

## City Council of Monday, December 02, 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\*\*

**Live video and archives may be  
accessed at**

**<http://www.denvergov.org/citycouncil>**

### \*\*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

City Council meetings are televised live on cable TV Channel 8, and can be viewed via live or archived web cast at <http://www.denvergov.org/citycouncil>. DVD recordings of meetings are available at the Central Library or at the Clerk and Recorder's Office.

### 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, December 02, 2013 5:30 PM

## **Pledge of Allegiance**

## **Roll Call**

## **Approval of the Minutes**

## **Council Announcements**

## **Presentations**

## **Communications**

## **Proclamations**

**CP13-0904 A proclamation honoring Irving Tragen for his long-time leadership and philanthropy to the Museo de las Americas. Sponsored by Councilmembers Montero, López, and Brooks.**

**CP13-0905 A proclamation honoring George Martinez for his vision and leadership to provide sustainability to the Museo de las Americas. Sponsored by Councilmembers Montero, López, and Brooks.**

## **Resolutions**

### **Health, Safety, Education & Services**

**CR13-0856 A resolution approving the Mayor's appointments to the Denver American Indian Commission.**

Approves the Mayoral appointments of Beverly Fenton and Benito Concha to the Denver American Indian Commission for terms effective immediately and expiring on July 11, 2015, or until a successor is duly appointed. The Committee approved filing this resolution by consent on 11-21-13.

**CR13-0857 A resolution approving the Mayor's appointments to the Head Start Policy Council.**

Approves the Mayoral appointments of Dr. Tricia Hudson and Jennifer Garcia Rosendo to the Head Start Policy Council for terms effective immediately and expiring on July 20, 2014, or until a successor is duly appointed. The Committee

approved filing this resolution by consent on 11-21-13.

## **Land Use, Transportation & Infrastructure**

### **CR13-0875 A resolution granting a revocable permit to Gravitas Development Group, Inc. to encroach into the right-of-way at 2500 Larimer Street.**

Grants a revocable permit to Gravitas Development to encroach into the public right-of-way with concrete patio, fence, tables, chairs, and benches at 2500 Larimer in Council District 8. The Committee approved filing this resolution by consent on 11-21-13.

### **CB13-0876 A resolution laying out, opening and establishing as part of the city street system a parcel of land as a public alley bounded by West 20th Avenue, West 21st Avenue, Grove Street and Hooker Street.**

Dedicates City-owned land as a public alley bounded by W. 20th and W. 21st avenues and Grove and Hooker streets in Council District 1. The Committee approved filing this resolution by consent on 11-21-13.

### **CR13-0877 A resolution laying out, opening and establishing as part of the city street system a parcel of land as a public alley bounded by East 13th Avenue, East 14th Avenue, North Holly Street and North Hudson Street.**

Dedicates City-owned land as a public alley bounded by 13th and 14th avenues and Holly and Hudson streets in Council District 5. The Committee approved filing this resolution by consent on 11-21-13.

### **CR13-0878 A resolution laying out, opening and establishing as part of the city street system a parcel of land as West 44th Avenue at its intersection with North Pecos Street.**

Dedicates City-owned land as part of W. 44th Ave. near its intersection with Pecos St. in Council District 9. The Committee approved filing this resolution by consent on 11-21-13.

### **CR13-0879 A resolution granting a revocable permit to Jefferson Park L.L.C. to encroach into the right-of-way at 2900 West 25th Avenue.**

Grants a revocable permit to Jefferson Park, LLC to encroach into the public right-of-way with building façade, handicap ramp, and raised patio at 2900 W. 25th Ave. in Council District 1. The Committee approved filing this resolution by consent on 11-21-13.

## **Bills for Introduction**

### **Business, Workforce & Sustainability**

#### **CB13-0825 A bill for an ordinance approving a proposed Agreement by and**

**between the City and County of Denver and HR Resourcing, LLC, for payroll services concerning adult and youth employment and training programs.**

Approves a four-year, \$5,000,000 contract with HR Resourcing, LLC for comprehensive payroll services and administrative support for the Office of Economic Development (OED) Workforce Development programs (OEDEV-2013 13723-00). The last regularly scheduled Council meeting within the 30-day review period is on 12-23-13. The Committee approved filing this bill at its meeting on 11-6-13.

