

Mayor's Denver Justice Center Task Force Joint Report/Subcommittee Reports Attached

Process

In October of 2004, Mayor Hickenlooper appointed the Denver Justice Center Task Force ("Justice Center Task Force") comprised of 48 members assigned to three subcommittees: Program; Finance; and Design and Construction. The committee was asked to assess the need for building new detention facilities and courtrooms to accommodate an unsafe, growing, and already overcrowded system.

The Program Committee, co-chaired by Pat Cortez and Gregory Caulkins, was charged with analyzing what should be built and why. The Finance Committee, co-chaired by Bruce Alexander and Cheryl Cohen-Vader, was charged with analyzing the cost of the project, evaluating financing options and the optimal bond scenario. The Design & Construction subcommittee, co-chaired by Hubert Farbes and Frances Koncilja, was charged with recommending, in the event of a successful bond vote, the design and construction delivery process, and key design criteria.

James Mejía, special assistant to Mayor Hickenlooper, developed an intense and thorough schedule of presentations to facilitate the work of the Justice Center Task Force. Some City presentations were made jointly to all of the members of the Justice Center Task Force. Other, more detailed presentations, were made to only the appropriate subcommittee. Mr. Mejía also facilitated presentations by and attendance from the City Departments of Revenue, Public Works, Community Planning and Development, City Attorney's Office and Design and Construction Management, as well as outside consultants. Bob Johnson of Reilly Johnson Architects ("Reilly Johnson") and Ron Mason of Anderson Mason Dale Architects ("Anderson Mason Dale") made presentations and were available to consult at meetings of the Justice Center Task Force as well as the Design and Construction subcommittee.

Members of the Justice Center Task Force were given the opportunity to attend a three-hour briefing on either October 7th or October 8th. At that time, the committee chairs and members of the Justice Center Task Force, as well as staff and consultants, were introduced. Beth Conover, the Mayor's Policy Advisor explained the history of the previous vote rejecting a detention facility at the Sears site. She also reviewed Mayor Hickenlooper's request that the Urban Land Institute ("ULI") analyze the City's current facilities for detention and the Courts, as well as the City's best options. At the end of the process, ULI presented the City with reports and recommendations. That ULI report was provided to all members of the Justice Center Task Force. The Justice Center Task Force, in addition to the ULI report, had available to it an analysis by Seneca Holmes, Policy Assistant to the Mayor's Office, analyzing five difference recent urban justice facilities in Portland, Oregon, Clayton, Missouri, Arlington, Virginia, Tacoma, Washington, and Charlotte, North Carolina.

Fred Oliva, Deputy Under Sheriff and Chief Bill Lovingier of the Sheriff's Office, Chief Judge Ray Satter of the County Court, and Chief Judge Jeffrey Bayless of the District Court, gave an overview of the needs of the Sheriff's Department and the Criminal Courts (County and District)

in any new facility. Reilly Johnson and Anderson Mason Dale gave an overview of their opinion of the project design components and various design options. Kiersten Faulkner of Community Planning and Development made presentations concerning the Civic Center District and how a Justice Center might fit into the current ordinances and the current planning documents.

The timeline was then established for the work of the Justice Center Task Force. That timeline included a series of meetings to be held in the fall, with final reports from the subcommittees due on January 6th. An election would be held on May 3, 2005 assuming the recommendation of the Justice Center Task Force was to proceed.

Each committee member was given an opportunity to take a tour of the current criminal courts in the City and County Building, the detention facilities in the Pre-Arrest Detention Facility (“PADF”) downtown, the County Jail at Smith Road, as well as the opportunity to make the trip between downtown and Smith Road on one of the Sheriff’s buses. Almost all of the members of the Justice Center Task Force took the tour.

