

City Council Meeting of Monday, December 12, 2016

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

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

Phone: 720-337-2000
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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

[16-1293](#) Minutes of Monday, December 5, 2016

COUNCIL ANNOUNCEMENTS

PRESENTATIONS

COMMUNICATIONS

PROCLAMATIONS

[16-1297](#) A proclamation honoring the Denver Fire Department and Station #27.

Sponsors Gilmore, López, Black, Flynn, New, Clark, Brooks, Susman and Kashmann

RESOLUTIONS

Business, Arts, Workforce, & Aeronautical Services Committee

[16-1186](#) **A resolution approving an Access Easement between the City and County of Denver and 17971 West Alameda Parkway, LLC.**

Approves an easement between the City and 17971 West Alameda Parkway, LLC to grant access to city-owned property adjacent to Red Rocks Amphitheater. The last regularly scheduled Council meeting within the 30-day review period is on 1-3-17. The Committee approved filing this resolution by consent on 11-30-16.

[16-1216](#) **A resolution approving a proposed First Amendment between the City and County of Denver and Bemidji Aviation Services concerning an agreement to operate and provide service at Denver International Airport.**

Amends a use and lease agreement with Bemidji Aviation Services by adding two additional one-year periods for a new end date of 12-31-18 at a rate of \$21,000 in annual revenue to operate and provide cargo service at Denver International Airport (201521865-01). The last regularly scheduled Council meeting within the 30-day review period is on 1-3-17. The Committee approved filing this resolution by consent on 11-30-16.

[16-1217](#) A resolution approving a proposed First Amendment between the City and County of Denver and Boutique Air, Inc. concerning an agreement to operate and provide service at Denver International Airport.

Amends a use and lease agreement with Boutique Air by adding two additional one-year periods for a new end date of 12-31-18 at a rate of \$348,600 in annual revenue to operate and provide passenger flight service at Denver International Airport (201523209-01). The last regularly scheduled Council meeting within the 30-day review period is on 1-3-17. The Committee approved filing this resolution by consent on 11-30-16.

[16-1219](#) A resolution approving a proposed First Amendment between the City and County of Denver and Deutsche Lufthansa AG concerning an agreement to operate and provide service at Denver International Airport.

Amends a use and lease agreement with Deutsche Lufthansa AG by adding two additional one-year periods for a new end date of 12-31-18 at a rate of \$3,394,000 in annual revenue to operate and provide passenger flight service at Denver International Airport (201206581-01). The last regularly scheduled Council meeting within the 30-day review period is on 1-3-17. The Committee approved filing this resolution by consent on 11-30-16.

[16-1220](#) A resolution approving a proposed First Amendment between the City and County of Denver and Endeavor Air, Inc. concerning an agreement to operate and provide service at Denver International Airport.

Amends a use and lease agreement with Endeavor Air, Inc. by adding two additional one-year periods for a new end date of 12-31-18 at a rate of \$37,000 in annual revenue to operate and provide passenger flight service at Denver International Airport (201206582-01). The last regularly scheduled Council meeting within the 30-day review period is on 1-3-17. The Committee approved filing this resolution by consent on 11-30-16.

[16-1221](#) A resolution approving a proposed Second Amendment between the City and County of Denver and GoJet Airlines, LLC. concerning an agreement to operate and provide service at Denver International Airport.

Amends a use and lease agreement with GoJet Airlines by adding two additional one-year periods for a new end date of 12-31-18 at a rate of \$2,413,000 in annual revenue to operate and provide passenger flight service at Denver International Airport (201206560-02). The last regularly scheduled Council meeting within the 30-day review period is on 1-3-17. The Committee approved filing this resolution by consent on 11-30-16.

[16-1222](#) A resolution approving a proposed First Amendment between the City and County of Denver and Iceland Air, EHF concerning an agreement to operate and provide service at Denver International Airport.

Amends a use and lease agreement with Iceland Air, EHF by adding two additional one-year periods for a new end date of 12-31-18 at a rate of \$1,077,000 in annual revenue to operate and provide passenger flight service at Denver International Airport (201205122-01). The last regularly scheduled Council meeting within the 30-day review period is on 1-3-17. The Committee approved filing this resolution by consent on 11-30-16.

[16-1223](#) A resolution approving a proposed Second Amendment between the City and County of Denver and Southwest Airlines, Co. concerning an agreement to operate and provide service at Denver International Airport.

