



Land Use, Transportation & Infrastructure Committee Summary Minutes

Tuesday, June 04, 2013

10:30 AM City & County Building, Room 391

Committee Members: Robb, Chair; Montero, Vice-Chair; Brown; Lehmann; López; Shepherd

Committee Staff: Gretchen Williams

Council Members Present: Brown, Lehmann, Lopez, Montero, Robb, Shepherd, Susman, Nevitt

Members Absent: None

Bill Requests

BR13-0377 Rescinds \$2.4 million from completed Storm & Sanitary Capital Projects and reappropriates those funds to partially fund the W. Dakota Ave. storm water outfall and street improvements.

Andrew Johnston, Finance; Gretchen Hollrah, Budget; Lesley Thomas, Public Works

Councilman Nevitt said it is disappointing to be here again on this project, for which a favorable financial arrangement. Unfortunately, the project has run into issues that require more funding, although it is still a good deal for the City, which also involves the Broadway Marketplace Metropolitan District (BMP).

Andrew Johnston, Finance Office, presented an overview of the project and its history. His PowerPoint presentation is attached. The last part of the project is the massive storm water facility, the Dakota Outfall.

Lesley Thomas, Public Works, said the City and the District have painstakingly

reviewed the project line by line and feel confident it is at the lowest cost possible to still get the job do the job that needs to be done.

Councilman Nevitt said that in addition to benefitting the Metro District, the project is also critically important to RTD since it impacts planned development at the Alameda light rail station. Planned redevelopment of the Broadway Marketplace site is also impacted.

Colorado Department of Transportation (CDOT) invested \$8 million to install a triple box culvert under I-25 and several water quality mitigation improvements as part of its work on I-25.

The condition and use of the railroad bridge across Alameda was discussed, and the City has been working with the railroad. The plan is to clean it up and use it for pedestrian/bike crossing.

Gretchen Hollrah, Capital Projects Director, said the decision today is to add shift funds to the Dakota Outfall project. Council is being asked to approve four actions:

- Rescind \$2.4 M from completed Wastewater Capital Projects
- Rescind \$350,000 from Peña Blvd. Operations & Maintenance and \$500,000 from the 16th St. Mall Local Match
- Appropriate \$1M from the Environmental Services Enterprise Fund Emergency Reserve Fund
- Approve amendments to the Project Funding Agreement among the City, Denver Urban Renewal Authority and the BMP Metro District No. 1.

The City undertook its due diligence on the soil, which indicated petroleum contamination around the triple box. Many years ago, three 3 gas stations operated very near this area, and tests are underway to determine if any of those companies are responsible. The project can be started, but the City needs to deal with the incremental cost of removing the water from the site rather than allowing it to flow into the Platte River. The City has an Environmental Services Enterprise Fund for emergency situation. Another complicating factor is the all of the land under I-25 is owned by the City, so it is the City's responsibility to take care of it.

Cost of the project is the Metro District's responsibility, but the City is responsibility for the incremental cost caused by the contamination. The estimate at this time is that the contractor will be in area for about 15 days.

Gary Laswell, DEH, said the bigger issue is that the City is the injured party, and we will engage with the State authorities to get them to put pressure on the owners of the former gas station sites and the RTD facility. The City must be diligent to get the agencies involved to make these determinations and compel

them to do the remediation. Typically these cases end up in a lawsuit. Contamination will not go away quickly, but we have to deal with it in this activity area right now. We have booms in the river across the outfall to mitigate what is discharging currently.

Gretchen Hollrah stated that these transfers will leave enough in the contingency fund for the rest of this year.

Councilwoman Robb noted that the money from Wastewater Capital Projects is all from projects that have been completed. She asked if any projects are being postponed due to this.

Ms. Hollrah replied that there is a long list of capital needs in the city, but none are at risk.

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

AYES: Susman, Brown, Lehmann, Lopez, Montero, Robb, Shepherd(7)
NAYS: (None)
ABSENT: (None)
ABSTAIN: (None)

BR13-0378 Rescinds \$350,000 from Pena Blvd. Operations & Maintenance and \$500,000 from 16th St Mall Local Match and reappropriates those funds to W. Dakota Avenue storm water outfall and street improvements project.
Andrew Johnston, Finance; Gretchen Hollrah, Budget; Lesley Thomas, Public Works

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

AYES: Nevitt, Susman, Brown, Lehmann, Lopez, Montero, Robb, Shepherd(8)
NAYS: (None)
ABSENT: (None)
ABSTAIN: (None)

See above discussion.

BR13-0379 Appropriates \$1 million from the Environmental Services Enterprise Fund Emergency Reserve Fund for potential environmental costs associated with the W. Dakota Ave. storm water outfall and street improvements project.

Andrew Johnston, Finance; Gretchen Hollrah, Budget; Lesley Thomas, Public Works

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

AYES: Nevitt, Susman, Brown, Lehmann, Lopez, Montero, Robb, Shepherd(8)
NAYS: (None)
ABSENT: (None)
ABSTAIN: (None)

See above discussion.

BR13-0380 Approves the Amended and Restated Project Funding Agreement between the City, DURA and BMP Metro District No. 1 to address drainage issues affecting South Broadway, the South Broadway Montgomery Ward Urban Renewal Area and its environs.

Andrew Johnston, Finance; Gretchen Hollrah, Budget; Lesley Thomas, Public Works

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

AYES: Nevitt, Susman, Brown, Lehmann, Lopez, Montero, Robb, Shepherd(8)
NAYS: (None)
ABSENT: (None)
ABSTAIN: (None)

See above discussion.

RR13-0357 A resolution to set a public hearing before City Council on the 9th and Colorado Urban Redevelopment Plan for July 22, 2013.

Tracy Huggins, Denver Urban Renewal Authority

Tracy Huggins presented an overview of the site, its history, and the proposed project, noting that the only action item today is to move the resolution to set the public hearing on creation of the urban redevelopment area (URA) at 9th and Colorado. That hearing will be in front of Council on July 22.

A key issue is for Council to find that the site does meet the criteria of being "blighted" in order to designate it as an urban redevelopment area. DURA has reviewed the site and finds that it does meet that, as well as other, criteria.

Council is also being asked to approve a 25-year Property Tax Increment Finance

(TIF) area for Phase I, the southeast portion of the site which will be residential units. Ms. Huggins said having development begin is a great first step and will enhance the developability of the rest of the site

University of Colorado (CU), property owners, agreed to participate in this plan as long as CU is repaid in 15 years. CU is financing a part of the redevelopment up to \$4M.

The developer will reconnect Bellaire St. through the site, and CU is demolishing the building that is in the way of the street as part of its \$4M commitment. The plan will try to take advantage of the existing huge parking structure on-site. It should be able to serves other development on-site and perhaps off site as well.

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

- AYES: Susman, Lehmann, Montero, Robb(4)
- NAYS: (None)
- ABSENT: (None)
- ABSTAIN: (None)

Presentations

BR13-0358 Information Only: Approves the 9th & Colorado Urban Redevelopment Plan authorizing the creation of an Urban Redevelopment Area and the use of tax increment financing in Council Districts 5 and 10. Committee action will be requested on June 25.
Tracy Huggins, Denver Urban Renewal Authority

See above discussion.

BR13-0359 Information Only: Approves a Cooperation Agreement between the City and County of Denver and the Denver Urban Renewal Authority for the 9th & Colorado Redevelopment Area to establish, among other matters, the parameters for tax increment financing with incremental property taxes. Committee Action will be requested on June 25.
Tracy Huggins, Denver Urban Renewal Authority

See above discussion.