On October 12th the Justice Center Task Force met from 8:30 a.m. until 1:00 p.m. Representatives of the Sheriff’s Office and the Courts made more detailed presentations and analyses of their operational needs based on current use as well as projected use through 2023. Reilly Johnson and Anderson Mason Dale made a presentation concerning the cost ramifications of various designs. At this joint meeting, Dave Bufalo of Design and Construction Management and Scott Johnson of the City Attorney’s Office gave an overview of the design and construction management process of the City and the City’s experience with other large projects over the last five years. The Justice Center Task Force then broke into its working groups. In the working groups, each subcommittee member in attendance was given an opportunity to voice their concerns and suggestions for the need and/or requirements for a Justice Center. The full Justice Center Task Force reconvened and the co-chairs reported a summary of the discussions of the subcommittees.

Between October 12th and December 16th the individual subcommittees met repeatedly to receive information, discuss the proposal and to provide City staff members with feedback and direction. On December 16th, the subcommittees and Alternatives to Sentencing subcommittees met jointly and each subcommittee gave a preliminary report on their committee’s activity to date. This draft report, as well as the draft reports of the subcommittees were circulated to all members for final comment. On January 6th the final meeting for the Justice Center Task Force was held. At that time all subcommittees presented their work and made recommendations based on group discussions and committee presentations. The final comments and suggestions of committee members are included in the body of this report *or* as attachments to this report.

This final report represents the unanimous consensus of the members of the Justice Center Task Force that the current conditions are appalling and that the current system of detention, the transportation of prisoners and the use of the criminal courts is overwhelmed. A tragedy has been avoided only because of the hard work of the Sheriff’s Department. The transportation of prisoners, intermingling of prisoners, city employees, jurors and the public is a disaster waiting to happen. In addition, the current Denver Court system presents unacceptably crowded and

dangerous working conditions for many County and Juvenile Judges and their staff which requires immediate attention.

After reviewing final Task Force recommendations, Mayor Hickenlooper will determine the administration's final proposal to be forwarded to City Council for consideration. City Council will determine which, if any, recommendations will be placed on the May 3, 2005 ballot for a vote.

Report from the Program Subcommittee Of the Mayor's Justice Center Task Force

I. Introduction

The Program Subcommittee is composed of 17 members:

George Caulkins, Co-Chair, Greendeck Capital
Pat Cortez, Co-Chair, Wells Fargo

Jeffrey Bayless, Denver District Court
Carrie Besnette, Daniels Fund
Joe Blake, Metro Denver Chamber
Lauren Casteel, Denver Foundation
Estevan Flores, Latino Research Policy Center
Michael Hancock, Denver City Council
Dennis Humphries, Golden Triangle Neighborhood Association
Cyndi Kahn, Summer Scholars
Al LaCabe, Denver Department of Safety
Doug Linkhart, Denver City Council
Bill Lovingier, Denver Sheriff's Department
Judy Martinez, Colorado Foundation for Families & Children
Bennie Milliner, Denver Public Schools Board of Education
Mitch Morrissey, Denver District Attorney
Lisa Roy, The Piton Foundation

The Program Subcommittee met independently on November 4th. The Program and Finance Subcommittees met jointly on November 18th and December 2nd. Meetings were three hours long and at the joint meetings, the Program Subcommittee had the opportunity to meet separately. On December 16th, the Program Subcommittee met with both the Finance and the Design and Construction Subcommittees along with the Alternatives to Sentencing Subcommittees.

II. Discussion of the Program Subcommittee's Work

A. Scope

The Program Subcommittee was charged with analyzing and making recommendations as to the programming needs of a new Justice Center. The main areas of focus include:

- * Inmate capacity for short-term, pre-sentenced inmates going through the court system
- * Inmate capacity for long-term, sentenced inmates
- * The number of courts necessary to efficiently process pre-sentenced inmates
- * Necessary parking to accommodate increased traffic loads where facilities would be built.

B. The Current System

The Pre-Arrestment Detention Facility (PADF), or City Jail is currently used to process arrestees and for pre-arrestment detention. Inmates actively involved in legal proceedings are housed at the County Jail at Smith Road and bussed to the courthouse on a daily basis. The Pre-Arrestment Detention Facility is overcrowded. With 158 beds, the facility holds closer to 200 on any given day.