Amends a use and lease agreement with Southwest Airlines by adding two additional one-year periods for a new end date of 12-31-18 at a rate of \$77,526,000 in annual revenue to operate and provide passenger flight service at Denver International Airport (201206586-02). The last regularly scheduled Council meeting within the 30-day review period is on 1-3-17. The Committee approved filing this resolution by consent on 11-30-16.

[16-1224](#) A resolution approving a proposed First Amendment between the City and County of Denver and Spirit Airlines, Inc. concerning an agreement to operate and provide service at Denver International Airport.

Amends a use and lease agreement with Spirit Airlines, Inc. by adding two additional one-year periods for a new end date of 12-31-18 at a rate of \$5,738,000 in annual revenue to operate and provide passenger flight service at Denver International Airport (201207619-01). The last regularly scheduled Council meeting within the 30-day review period is on 1-3-17. The Committee approved filing this resolution by consent on 11-30-16.

[16-1225](#) A resolution approving a proposed First Amendment between the City and County of Denver and Virgin America, Inc. concerning an agreement to operate and provide service at Denver International Airport.

Amends a use and lease agreement with Virgin America, Inc. by adding two additional one-year periods for a new end date of 12-31-18 at a rate of \$1,198,000 in annual revenue to operate and provide passenger flight service at Denver International Airport (20162633-01). The last regularly scheduled Council meeting within the 30-day review period is on 1-3-17. The Committee approved filing this resolution by consent on 11-30-16.

Finance & Governance Committee**[16-1187](#) A resolution approving a proposed Fourth Amendatory Agreement by and between the City and County of Denver and Marsh ClearSight, LLC, for maintenance services and support for STARS™ software, including Federal Medicare reporting.**

Amends a contract with Marsh ClearSight, LLC by adding \$65,550 for a new total contract amount of \$889,826 for the tracking of the City's workers' compensation, auto, and property claims. No change in duration of the contract (CRCFD - 201311634). The last regularly scheduled Council meeting within the 30-day review period is on 1-3-17. The Committee approved filing this resolution by consent on 11-29-16.

Land Use, Transportation & Infrastructure Committee**[16-0874](#) A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Hallmark, Inc. for on-call bridge and structural construction services.**

Amends a contract with Hallmark, Inc. by adding \$1 million for a new total of \$2 million and adding one year for a new end date of 10-31-17 for citywide on call construction services (201523757). The last regularly scheduled Council meeting within the 30-day review period is on 1-3-17. The Committee approved filing this resolution by consent on 10-4-16.

[16-1040](#) A resolution approving a proposed Agreement between the City and County of Denver and T2 Construction, Inc. for replacement of the Goldsmith Gulch trail.

Approves a contract with T2 Construction, Inc. for \$526,015.09 to replace existing soft surface trail along Tamarac Avenue and Goldsmith Gulch from Hampden Circle to Princeton Avenue with concrete trail in Council District 4 (201630040). The last regularly scheduled Council meeting within the 30-day review period is on 1-3-17. The Committee approved filing this resolution by consent on 11-1-16.

[16-1163](#) A resolution approving a proposed Amendatory Agreement between the City and County of Denver and Jacobs Investments, LLC d/b/a Colorado Boring, LLC for the 2015 Directional Boring Master On-Call to increase the maximum contract amount and term.

Amends a contract with Jacobs Investments, LLC by adding \$2 million for a new total contract amount of \$2,996,833.22 and extending the term by two years for a new end date of 9-3-18, to support citywide traffic signal rebuild programs and interconnect system and intelligent traffic infrastructure construction (201522601-01). The last regularly scheduled Council meeting within the 30-day review period is on 1-3-17. The Committee approved filing this resolution by consent on 11-22-16.

[16-1188](#) A resolution laying out, opening and establishing as part of the City street system parcels of land as Brighton Boulevard located near Brighton Boulevard between 38th Street and 39th Street.

Dedicates a parcel of land as public right-of-way located at the intersections of both 38th and Brighton Boulevard and 39th and Brighton Boulevard in Council District 9. The Committee approved filing this resolution by consent on 11-29-16.

[16-1190](#) A resolution laying out, opening and establishing as part of the City street system a parcel of land as Pearl Street located near the intersection of East 45th Avenue and Pearl Street.