**Government & Finance**

**CB13-0816 A bill for an ordinance approving the Fourth Amendatory Agreement between CorVel Healthcare Corporation and the City & County of Denver.**

Approves a one-year, \$600,000 contract with CorVel Corporation for bill review and re-pricing services for the City's workers' compensation program (CE06002). The last regularly scheduled Council meeting within the 30-day review period is on 12-23-13. The Committee approved filing this bill by consent on 11-7-13.

**CB13-0834 A bill for an ordinance approving a proposed Fifth Amendatory Agreement between the City and County of Denver and Kone, Inc., to extend the term and increase the compensation.**

Adds \$15,000 and extends for three months the contract with Kone, Inc. for elevator maintenance for city buildings to provide service while a new long-term contract is completed (PC94002). The last regularly scheduled Council meeting within the 30-day review period is on 12-23-13. The Committee approved filing this bill by consent on 11-14-13.

**CB13-0854 A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and Qwest Communications Company, LLC d/b/a Centurylink QCC, to extend the term, increase the compensation, update the scope of services and fees for services and update other contract language.**

Adds two years and \$380,160 to the contract with Qwest Communications Company, LLC for internet data services for a total contract of \$13,158,160 (CE95035-2). The last regularly scheduled Council meeting within the 30-day review period is on 12-23-13. The Committee approved filing this bill by consent on 11-14-13.

**Health, Safety, Education & Services**

**CB13-0874 A bill for an ordinance approving an Amended and Restated Intergovernmental Agreement to provide fire protection services to the City of Sheridan.**

Approves an Intergovernmental Agreement/Lease to provide fire protection services to the City of Sheridan through December 31, 2014 for \$1,898,800 in annual

revenue (FIRES201208809-01). The last regularly scheduled Council meeting within the 30-day review period is on 12-23-13. The Committee approved filing this bill by consent on 11-21-13.

**CB13-0871 A bill for an ordinance amending Chapter 18 of the Revised Municipal Code to establish the 2013 and 2014 salaries and benefits of the Undersheriff, Deputy Sheriff Division Chiefs and Deputy Sheriff Majors.**

Amends Chapter 18 of the Denver Revised Municipal Code (DRMC) to establish the 2013 and 2014 salary and fringe benefits of the command staff for the Sheriff Department. The Collective Bargaining Agreement instituted a 0% pay increase in 2013 and a 2% increase in 2014. Section 18-114 of the DRMC is also amended for acting pay. The Committee approved filing this bill by consent on 11-21-13.

**CB13-0872 A bill for an ordinance amending Chapter 22 of the Revised Municipal Code to establish the 2013, 2014 and 2015 salaries and fringe benefits of the Fire Chief, Deputy Chief and Division Chiefs.**

Amends Chapter 22 of the Denver Revised Municipal Code to establish the 2013, 2014, and 2015 salary and fringe benefits of the command staff for the Fire Department. The Collective Bargaining Agreement instituted a 0% pay increase in 2013 and a 1% pay increase for both 2014 and 2015. Additionally, obsolete language relating to lag pay is deleted and the contribution to the Post Employment Health Plan is reduced from 1% to 0.5% in 2013 and 2014, returning to a 1% contribution in 2015. The Committee approved filing this bill by consent on 11-21-13.

**CB13-0873 A bill for an ordinance amending Chapter 42 of the Revised Municipal Code to establish the 2013 and 2014 salaries of the Police Chief, Deputy Chiefs, Division Chiefs and Commanders.**

Amends Chapter 42 of the Denver Revised Municipal Code to establish the 2013 and 2014 salary and fringe benefits of the command staff for the Police Department. The Collective Bargaining Agreement instituted a 0% pay increase in 2013 and a 1% in 2014. Additionally, obsolete language relating to lag pay is deleted. The Committee approved filing this bill by consent on 11-21-13.