Denver Courts are housed in the City and County Building. Current conditions are unsafe with the mixing of the accused, victims, jurors, counsel, and the general public in hallways. Court space is inadequate to serve current caseloads and space has been leased at the Adams Mark Hotel (\$400,000 annually) for some Civil Courts. The City and County Building was originally built to house 8 courts and now houses 46.

County Jail at Smith Road has capacity for 1,514 inmates. The jail currently houses between 1,950 and 2,000 inmates every day. Besides overcrowding, 60% of the inmates are pre-sentenced and make an average of 8 roundtrips for downtown court procedures before they are sentenced. Transportation for these repeated trips costs approximately \$500,000 each year.

III. **Recommendations**

A. Overview

In all committee deliberations, safety and cost effectiveness were paramount considerations. The committee also considered the possible effect that diversion programs could have on jail bed count. The current “Justice Center” proposal is different from the failed “Jail” ballot measure in 2001, in important ways:

- * The overcrowded courts are part of the initiative - the number of inmates that can be efficiently processed through the courts needs to be balanced by the number of courts that are built
- * The courts and detention facility for pre-sentenced inmates are co-located. This is important to minimize transportation costs and to decrease safety risks that currently occur each time pre-sentenced inmates are moved through public hallways
- * Alternatives to sentencing are included and important to help limit the growth of the detained population. We encourage the administration to consider financial support of alternatives and diversion along with promoting crime prevention programs and treatment services for offenders.

The Program Subcommittee finds that a detention facility and new courthouse should be built downtown, and that renovations at the County Jail at Smith Road should be made to make that facility more efficient. Beds in the downtown Detention Facility should accommodate short-term, pre-sentenced inmates only while long-term, sentenced inmates should continue to be housed at the County Jail at Smith Road. The number of beds built in the downtown Detention Facility should be that number which can be most efficiently handled by the co-located

courthouse. Finally, the number of beds at Smith Road should alleviate our current overcrowded conditions, but also allow alternatives to sentencing and diversionary programs to work. The more successful alternatives to sentencing and diversionary programs, the longer these new facilities will be able to meet the needs of Denver's justice system.

B. Downtown

Courthouse

- * The Number of courtrooms must efficiently process the number of pre-sentenced inmates
- * Prisoners should be separated from victims, witnesses, and juries in hallways
- * The courts must have adequate space to operate safely – space should be allocated according to national standards
- * The majority of criminal proceedings should take place at the courthouse
- * Space provided for the Jury Assembly Room must be convenient and reasonably comfortable for citizen jurors who often must spend days closeted together
- * Design should take into account not only efficiency and effectiveness but also promote the building and its use as a good neighbor to the Golden Triangle neighborhood

The number of courtrooms proposed is 41. This includes 12 courts for the Juvenile Courts. The Committee feels it imperative to build 29 adult criminal courts in a new courthouse outside of the City and County Building. However, the Committee did not determine whether the 12 Juvenile Courts should be built in a new courthouse or should remain in the City and County Building. There is strong feeling from the Golden Triangle representatives that the Juvenile Courts should be located in a new courthouse to maximize efficiency and safety. If the Juvenile Courts are included, it is imperative that the juveniles are completely separated from adult offenders.

If the Juvenile Courts are to remain in the City and County Building, intake of detainees should no longer take place outside of the building and the Juvenile Courts should be consolidated on one floor of the City and County Building within renovated courtrooms.

Pre-Sentenced Detention Facility (City Jail)

- * Should replace the current Pre-Arrestment facility downtown
- * Should house only Pre-Sentenced, short-term inmates
- * 1,500 beds should be built to match the capacity of the courts
- * Should contain arraignment courts to most efficiently process new detainees
- * Direct supervision of all inmates should be implemented as recommended by the Sheriff's Department to reduce staffing and improve operating efficiencies
- * Visitation by family members and counsel should be provided for inmates
- * Adequate working conditions for the Sheriff's staff, including locker rooms, showers, parking and meeting rooms, should be provided
- * Clerical and interrogation space should be provided for the Police Department
- * Representatives from the Golden Triangle will seek language in the Planned Unit Development process that ensures that the downtown Detention Facility should house

only short-term inmates and that any long-term inmates, including those with extended time between court appearances, be housed at the County Jail at Smith Road.