Dedicates a parcel of land as public right-of-way located at the intersection of East 45th Avenue and Pearl Street in Council District 9. The Committee approved filing this resolution by consent on 11-29-16.

[16-1191](#) A resolution laying out, opening and establishing as part of the City street system a parcel of land as East 45th Avenue located between Pearl Street and Washington Street.

Dedicates a parcel of land as public right-of-way located at the intersection of East 45th Avenue between Pearl Street and Washington Street in Council District 9. The Committee approved filing this resolution by consent on 11-29-16.

[16-1194](#) A resolution laying out, opening and establishing as part of the City street system a parcel of land as Washington Street near the intersection of East 45th Avenue and Washington Street.

Dedicates a parcel of land as public right-of-way located at the intersection of East 45th Avenue and Washington Street in Council District 9. The Committee approved filing this resolution by consent on 11-29-16.

[16-1197](#) A resolution laying out, opening and establishing as part of the City street system parcels of land as two public alleys bounded by Tejon Street, Shoshone Street, West 40th Avenue and West 41st Avenue.

Dedicates a parcel of land as public right-of-way as public alley located in the alley bounded by Tejon Street, Shoshone Street, West 40th Avenue and West 41st Avenue in Council District 1. The Committee approved filing this resolution by consent on 11-29-16.

[16-1203](#) A resolution granting a revocable permit to Little Man Ice Cream LLC, to encroach into the right-of-way near 10155 East 29th Drive.

Grants a revocable permit to Little Man Ice Cream, LLC to encroach with an airplane wing attached to a kiosk, into the right-of-way by 13 feet 2 inches with a footprint of 116 square feet and approximately 20 feet above the sidewalk at approximately 10155 East 29th Drive in Council District 8. The Committee approved filing this resolution by consent on 11-29-16.

[16-1204](#) A resolution granting a revocable permit to Xcel Energy to encroach into the right-of-way at Havana Street and Florence Way.

Grants a revocable permit to Xcel Energy to encroach into the right-of-way with an above ground natural gas piping and valve set consisting of 16" and 6" piping and valves located at approximately Havana Street and Florence Way in Council District 8. The Committee approved filing this resolution by consent on 11-29-16.

Safety, Housing, Education, & Homelessness Committee**[16-0997](#) A resolution approving a proposed Ninth Amendatory Agreement by and between the City and County of Denver and Keefe Commissary Network, L.L.C., for commissary services and accounting software at both the Denver County Jail and the Downtown Detention Facility.**

Amends a contract with Keefe Commissary Network, LLC to increase the term two years through 12-31-18 and to add \$1.1 million in additional revenue for a new maximum revenue in the amount of \$6.3 million to provide commissary services and accounting software for inmate accounts at both the County Jail and Downtown Detention Center (RC63008). The last regularly scheduled Council meeting within the 30-day review period is on 1-3-17. The Committee approved filing this resolution by consent on 10-26-16.

[16-1229](#) A resolution approving the Mayor's appointments to the Denver African American Commission.

Approves the Mayoral appointments of Joy Brown and Al Gardner to the Denver African American Commission for terms effective immediately and expiring on 5-1-18, or until a successor is duly appointed. The Committee approved filing this resolution by consent on 11-30-16.

BILLS FOR INTRODUCTION**Business, Arts, Workforce, & Aeronautical Services Committee****[16-1196](#) A bill for an ordinance repealing Article II of Chapter 55 and section 119 of Article II of Chapter 32 of the Denver Revised Municipal Code concerning the licensing and regulation of drivers and vehicles for hire.**

Repeals Article II of Chapter 55 and Section 119 of Article II of Chapter 32 of the Denver Revised Municipal Code concerning the licensing and regulation of drivers and vehicles for hire. The Committee approved filing this bill at its meeting on 11-30-16.

[16-1218](#) A bill for an ordinance approving a proposed Purchase Agreement between the City and County of Denver and Kurtex, Inc., related to a parcel of 0.619 acres in size and part of the former Stapleton Airport land located in Aurora, Colorado.

Approves a land sale agreement with Kurtex, Inc. for \$215,824 minus closing costs for a parcel approximately 0.619 acres in size and part of the former Stapleton airport land located in Aurora, Colorado (201627827). The last regularly scheduled Council meeting within the 30-day review period is on 1-3-17. The Committee approved filing this bill by consent on 11-30-16.

