sales tax to be referred to the voters in November. Anyone wishing to speak on any of these matters must see the Council Secretary to receive a speaker card to fill out and return to her during the recess of Council.

Council has implemented a new procedure for deciding speaker order at courtesy public hearings to provide each person who signs up the same opportunity to be chosen to speak within the limited time period. After all of the speaker cards have been collected, speaker cards will be divided into two groups – those in favor and those opposed. Speaker cards will be randomly selected from each group and arranged in the order drawn. Speakers will be heard alternating back and forth between a speaker in favor and a speaker opposed until the one-hour time limit for the hearing has expired.

Recess

Council Reconvenes and Resumes its Regular Session

Public Hearings - Bills for Final Consideration

Government & Finance

CB13-0521 A bill for an ordinance submitting to a vote of the qualified and registered electors of the City and County of Denver at a special municipal election to be held in conjunction with the state odd-year election of November 5, 2013, a proposed amendment to the Charter of the City and County of Denver concerning the authority and functions of the various departments in the executive branch as set forth in Article II of the Charter.

Refers to the voters at the November 5, 2013 election a question of whether to approve the following changes to the City Charter: authorize designees to participate in Board of Equalization meetings, delete the word "exclusively" in relation to some agency functions, give the Mayor flexibility to title the heads of agencies, authorize the City to expand its investment portfolio and allow the Manager of Aviation to appoint up to five at-will appointees. This bill must pass no later than August 26, 2013 in order to meet the deadlines for the November ballot. The Committee approved filing this bill at its meeting on 7-31-13.

CB13-0523 A bill for an ordinance submitting to a vote of the qualified and registered electors of the City and County of Denver at a special municipal election to be held in conjunction with the state odd-year election of November 5, 2013, a proposed amendment to the Charter of the City and County of Denver concerning election procedures.

Refers to the voters at the November 5, 2013 election a question of whether to remove obsolete provisions relating to elections governance, shift certain election provisions to the Denver Revised Municipal Code, allow the Clerk and Recorder to run for another elective office while serving as Clerk, and clarify the Clerk and Recorder's authority over elections governance. This bill must pass no later than August 26, 2013 in order to meet the deadlines for the November ballot. The Committee approved filing this bill at its meeting on 8-7-13.

Health, Safety, Education & Services

CB13-0522 A bill for an ordinance submitting to a vote of the qualified and registered electors of the City and County of Denver at a special municipal election to be held in conjunction with the state odd-year election of November 5, 2013, a proposed amendment to the Charter of the City and County of Denver concerning management of the safety departments of the City.

Refers to the voters at the November 5, 2013 election a question of whether to approve changes in the management of the Safety Department of the City and County of Denver. This bill must pass no later than August 26, 2013 in order to

meet the deadlines for the November ballot. The Committee approved filing this bill at its meeting on 7-30-13.

Special Issues: Amendment 64

CB13-0541 AS AMENDED a bill for an ordinance establishing a special retail marijuana sales tax, subject to the approval of the voters at a special municipal election to be held in conjunction with the state odd-year election on November 5, 2013.

Refers to the voters at the November 5, 2013 election a special retail marijuana sales tax at an initial rate of 5% and allows City Council to move the rate anywhere between 3.5% and 15% without further voter approval. Amended 8-19-13 to delete the two references to the minimum sales tax rate the Council may adopt, and to change the proposed sales tax rate for 2014 from 5% to 3.5%, which reduces the amount by which city taxes would be raised from \$6.4 million to \$4.48 million. This bill must pass no later than August 26, 2013 in order to meet the deadlines for the November ballot. The Committee approved filing this bill at its meeting on 7-29-13.

Bills for Final Consideration

Government & Finance

CB13-0488 A bill for an ordinance making an appropriation and cash transfer from the Environmental Services Enterprise Fund (ESEF); establishing a "Composting Fund" in the General Government Special Revenue Fund and the means for authorizing expenditures from such fund; and authorizing the purchase of capital equipment items from said fund.

Establishes a new "Composting" special revenue fund in the General Government Special Revenue Fund; appropriates and authorizes a \$2 million loan transfer in the Department of Environmental Health Environmental Services Enterprise Fund to the new fund to expand composting services; and appropriates 2013 budget in the "Composting Fund" to purchase vehicles and bins for the January 1, 2014 rollout of the expansion program. The Committee approved filing this bill at its meeting on 7-31-13.

CB13-0525 A bill for an ordinance codifying in the Denver Revised Municipal Code certain provisions of law related to election procedures, subject to approval of a referred charter amendment at the November 5, 2013 special municipal election removing these same provisions from the Charter.