Parking Garage

- * Parking should be expanded for those visiting the Justice Center; this is best done by building a parking garage
- * The City should follow the independent study received from the offices of Fehr and Peers which indicates approximately 450-500 spaces should be built for public use
- * If possible, locate the displaced Post Office in the first floor of the parking garage to meet zoning requirements for first floor active use
- * Parking should be offered to the general public to alleviate parking congestion in the Golden Triangle for festivals, evening entertainment and activities in the arts district
- * Market rates should be charged
- * Retail space should be offered on the ground floor to meet zoning requirements and to activate that space to fit into the Golden Triangle

C. County Jail at Smith Road

- * Buildings 6-12 should be demolished, as outdated facilities require heavy staff supervision
- * Build 384 beds - *not the 750 originally recommended by the Sheriff's Department* – this will accommodate our justice system needs and allow for the successful implementation of Alternatives to Sentencing recommendations
- * Sentenced, as well as, longer-term inmates should continue to be housed at the County Jail at Smith Road
- * Make improvements to the facility perimeter, especially the corner of Havana and Smith Road
- * Master plan the site and the building for possible expansion in the event Alternatives to Sentencing are not as successful as planned
- * Eliminate new kitchen and laundry because, after renovations, the facility will house approximately the same number of inmates in a more cost-efficient setting
- * Consider updating technology (video-conferencing) to increase safety of visitors, inmates and staff and to ensure that inmates have visitation with family members, and counsel
- * Improve working conditions for the Sheriff's staff by renovating space to improve locker room area and adding secure parking
- * Ensure adequate programs for inmates while they are detained including health care, recreation, and education as well as substance abuse and mental health counseling

D. Alternatives to Sentencing

For long-term success, Alternatives to Sentencing must be given time and designated funds to operate. These efforts should be coordinated with prevention and treatment programs to effectively address the root causes of crime in our city. The length of time new Justice Center facilities remain viable is directly related to the effectiveness of Alternatives to Sentencing. Alternatives to Sentencing should reduce overall justice system costs by reducing recidivism.

Programs that are implemented should be monitored and measured to calculate any related cost savings.

Without success in this area, the number of inmates is likely to continue to rise. An investment in this area is an opportunity to improve diversion and rehabilitation programs that work more effectively than simple detention.

**Report from the Design and Construction Subcommittee
of the Mayor’s Justice Center Task Force**

I. INTRODUCTION

The Design and Construction Subcommittee is composed of 15 members:

Hubert Farbes, Co-Chair, Brownstein, Hyatt & Farbes
Frances Koncilja, Co-Chair, Koncilja & Associates PC

Suzanne Banning, Golden Triangle Arts District
Veronica Barela, NEWSED
Billie Bramhall, Golden Triangle Neighborhood Association
Brad Buchanan, Buchanan Yonushewski Group
Denise Burgess, Burgess Mechanical
Juanita Chacon, Remax
Theresa Donahue, The Adams Group
Nita Gonzales, Escuela Tlatelolco
Michael Henry, Inter-Neighborhood Cooperation
William Lundgren, Commission for People with Disabilities
Karen Nakandakare, Asian Advisory Council
Ted Trimpa, Brownstein, Hyatt & Farber
Elbra Wedgeworth, Denver City Councilwoman

As is evident from the above names, this subcommittee includes representation from the Golden Triangle, the Silver Triangle, realtors, developers, contractors, architects, artists, attorneys, neighborhood activists, community activists, and special needs activists.

The Design and Construction subcommittee wants to applaud the Golden Triangle neighborhood. The residents of the Golden Triangle were extremely helpful and cooperative in the process. They were willing to discuss the location of the new 1,500 bed jail as well as the Courts and the Juvenile Courts within the boundaries of the Golden Triangle. They provided helpful thoughts and analysis throughout the subcommittee’s work.