[16-1226](#) A bill for an ordinance approving a proposed Intergovernment Agreement between the City and County of Denver and the County of Adams, Colorado related to forming a new regional entity to promote and market development opportunities and to assist in coordinating land use and infrastructure planning efforts at and around Denver International Airport.

Approves an intergovernmental agreement with Adams County to form a new regional entity to promote and market development opportunities and to assist in coordinating land use and infrastructure planning efforts at and around Denver International Airport at a cost to be proposed by the entity no later than 3-31-17. The last regularly scheduled Council meeting within the 30-day review period is on 1-3-17. The Committee approved filing this resolution by consent on 11-30-16.

Finance & Governance Committee

[16-1083](#) A bill for an ordinance amending Article XL, Chapter 53 of the Denver Revised Municipal Code relating to the administration of refund payments for elderly and disabled persons.

Amends Chapter 53 of the Denver Revised Municipal Code to move the administration of the Payments to the Elderly and Disabled Persons Program from the Denver Treasury to the Department of Human Services. The Committee approved filing this bill by consent on 11-29-16.

[16-1084](#) A bill for an ordinance creating a Fund Number in the Human Services Special Revenue Fund for the "Affordability Program".

Establishes the Affordability Program Fund in the Human Services fund series to receive revenues primarily from General Fund transfers to administer both the senior and disabled property tax rebate program and wastewater affordability program citywide. The Committee approved filing this bill by consent on 11-29-16.

[16-1171](#) A bill for an ordinance making a supplemental appropriation from the General Contingency Fund to the Capital Improvements and Capital Maintenance Fund.

Appropriates and transfers \$5 million from the General Fund contingency to the capital improvement fund for the Brighton Boulevard Reconstruction project in Council District 9. The Committee approved filing this bill at its meeting on 12-6-16.

Land Use, Transportation & Infrastructure Committee

[16-1069](#) A bill for an ordinance approving a proposed Amendment between the City and County of Denver and the Colorado Department of Transportation (CDOT) to extend the term for the Denver TSSIP 2012 Project.

Amends an intergovernmental agreement with the Colorado Department of Transportation (CDOT) by extending the term by up to five years for a new end date of 12-31-2021 to allow the City to continue to expend federal funds to procure and install a citywide traffic control system. No change to contract amount (201103095-01). The last regularly scheduled Council meeting within the 30-day review period is on 1-3-17. The Committee approved filing this bill by consent on 11-8-16.

[16-1125](#) A bill for an ordinance changing the zoning classification for 1154, 1156, 1160, 1164, and 1166 South Lincoln Street.

Rezones property located at 1154, 1156, 1160, 1164, and 1166 South Lincoln from R-MU-20 to U-RH-2.5 (residential mixed-use to urban row house) with waivers, in Council District 7. IF ORDERED PUBLISHED, A PUBLIC HEARING WILL BE HELD ON THIS ITEM. REFER TO THE "PENDING" SECTION OF THE FUTURE COUNCIL MEETING AGENDAS FOR THE DATE. The Committee approved filing this bill at its meeting on 11-29-16.

[16-1166](#) A bill for an ordinance changing the zoning classification of 1601 W. Jewell Avenue.

Rezones property located at 1601 West Jewell Avenue from E-SU-Dx to PUD G-14 (office and telecommunications tower to planned development) in Council District 7. IF ORDERED PUBLISHED, A PUBLIC HEARING WILL BE HELD ON THIS ITEM. REFER TO THE "PENDING" SECTION OF THE FUTURE COUNCIL MEETING AGENDAS FOR THE DATE. The Committee approved filing this bill at its meeting on 11-29-16.

[16-1189](#) A bill for an ordinance relinquishing the easement reserved by Ordinance No. 292, Series of 1963, located at 601 East 45th Avenue.

Relinquishes easements established in the Vacating Ordinance No. 292, Series of 1963, Book 9097, Page 444 located at 601 East 45th Avenue in Council District 9. The last regularly scheduled Council meeting within the 30-day review period is on 1-3-17. The Committee approved filing this resolution by consent on 11-29-16.

[16-1195](#) A bill for an ordinance amending the Building and Fire Code of the City and County of Denver.

Amends Article II of Chapter 10 of the Denver Revised Municipal Code to approve a second set of amendments to the approved 2016 Denver Building and Fire Code. The Committee approved filing this bill at its meeting on 11-29-16.