## **Land Use, Transportation & Infrastructure**

**CB13-0848 A bill for an ordinance approving a Second Amendatory On-Call Agreement between CH2M Hill, Inc. and the City & County of Denver for the Better Denver Bond Program.**

Approves a second amendment to the on-call agreement with CH2M Hill to extend the term by two years through June 30, 2016, and to increase the capacity by \$4,645,000, for a new total of \$12,433,399, in order to provide continuing program and project management services in support of the Better Denver Bond Program (OC85035-2). The last regularly scheduled Council meeting within the 30-day review period is on 12-23-13. The Committee approved filing this bill by consent on 11-14-13.

## **Recap of Bills to be Called Out**

### **Recess**

## **Council Reconvenes and Resumes its Regular Session**

### **Public Hearings - Bills for Final Consideration**

#### **Land Use, Transportation & Infrastructure**

**CB13-0729 A bill for an ordinance approving a proposed Cooperation Agreement between the City and County of Denver and Denver Urban Renewal Authority, for the 414 14th Street Urban Redevelopment Area.**

Approves a Cooperation Agreement between the City and County of Denver and the Denver Urban Renewal Authority for the 414 14th Street Urban Redevelopment Area to establish, among other matters, the parameters for tax increment financing with property tax increment. A PUBLIC HEARING WILL BE HELD ON DECEMBER 2, 2013. The last regularly scheduled Council meeting within the 30-day review period is on 12-23-13. The Committee approved filing this bill at its meeting on 11-12-13.

### **Bills for Final Consideration**

#### **Business, Workforce & Sustainability**

**CB13-0823 A bill for an ordinance amending Sections 28-83 and 28-234 of the Revised Municipal Code to extend the enactment of, respectively, Division 3 of Article III of Chapter 28 (the Minority and Women Business Enterprise (MBE/WBE) Ordinance) and Article VII of Chapter 28 (the Small Business Enterprise (SBE) Ordinance) for an additional six (6) months.**

Extends the sunset on the Minority Women and Business Enterprise (MWBE) and Small Business Enterprise (SBE) programs from January 1, 2014 to April 1, 2014. Amended 11-25-13 to correct the title of the bill. The bill is intended to extend the programs for three months not six months – as outlined in the body of the legislation and approved by the Committee. The Committee approved filing this bill by consent on 11-7-13.

#### **Government & Finance**

**CB13-0675 A bill for an ordinance concerning the salaries of county court judges.**

Amends the Code section related to maintaining the pay relationship between the County Court judge and the Assistant City Attorney – Section Supervisor classifications, resulting in a 3.24% increase for county court judges in 2014. The

Committee approved filing the bill at its meeting on 11-6-13.

**CB13-0676 A bill for an ordinance concerning the salaries of county court magistrates.**

Amends the Code section maintaining the pay relationship between county court magistrate and Assistant City Attorney – Senior classifications resulting in a 3.24% pay increase for magistrates in 2014. The Committee approved filing this bill at its meeting on 11-6-13.

**CB13-0756 A bill for an ordinance repealing Article IX of Chapter 18, Denver Revised Municipal Code, concerning the Office of Employee Assistance.**

Abolishes the Office of Employee Assistance in order to utilize an external employee assistance program provider for those services. The Committee approved filing this bill at its meeting on 11-7-13.

**CB13-0838 A bill for an ordinance making a supplemental appropriation from the General Contingency Fund to the Department of Environmental Health.**

Approves a \$400,000 supplemental appropriation for the Department of Environmental Health. The Committee approved filing this bill by consent on 11-14-13.

**Health, Safety, Education & Services**

**CB13-0705 A bill for an ordinance approving a donation by the City of surplus outdated fire equipment to a not for-profit organization, Wings of Angels Foundation.**

Approves donating outdated Denver Fire Department equipment to the Wings of Angels Foundation who will transport the equipment with other donations (e.g., from the Red Cross) to Sonora State, Mexico to assist in firefighting operations. The equipment does not meet current U.S. national standards and/or replacement parts are not available any longer. Items to be donated include dry chemical extinguishers, hose nozzles, engine and pump adaptors, circular saws, sump pumps, pike axes, and face pieces. The Committee approved filing this bill by consent on 10-17-13.