Almost all of the members of the Design and Construction Subcommittee took a tour of the criminal courts and detention facilities in the City and County Building as well as the detention facilities in the Pre Arraignment Detention Facility (“PADF”) downtown and the County Jail at the Smith Road Facility.

At various times, the Justice Center Task Force as well as the Design and Construction Subcommittee heard from the Alternatives to Sentencing committee. The Alternatives to Sentencing subcommittee has been in existence for some time and was, as its name implies, analyzing alternatives to sentencing.

The Design & Construction subcommittee held additional meetings on November 9th, November 16th, November 30th, and December 14th. Each of these meetings of the Design and Construction Subcommittee encompassed a meeting of at least three hours. A joint meeting of the Justice Center Task Force was held on December 16th with reports from co-chairs. The final meeting was held on January 6th to present formal committee reports to the Mayor.

II. DISCUSSION OF DESIGN & CONSTRUCTION SUBCOMMITTEE WORK

A. Overview

At the meetings of the Design and Construction subcommittee, presentations were made by the Silver Triangle and the Golden Triangle. Additional information was provided by the Budget and Management Department, Revenue Department, Sheriff's Department, County and District Courts and the Finance Subcommittee. There were presentations and discussion concerning the current design guidelines, and the Civic Center Master Plan. Scott Johnson of the City Attorney's Office presented an analysis of the types of delivery systems, including design-bid-build, design assist, and design build. Kiersten Faulkner, of Community Planning and Development analyzed design objectives in terms of the following:

- ◆ Design quality and integrity
- ◆ Project delivery time
- ◆ Project input from designer and contractor
- ◆ Public acceptance
- ◆ Public involvement in the process.
- ◆ Project functionality
- ◆ Project delivery cost
- ◆ Maximized competition
- ◆ Public ownership

During this process, the Design and Construction subcommittee requested that City Staff make recommendations along with their analysis. As a result, the staff made various recommendations including using different delivery systems for the different project components, how to enhance the project through structure of the selection process, as well as the types of documents necessary for a project of this magnitude and a projected timeline.

B. Urban Land Institute

Mayor Hickenlooper had earlier invited the participation of the Urban Land Institute ("ULI") in the form of an advisory services panel which visited Denver in April of 2004. ULI reviewed briefing materials and heard presentations from City staff and neighborhood activists. The ULI panelists considered various aspects of the problem according to neighborhood impact, market potential, planning and design, as well as development strategies and implementation. They conducted on-site briefings and tours and then participated in round table discussions and stakeholder interviews with a variety of interests. ULI ultimately prepared panel recommendations. The ULI panel concluded that the current justice system had deteriorated to an appalling level resulting in dismal conditions in the City's courts and jails. They concluded that:

Continued neglect will place courthouse visitors and jurors in
danger and threaten the constitutional rights of accused

perpetrators, both adult and juvenile. Denver's horribly overcrowded jail conditions currently serve to harden the attitude of those incarcerated, thus negating the very concept of correction. The PADF's cells are routinely double bunked; this facility, designed for 17,000 persons annually now handles about 44,000 persons. The Denver County jail operates at over 140% of capacity as well; rated for 1,350 inmates, it regularly houses over 1,900 inmates. The situation is equally deficient for the district and county courts. The City has to lease space to overcome the shortage of courtrooms. The separation of potentially dangerous prisoners from the public, judicial staff, and victims is not possible owing to inadequate space. Holding cells are located directly across from the City Council's chambers, hallways are shared by prisoners and the public alike.

ULI's ultimate recommendation was that new facilities on the Rocky Mountain News site, 400 West Colfax, and the block west, would drastically reduce detainee transport and result in efficiencies as well as increased safety. They also concluded that a new Justice Center in downtown had the potential for increasing additional private development and economic growth and that a criminal justice system could be a good neighbor in a growing area that has a strong heritage of housing and government functions.

Given the central location of the Justice Center in the Civic Center District, ULI stressed the importance of architectural design. Their report conveyed that the architecture of the detention facility and courthouse should project a formal and dignified atmosphere.