Codifies certain election provisions in the Denver Revised Municipal Code if voters agree to delete them from the City Charter on November 5, 2013. This is a companion bill to CB13-0523. The Committee approved filing this bill at its meeting on 8-7-13.

CB13-0529 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 \$4,581,682 for the period of September 1, 2013 through September 1, 2014.

Expends up to \$4,581,682 for renewal of the City's property and liability insurance coverage through contracts with Marsh USA (CE02088-04), Willis (201204716-01), and Aon (201204715-01) for policies due September 1, 2013. The last regularly scheduled Council meeting within the 30-day review period is on 9-9-13. The Committee approved filing this bill by consent on 8-8-13.

Health, Safety, Education & Services

CB13-0440 A bill for an Ordinance approving an Amendatory Agreement with Terracon Consultants, Inc. to extend the term and increase the maximum contract amount.

Amends an on-call remediation contract with Terracon Consultants, Inc. to add one year through October 29, 2014, and to add \$500,000 for a total contract amount of \$980,000 for remediation and groundwater monitoring activities at a City-owned underground storage tank site (ENVHL 201207453-01). The last regularly scheduled Council meeting within the 30-day review period is on 9-9-13. The Committee approved filing this bill by consent on 7-4-13.

CB13-0528 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 "Community Services Block Grant (CSBG) FY13-14" program and the funding therefor.

Accepts the 2013-2014 Community Services Block Grant (CSBG) in the amount of \$1,160,046.04 issued by the State of Colorado - Department of Local Affairs (2013-12202). The last regularly scheduled Council meeting within the 30-day review period is on 9-9-13. The Committee approved filing this bill by consent on 8-8-13.

CB13-0530 A bill for an ordinance approving an Agreement between the City and County of Denver and the Community College of Aurora Foundation to donate a driving simulator.

Permits the Denver Fire Department to execute a Non-Financial Agreement between the City and County of Denver and the Community College of Aurora Foundation for the donation of surplus City property (driving simulator) to enhance training for students enrolled in emergency medical services, firefighting, and law enforcement programs. The last regularly scheduled Council meeting within the 30-day review period is on 9-9-13. The Committee approved filing this bill by consent on 8-8-13.

CB13-0531 A bill for an ordinance approving the Sixth Amendatory Agreement between the City and County of Denver and Keefe Commissary Network, L.L.C.

Amends the contract with Keefe Commissary Network, L.L.C. to add a one-year no-

cost extension from January 1, 2014 through December 31, 2014, for inmate commissary services for the Denver Sheriff Department. The Inmate Welfare Fund receives approximately \$400,000 in annual commission from this contract which is used to fund inmate welfare and recreation items (RC63008-6). The last regularly scheduled Council meeting within the 30-day review period is on 9-9-13. The Committee approved filing this bill by consent on 8-8-13.

Land Use, Transportation & Infrastructure

CB13-0534 A bill for an ordinance vacating a portion of the alley in the block bounded by West 19th Avenue, West 18th Avenue, North Grove Street and North Hooker Street, located in Block 11 of Kittredge's Resubdivision in Cheltenham Heights near 3120 West 19th Avenue, with reservations.

Vacates a portion of an alley in the block bounded by W 19th Ave., W 18th Ave., N Grove St., and N Hooker St.; located in Kittredge's Resubdivision of Block 11, Cheltenham Heights near 3120 W 19th Ave., with reservations on east three (3) feet. The Committee approved filing this bill by consent on 8-8-13.

CB13-0538 A bill for an ordinance relinquishing the easement established in Ordinance No. 578, Series of 2012 at 1440 West 33rd Avenue.

Relinquishes certain easements established in 2012 at 1440 W. 33rd Ave. in Council District 9. The last regularly scheduled Council meeting within the 30-day review period is on 9-9-13. The Committee approved filing this bill by consent on 8-8-13.

Announcement

Dependent upon publication there will be a required public hearing on CB13-0556, changing the zoning classification of 3345, 3403 and 3457 Brighton Boulevard on Monday, September 23, 2013. Any protests against CB13-0556 must be filed with the Council Offices no later than Monday, September 16, 2013.

Adjourn

Pending

For 09-16-13

CB13-0527 A bill for an ordinance changing the zoning classification for 4735 Florence Street.

**Required Public Hearing
Final Consideration**

For 09-16-13

CB13-0540 A bill for an ordinance changing the zoning classification for 3057 West Kentucky Avenue.

**Required Public Hearing
Final Consideration**