**CB13-0759 A bill for an ordinance approving the First Amendment to Intergovernmental Agreement between the City and County of Denver and Denver Public School District No. 1 for the provision of School Resource Officers during the 2013-2014 school year.**

Approves a contract amendment between Denver School District No. 1 (Denver Public Schools) and the Denver Police Department for School Resource Officers for the 2013-2014 school year in the amount of \$642,360, bringing the two-year contract total to \$1,278,360 (201209123-01). The last regularly scheduled Council meeting within the 30-day review period is on 12-16-13. The Committee approved

filing this bill by consent on 10-31-13.

**CB13-0783 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Mile High Montessori Early Learning Centers to extend the term to June 30, 2014 and increase the total compensation.**

Amends the Mile High Montessori Early Learning Centers contract to add \$800,382.32 and to extend the contract through June 30, 2014, to provide comprehensive Head Start services to 269 children (MOEAI-201310971-01). The last regularly scheduled Council meeting within the 30-day review period is on 12-16-13. The Committee approved filing this bill by consent on 10-31-13.

**CB13-0784 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Clayton Early Learning, Trustee, George W. Clayton Trust, dba, Clayton Educare to extend the term to June 30, 2014 and increase the total compensation.**

Amends the Clayton Early Learning, Trustee, George W. Clayton Trust contract to add \$676,924.41 and to extend the contract through June 30, 2014, to provide comprehensive Head Start services to 236 children (MOEAI-201310966-01). The last regularly scheduled Council meeting within the 30-day review period is on 12-16-13. The Committee approved filing this bill by consent on 10-31-13.

**CB13-0785 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Catholic Charities and Community Services of the Archdiocese of Denver to extend the term to June 30, 2014 and increase the total compensation.**

Amends the Catholic Charities and Community Services of the Archdiocese of Denver contract to extend the contract through June 30, 2014, and to add \$719,697.30 to provide comprehensive Head Start services to 224 children (MOEAI-201310958-01). The last regularly scheduled Council meeting within the 30-day review period is on 12-16-13. The Committee approved filing this bill by consent on 10-31-13.

**CB13-0786 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and School District No. 1 in the City and County of Denver and the State of Colorado to extend the term to June 30, 2014 and increase the total compensation.**

Amends the School District No. 1 contract to add \$824,773.80 and to extend the contract through June 30, 2014, to provide comprehensive Head Start services to 302 children (MOEAI-201310965-01). The last regularly scheduled Council meeting within the 30-day review period is on 12-16-13. The Committee approved filing this bill by consent on 10-31-13.

**CB13-0837 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 concerning the consolidation of the "Continuum of Care (CoC)(previously titled "Shelter Plus Care")–Housing**

**First FY13-14" program and the funding therefore.**

Amends the Housing First grant award from the U.S. Department of Housing and Urban Development in the amount of \$1,369,223 for a contract period through March 31, 2014. This is a Continuum of Care Consolidation Agreement between the United States Department of Housing and Urban Development (HUD) and the Denver Department of Human Services that historically funds several Continuum of Care projects (SOCSV-201311488-1). The last regularly scheduled Council meeting within the 30-day review period is on 12-16-13. The Committee approved filing this bill by consent on 11-14-13.

**CB13-0841 A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and Groundwork Denver, Incorporated to provide energy efficiency services, weatherization upgrades, and resident education for nonprofit facilities.**

Amends the contract with Groundwork Denver to extend the term through December 31, 2014, and to add \$250,000 for a total contract of \$500,000 to provide energy efficient and weatherization upgrades with a focus on Green and Healthy Homes to 190 of Denver's income-qualified and Spanish-speaking residents (OEDEV-201208026-00). The last regularly scheduled Council meeting within the 30-day review period is on 12-16-13. The Committee approved filing this bill by consent on 11-14-13.

**CB13-0842 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Year One, Inc., dba Mile High Youth Corps., to provide energy efficiency services, weatherization upgrades, and resident education.**

Amends the contract with Year One, doing business as Mile High Youth Corps, to extend the contract through December 31, 2014, and to add \$225,000 for a total contract of \$550,000 to provide energy efficiency services to income-qualified residents in the City and County of Denver (OEDEV-201208025-00). The last regularly scheduled Council meeting within the 30-day review period is on 12-16-13. The Committee approved filing this bill by consent on 11-14-13.