After the tour of the current facilities, the Design and Construction subcommittee was also appalled at the current conditions – the system of detention is overwhelmed. A tragedy has been avoided only because of the hard work of the Sheriff's Department. The transportation of prisoners, intermingling of prisoners, city employees, jurors and the public is a disaster waiting to happen. In addition, the current Denver Court system presents unacceptably crowded and dangerous working conditions for many County and Juvenile Judges and their staff which require immediate attention. The Design and Construction subcommittee concluded that a new facility which addresses these needs must be built as soon as possible.

C. Civic Center District Plan

City Staff presented the components of the current Civic Center District Plan. The intent of this plan is to focus on a cohesive vision for the Denver Government Complex that articulates the continuing development of an identity for an extended Civic Center. The extended Civic Center should be a gateway into Downtown that will ultimately constitute a cultural and government complex for the City, the region and the State. The Civic Center District Plan is attempting to analyze and develop this vision from earlier plans, studies and ordinances to create a single unified future Civic Center. The Justice Center, because of its size and proposed location, needs to be integrated into the Civic Center District plan. At the same time, the Justice Center should reinforce the strengths of the adjacent neighborhoods through the use of design, traffic, transit,

and take into account the residential and commercial needs of the adjacent neighborhood, primarily the Golden Triangle, and enhance the pedestrian experience and effectively deal with parking issues.

D. Analysis of Design Delivery Options

Dave Bufalo, of the Department of Public Works, and Scott Johnson, of the City Attorney's Office, presented to the Design and Construction subcommittee the various delivery systems including the strengths and weaknesses of each.

The **design-bid-build delivery** system includes the following attributes: a separate design and construction procurement process; separate design and construction contracts; construction contract pricing established as a lump sum at bid opening. The **design-assist delivery** system attributes are: separate design and construction procurement processes; separate design and construction contracts; either lump sum or guaranteed maximum price established after negotiation at designated percentages of design completion. The third delivery system is the **design-build delivery** system. It has the following attributes: combined design and construction procurement; single project delivery contract; either lump sum or guaranteed maximum price established after negotiation and keyed to designated percentages of design.

Design-bid-build has relatively low price because of maximized competition but a slow delivery time, with little opportunity for constructability or value engineering. On the other hand, this delivery system has a moderate to high opportunity for owner input throughout design development and construction procurement, and a high ability to assess compliance with the design intent.

The **design-assist delivery** system has less competition because it is dependent upon subsequent negotiations. It offers a moderate delivery time because there can be early start in sequencing of design and construction activities. There are more opportunities for constructability review to insure design criteria have been met, because of the early involvement of a general contractor, and there are also significant opportunities for value engineering. This delivery system demands moderate to high involvement of the owner (Denver). That involvement, however, requires additional cost to the City and County. Design intent is assured because the designer contracts directly with the owner.

The **design-build delivery** system also has reduced competition; however, this option has a very fast timeline in that there is a maximum early start in sequencing of design/construction activities. There is a high opportunity for evaluation/confirmation of the project constructability, but there is moderate flexibility for value engineering. This option requires moderate owner oversight, but has a corresponding increase in oversight because of the contractor's involvement in oversight of design. The success of this process rests heavily on early establishment of a complete program document.

III. RECOMMENDATIONS

A. Design Criteria

A majority of the committee approved of the Justice Center, and its location within the Golden Triangle, as long as it provided residents of Denver an opportunity to add to the beauty of the current government facilities complex, including the Civic Center Park, the City and County Building, the Central Library, the Art Museum and the new Convention Center.

It is the unanimous recommendation of the Design and Construction subcommittee that the planning guidelines from the Golden and Silver Triangle Neighborhoods, and Community Planning and Development [See **Appendix 1, 2 and 3**] should be honored, to the maximum extent practicable in the design of the Justice Center. There should be representation from the neighborhood on the final design selection team.

