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Public Amenities Committee  
Meeting Summary

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Wed. Feb. 13, 2008      10:30 a.m.      Conference Room 391

**Members Present:**      Lehmann, Johnson, Madison, Robb  
**Members Absent:**      None  
**Other Council Present:** Hancock, Garcia

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- Permit processing during DNC Extraordinary Event
  - Amendments regarding sales in or near parks
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**1. Briefing: Permit processing during DNC Extraordinary Event –No action required**

Committee Action

The Committee requested the Declaration include a map clearing showing the affected area.

Summary of Discussion

Katherine Archuleta, Senior Advisor to the Mayor; and David Broadwell, Assistant City Attorney, briefed the Committee on the permit and license application processes to be employed for events during the Democratic National Convention (DNC). "Permit" as used herein includes licenses.

Declaration of DNC Extraordinary Event

The latest draft of the declaration contains the following:

- DNC is declared an Extraordinary Event requiring special efforts to coordinate the permitting activities of various department and agencies of the City.
- Time period: 12:01 a.m. MDT Sun. Aug. 15 to 11:59 p.m. MDT Thurs. Aug. 31, 2008. This is deemed long enough to cover pre-convention activities and set-up/break-down time.
- Affected area: Generally bounded by Colfax, I-25, Park Ave., Broadway/Grant; defined by metes and bounds in the Declaration. Committee requested that a map be included as well.
- Affected permits: specified precisely in Declaration but summarized here:
  - Scheduled events and assemblies in parks;
  - Parades and any other use of streets;
  - Special event liquor permits and peddler's licenses;
  - Film permits;
  - Special or temporary use zoning permits;
  - Any other permit related to public events within the affected area during the designated time period.
- Designates the Director of the Denver Office of Cultural Affairs (DOCA) as the coordinator of licensing and permitting.

- Statement of heightened security and public safety consideration, including that:
  - DNC should be taken into account by agencies when considering any permit application;
  - City reserves right to modify or revoke permit if necessary in the interest of public safety/security since security planning for DNC is incomplete and the hard security perimeter adjacent to the Pepsi Center, the convention venue, has yet to be determined by the Secret Service.
- Designated parade route: at least one route that is easy to use and secure terminating within sight and sound of the Pepsi Center will be identified.
  - Groups are encouraged to contact DOCA with ideas about parade route.
  - No application or permit fee will be charged, encouraging applicants to request this route. This eliminates the issue of which applicants qualify to apply for a fee waiver.
  - Reduces required City resources.
  - Easier for public to anticipate location of road closures.
  - Alternative routes may be requested and will be reviewed; lack of resources to secure the route could possibly lead to denial; there is an appeal process.
- Lottery procedure outlined in the Declaration will be used to resolve duplicate requests for parks permits in the affected area and for the designated parade route.
- Parks outside the affected area boundaries will be permitted in the standard manner.

#### The Lottery procedure

- Lottery applies only to:
  - Permits for scheduled events in parks;
  - Permits for assemblies in parks; and
  - Requests for use of the designated parade route.
- DOCA will create a matrix of all available days/times/sites for events and assemblies.
- Requests for specific days/times/sites will be accepted March 3-14; DOCA will assign each a lottery number.
- For any conflicting parks permit requests, a lottery will be held on or about March 17.
- For any conflicting requests for the designated parade route, lottery will be held once the route is determined.
- A requestor's lottery number will be randomly selected to determine which requestor will be able to apply for a permit for that specific day/time/site.
- Unsuccessful requestors may request other available days/times/sites.
- Lottery winner will have 10 business days to submit a complete application and fee or forfeit its priority.
- DOCA will create a waiting list for requestors who want to be notified if slots become available if lottery winners do not submit applications. Slots will be awarded to those on the waiting list in the order determined by the first round lottery numbers.
- All permits issued through the priority lottery process are non-transferable.

Discussion included the following comments:

- Council members requested notice of any permit issued for parks outside of the affected area and in their districts.

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- Members expressed concern about scheduling local events in parks outside the affected area.
- Members asked that DOCA communicate with the community – try to avoid surprises.
- Groups should be allowed to use designated parade route in whole or in part and in both directions.
- All permitting information, the initial request form and complete directions will be available March 3, pending Mayor's signing Declaration, at [www.Denvergov.org/DNC2008](http://www.Denvergov.org/DNC2008).
- Requests may be emailed for faxed to DOCA.
- Contact information for agencies with required permits is provided.
- If a requestor ends up without anything requested, they should contact Kevin Scott, DOCA coordinator, who will work with them.
- Contact information for parks departments in Arapahoe and Jefferson counties and Lakewood should be readily available.
- State has a good permit package for the area it controls: the Capitol grounds, Lincoln Park and the Veterans memorial.
- Denver Public Office Buildings is responsible for the area around the City & County Building and the plaza at the Webb Building (other than McIntosh Park). POB has an informal process for requesting to use those spaces.
- The entire process, including locations groups want and do not want is being well-documented for future reference for Denver and for other cities.
- Council members are welcome to send DOCA suggested venues to put in the database.
- 1500 events are anticipated; the City is hosting 50.

Mr. Broadwell said every attempt has been made to set up a system that is as fair and open as possible, but there is no way to absolutely insure that “the protest industry” does not dominate prime locations, such as Civic Center. Individuals can apply, and the City has no way of knowing their intent. Even with an organization name, it is legally difficult to research an organization without looking at content, and that becomes a First Amendment issue. He said people have many public ways to express themselves in Denver. Protecting constitutional rights has been at the core of the development of these permit processes.

## **2. Amendments regarding sales in or near parks**

### Committee Action

The Committee approved filing a bill amending the ordinances regulating sales in and near parks.

### Summary of Discussion

David Broadwell, Assistant City Attorney, explained that the term “huckstering” is currently only in the title of Section 39-11; it is never used in the text. The proposed amendments would eliminate it from the title, which would become “Sales in or near parks”.

The intent of the amendments is to make the law reflect current practice. Since the 1904 Charter, it has been clear that, in general, Denver does not want things being sold in its parks. The proposed amended ordinance reflects this sentiment, and then lists the specific exceptions, such as:

- Sales approved by concession license or contract;
- Sales of food & beverage approved by temporary revocable vending permit;

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- Sales during and incidental to scheduled events holding permits (festivals, races);
- Sales during and incidental to the expressive purposes of any assembly holding a permit; and
- Sales by the City.

The new language states the required license, contract or permit is in addition to any other applicable state or city license or permit, and it lists pertinent chapters of the code as cross-reference.

Councilman Garcia was interested in exempting vendors associated with legally-permitted political assemblies during the DNC extraordinary event from the required Denver sales tax license. This is expressive speech, and sales would be incidental. Mr. Broadwell replied there is no exception for expressive speech or small-volume sales, although Denver does offer a short term “special event sales tax license” for \$5. He added that the State also requires a sales tax license.

Councilman Garcia suggested that when these groups are issued an assembly permit by Parks, they could automatically be issued the \$5 sales tax license.

The Committee generally agreed with the idea. The necessary language would be in another section of the code; Councilman Garcia and Mr. Broadwell will discuss that separately from this amendment, which was moved out of Committee to the full Council.

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