[16-1198](#) A bill for an ordinance vacating the alley bounded by 15th Street, 16th Street, Welton Street and California Street, with reservations.

Vacates the public alley bounded by 15th Street, 16th Street, and Welton Street and California Street, with reservations, in Council District 9. The Committee approved filing this bill by consent on 11-29-16.

[16-1200](#) A bill for an ordinance relinquishing the easements reserved by Ordinance No. 91, Series of 1903, and a portion of easements reserved by Ordinance No. 137, Series of 1948, located at South Cherokee Street and West Byers Place.

Relinquishes certain easements established in the Ordinance No. 91, Series of 1903, as well as a portion of easements as established in Ordinance No. 137, Series of 1948 located at South Cherokee Street and West Byers Place in Council District 7. The last regularly scheduled Council meeting within the 30-day review period is on 1-3-17. The Committee approved filing this bill by consent on 11-29-16.

Safety, Housing, Education. & Homelessness Committee**[16-1201](#) A bill for an ordinance authorizing the purchase of capital equipment from the Public Safety Special Revenue Fund.**

Approves the capital equipment purchase of a FARO Technologies, Inc. 3D Laser Scanning System for the Denver Police Crime Lab in the amount of \$124,693.21 for improved timeliness and quality of the forensic services provided by the Denver Police Dept. Crime Laboratory. The Committee approved filing this bill by consent on 11-30-16.

[16-1231](#) A bill for an ordinance amending Article I and adding a new Article V to Chapter 4 of the Revised Municipal Code of the City and County of Denver regarding energy efficiency in commercial and multifamily buildings.

Amends Chapter 4 of the Denver Revised Municipal Code to add a requirement for commercial and multi-family buildings over 25,000 square feet to track and publicly report their energy performance as part of the City's plan to reach its 2020 climate goal. The Committee approved filing this bill at its meeting on 11-30-16.

BILLS FOR FINAL CONSIDERATION**Finance & Governance Committee****[16-1087](#) A bill for an ordinance creating a Fund Number in the Wastewater Management Enterprise Fund for the "Water Quality Capital Projects".**

Establishes a new storm capital improvement fund for the Public Works Wastewater Management Division for the Regional Water Quality Program. The Committee approved filing this bill by consent on 11-10-16.

[16-1161](#) A bill for an ordinance authorizing expenditures from the Dental Self-Insurance Fund.

Approves a \$11,107,890.29 appropriation for the 2017 Self-Insured Dental Fund. The Committee approved filing this bill by consent on 11-22-16.

[16-1162](#) A bill for an ordinance authorizing expenditures in the Employees Voluntary Salary Redirection Plan Special Trust Fund for Uninsured Medical Expense, Dependent Care Expense, and Qualified Parking Expense.

Approves a \$4,048,941.79 appropriation for the 2017 Flexible Spending Account. The Committee approved filing this bill by consent on 11-22-16.

[16-1173](#) A bill for an ordinance to close various Special Revenue Funds.

Authorizes rescissions and cash transfers to close unused Special Revenue Funds and transfer \$898,061 into the General Fund. The Committee approved filing this bill at its meeting on 11-22-16.

RECAP OF BILLS TO BE CALLED OUT

PRE-RECESS ANNOUNCEMENT

RECESS

COUNCIL RECONVENES AND RESUMES ITS REGULAR SESSION

PUBLIC HEARINGS - BILLS FOR FINAL CONSIDERATION

PRE-ADJOURNMENT ANNOUNCEMENT

Dependent upon publication, on Monday, January 9, 2017, Council will hold a required public hearing on Council Bill 16-1125, changing the zoning classification for 1154, 1156, 1160, 1164, and 1166 South Lincoln St; and, a required public hearing on Council Bill 16-1166, changing the zoning classification of 1601 West Jewell Avenue. Any protests against 16-1125 or 16-1166 must be filed with the Council Offices no later than noon on Tuesday, January 3, 2017.

ADJOURN

PENDING

FOR 12-19-16

[16-1034](#) A bill for an ordinance changing the zoning classification for 1209 North Perry Street.

Rezones property located at 1209 North Perry Street from G-MU-3 and E-TU-C to G-RX-5 (general urban neighborhood mixed use to residential mixed use) in Council District 3. The Committee approved filing this bill at its meeting on 11-8-16.

Final Consideration

Required Public Hearing