**CB13-0844 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Energy Outreach Colorado for the multifamily energy efficiency program.**

Amends the contract with Energy Outreach Colorado to extend the contract through December 31, 2014, and to add funding in the amount of \$325,000 for a total contract of \$650,000 to provide energy efficiency services to income-qualified multi-family residential units in the City and County of Denver (OEDEV-201208044-00). The last regularly scheduled Council meeting within the 30-day review period is on 12-16-13. The Committee approved filing this bill by consent on 11-14-13.

**CB13-0845 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Energy Outreach Colorado to provide energy efficiency services, weatherization upgrades, and resident education for nonprofit facilities.**

Amends the contract with Energy Outreach Colorado to add \$600,000 for a total contract of \$1,200,000, and to extend the contract through December 31, 2014, to provide energy efficiency services to nonprofit facilities serving low-income residents in the City and County of Denver (OEDEV-201208043-00). The last regularly scheduled Council meeting within the 30-day review period is on 12-16-13. The Committee approved filing this bill by consent on 11-14-13.

## **Land Use, Transportation & Infrastructure**

### **CB13-0602 A bill for an ordinance approving a proposed Revival and Amendatory Belleview Concrete Repair and Pavement Rehabilitation Agreement between the City and County of Denver and City of Greenwood Village, to reflect the final cost for completed work.**

Amends the contract with Greenwood Village for Belleview Concrete Repair and Pavement Rehabilitation by adding \$33,510.70, bringing the total to \$521,868.25. The last regularly scheduled Council meeting within the 30-day review period is on 12-16-13. The Committee approved filing this bill by consent on 9-5-13.

### **CB13-0731 A bill for an ordinance approving the 414 14th Street Urban Redevelopment Plan.**

Approves the 414 14th Street Urban Redevelopment Plan authorizing the creation of an Urban Redevelopment Area and the use of property tax increment. The Committee approved filing this bill at its meeting on 11-12-13.

### **CB13-0750 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and New Design Construction Company for the Red Rocks Bridge and Roadway Project.**

Approves a \$1,076,832.15 contract with New Design Construction Company to replace the bridge at one of the Red Rocks entrances and improve the intersection of Red Rocks Park Road and Highway 93. The last regularly scheduled Council meeting within the 30-day review period is on 12-16-13. The Committee approved filing this bill by consent on 10-24-13.

## **Special Issues: Amendment 64**

### **CB13-0736 A bill for an ordinance concerning the public display and consumption of marijuana.**

Adopts regulations regarding open and public possession, consumption, and display of marijuana. Amended 11-25-13 to make it illegal to consume marijuana on private residential property if observable from a public street, highway or sidewalk; and 2) on private non-residential property if observable from a public place. Deletes the entire subsection allowing for outdoor consumption of marijuana on private residential property by homeowners and tenants and their guests. The Committee approved filing this bill at its meeting on 11-12-13.

### **CB13-0864 A bill for an ordinance repealing section 38-176 concerning law**

**enforcement priorities in regard to certain marijuana offenses.**

Repeals section 38-176 of the Denver Revised Municipal Code, an initiated ordinance defining adult personal use of one ounce or less of marijuana as the lowest law enforcement priority and establishing a marijuana policy review committee to monitor compliance with the ordinance "until private adult possession of marijuana is legal" under the laws of Colorado and Denver. The Committee approved filing this bill at its meeting on 11-12-13.

**Adjourn**

**Pending**

**For 12-09-13**

**CB13-0501 A bill for an ordinance to amend Chapter 48 (Solid Waste) of the Revised Municipal Code to add an Article IX (Disposable Bag Fees) and to make a corresponding amendment to Chapter 24.**

**Final Consideration**

**For 12-09-13**

**CB13-0735 A bill for an ordinance amending the Denver Zoning Code to amend various provisions for the growing of marijuana as well as allowing enclosed plant husbandry uses in the I-A zone district within 500 feet of a residential zone district.**

**Required Public Hearing  
Final Consideration**

**For 12-09-13**

**CB13-0757 A bill for an ordinance changing the zoning classification for 8822 Beekman Place a/k/a 4936 Verbena Street.**

**Required Public Hearing  
Final Consideration**