



Denver City Council

Public Amenities Committee
Meeting Summary

Date: March 20, 2007 Time: 11:00 a.m. Location: Room 391

Members Present: Lehmann, Montero, Johnson, Robb
Members Absent: None
Other Council Present: Hancock

Agenda:

1. Justice Center Public Art Program
 2. Park & Recreation Utility Policy
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1. Justice Center Public Art Program

Kendall Peterson, Public Art Program Administrator, and Erin Trapp, Director of the Denver Office of Cultural Affairs, reviewed the public art program for the Justice Center. The unusually large, 18-member Project Evaluation Panel (PEP) consisted of architects (including the project's master urban design architect David Tryba); developers; artists; writers; future Justice Center occupants (Major Kielar, Sheriff's Dept., Judge Armatas, County Court); and Golden Triangle neighborhood residents.

The total Public Art program budget of \$2,293,577 is divided into two phases.

- Phase I – \$1.6 million: early collaboration with design team, integration art in the project.
- Phase II – \$686,177 budget: site specific artworks throughout the Justice Center.

Of the 200 entries, ten semi-finalists were selected on 9-11-06. The semi-finalists presented their concepts to the PEP over a two-day period in late November.

Dennis Oppenheim was tentatively selected for his compelling overall design of landscaping, seating, and lighting, but with the caveat the he produce a new proposal, with PEP input, for the largest work. His new concept is a flower-like "light chamber" constructed of near-transparent materials. Possible additional components include a water feature and metal tree-like sculptures. The PEP voted unanimously to proceed with the contract process with Mr. Oppenheim. The artist was asked to begin immediate collaboration with the design team. The \$1.2 million contract for Mr. Oppenheim will be presented to Council in the very near future.

The PEP also selected artist Martin Donlin to create the artwork at the U.S. Post Office & parking garage building. This work will consist of a folded glass canopy on the building. Mr. Donlin's commission will be \$180,000, the contract for which will be brought to Council at a later time.

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2. Park & Recreation Utility Policy

Committee Action

The Committee requested:

- a copy of the memorandum of understanding between the Parks & Recreation and Public Works departments;
- an inventory of designated parks with overhead power lines;
- additional language in section 5.5 regarding the Parks & Recreation Advisory Board's role in review of proposed utility location; and
- that Public Works and Xcel provide comments on the draft prior to the April 30 deadline.

Summary of Discussion

Kim Bailey, Manager of Parks & Recreation, and Patrick Wheeler, Assistant City Attorney, presented the department's draft utility policy. The draft has been distributed for review, and comments are due by April 30. The Parks & Recreation Advisory Board (PRAB) will hold a public hearing on May 12.

Ms. Bailey said the policy is that a park is the absolute last resort for utilities and is only to be approved if all other potential locations have been thoroughly examined and rejected for good cause.

Mr. Wheeler said that while this issue came to the forefront most recently over Xcel's attempt to find an acceptable route for new overhead transmission lines, utilities have long been a major issue for the department, both in the urban and mountain parks. Before the mid-1950's, the Department of Improvement & Parks was responsible for both public works and parks. Parks were often designed to function as detention sites. Denver Water, Denver Wastewater and other utilities have underground facilities through several parks. Some parks and trails are designed based on the existence of gas main lines or other facilities.

In drafting the proposed policy, the department drew on its past experiences with utilities and its current processes. In broad terms, the policy can be broken into two categories:

- Underground utilities are subject to the approval of the manager of parks & recreation.
- Above-ground utilities are "typically discouraged" and are subject to approval of City Council by resolution.

The policy includes specific procedures regarding:

- Review and approval of utility installation as part of new park development (Sec. 3.0).
- Operation, maintenance, replacement and relocation of pre-existing utilities (Sec. 4.0).
 - Generally, if the utility can not document valid easement, revocable permit or license, only routine maintenance and replacement are allowed without a Utility Permit issued under the same procedures that regulate installation of any new utility.
- Application, review and approval procedures for a Utility Permit. (Sec. 5.0).
 - Manager approves underground systems based on review criteria and established requirements.
 - City Council approves above ground systems, with a recommendation from the manager.
 - Designated parkland receives the closest scrutiny.
 - Compensation is required of private providers, such as Qwest or Xcel.

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Cell phone towers are not utilities and are not approved in parks. An existing cell tower in City Park was on ground acquired by Denver. When the lease term expires, the use will be terminated.

Parks & Recreation and Public Works have a Memorandum of Understanding (MOU) regarding utility placement. The MOU was drafted following numerous utility cuts for fiber optics in newly constructed Parks sidewalks at Yosemite and Syracuse. The departments have agreed to work together to find the best solutions to this type of problem.

Councilwoman Johnson asked that the MOU between Public Works and Parks be provided.

Councilwoman Robb said the policy should be easily available to citizens, and she asked if at least parts of the policy, specifically section 5.5 regarding above-ground utilities, could be adopted as ordinance. Mr. Wheeler responded that the manager has jurisdiction over parks, and her policies are recorded with the Clerk & Recorder. Some rules & regulations and policies are posted on the website.

Councilwoman Robb asked for an inventory of designated parks with overhead power lines. Ms. Bailey responded that there are 144 designated parks with seven more soon to be designated by Council action.

Mr. Wheeler said that when raw land is being developed, the developers generally install the utilities prior to conveying park land to the City. Redevelopment of existing areas sometimes requires upgrades of existing utilities, which need to be handled on a case-by-case basis.

Councilman Hancock noted that the draft policy seems somewhat arbitrary regarding required compensation by the utilities. Mr. Wheeler said that the compensation has varied but there is usually agreement.

Councilman Hancock asked if the parkway being developed in Council Districts 5 and 11 will have any problem with utilities. Mr. Wheeler said this parkway is defined as right-of-way, so there should be no problems.

Councilwoman Lehmann asked if Public Works and Xcel have commented on the draft. Mr. Wheeler said the policy really only puts into writing the current procedures. Kevin Magner, Public Works, said that the review comments will be sent to Parks prior to April 30.

Councilwoman Montero said the process needs predictability and public involvement, and that the PRAB needs to weigh in on the draft policy. Ms. Bailey responded that the PRAB will have discussed the drafting the policy twice before it holds its public hearing on it. The policy requires that part of the approval process for a proposed utility is a public meeting held in the impacted community with notice sent to the PRAB, advertisement in newspaper, and posting on the department's website.

Ms. Bailey said that language could be added to section 5.5 describing how the PRAB and the department are to work together on utility issues.

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Council Legislative Services
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