The following design elements are critical in assuring excellent quality of design for the physical structure of a Justice Center:

- ✓ Operational Efficiency - Excellent quality of operational efficiency taking into account safety, disability access, inmate dignity and cost. William Lundgren, a member of the subcommittee, prepared detailed guidelines for providing disability access. That report is attached as Appendix 4 to the Design and Construction Subcommittee report.
- ✓ Resource Efficiency – To lower long-term operating costs, create a healthy indoor environment, and promote the principle of sustainability which underlies the city’s comprehensive plan, the Justice Center, should employ, to the greatest extent feasible, the highest sustainable energy and environmental goals. The committee recommends that the building obtain LEEDS certification, to the extent this certification presents a cost-effective standard.
- ✓ Effective Delivery Systems - The subcommittee recommends the following different delivery systems for each of the three Project components:

B. Delivery Systems for the Justice Center

- ✓ The delivery system for the **parking structure** should be the Design/Build System. The parking structure should be built first in order to maximize time saving opportunities, with neighborhood input, so that it functions as a transition from the neighborhood to the public buildings and spaces.
- ✓ The **Courts and Detention Facility** should use a modified design (competition)-build system. This will allow the greatest neighborhood input, insure the greatest control of design, assure a “world class” design opportunity, and, produce a relatively cost effective construction process and early completion.

- ✓ Any renovation at **Smith Road** should use the design-bid-build system. This option will result in the most cost effective product. Since this component can be designed and built much later in the program, there will be sufficient time to use a more time-consuming, but cost effective delivery process.

The Golden Triangle believes it is possible to include the parking structure in the modified design compilation without delaying the construction of the parking structure. The subcommittee suggests that the City and the Golden Triangle work on a plan to determine if that can be accomplished.

C. Competitive Design Selection Process for Court/Detention Facility

In order to assure design quality and integrity, the Design and Construction subcommittee recommends that the City employ a thorough, three part selection process. For Part I, the subcommittee recommends that the City broadly solicit qualifications from designers for the Project. The Request for Qualifications should be based on specific criteria (set forth below) and experience on previous projects. For Part II, the subcommittee recommends that criteria and formal conceptual design proposals be used as a basis for a specially empanelled design jury to short list up to 6 Design Teams, and interview the 6 teams regarding their working process and ideas for the project. For Part III, 3 finalists should be determined and awarded a stipend and time to refine and present a full conceptual design in association with a Construction Team partner, which meets all City construction qualifications for the Project. This presentation should include conceptual design materials, including drawings, specifications and models, and construction team analysis and input sufficient for the combined team to commit to a guaranteed maximum price to fully design and build the proposed concept. Based on these combined design and construction presentations, the design jury would then make a final recommendation of the Design/Build Team to the Mayor or his designee (likely the Manager of Public Works).

D. Criteria

The Design Selection Team should, to the extent financially feasible, use the following criteria, among others:

- ✓ The Justice Center should be safe and secure.
- ✓ A world class design that takes into account the neighborhood use, the visuals of/from the Civic Center and Colfax Corridor, as well as the operational needs of the Courts, the public and the prisoners.
- ✓ The best elements of urban planning should be used to connect the neighborhood to the Justice Center and to downtown.
- ✓ The facility should be a model of environmental sustainability and efficient energy usage.

- ✓ The needs of all of the public, including jurors, courtroom visitors, courtroom participants, families of the victims and the accused, as well as city employees, should be taken into account in the design.
- ✓ The Justice Center should be accessible for the hearing and visually impaired.
- ✓ The grounds and all of the structures in the Justice Center should be easily accessible for those with mobility impairment.
- ✓ Multi-use of the parking garage should be encouraged so that this is a safe place at all hours of the day and night.
- ✓ There should be public spaces both inside and outside the Justice Center so that there is a civic sense of the task of doing justice.

Report from the Finance Subcommittee of the Mayor's Justice Center Task Force

I. Introduction

The Finance Subcommittee is composed of 16 members:

Bruce Alexander, Co-chair, Vectra Bank
Cheryl Cohen-Vader, Co-chair, Denver Department of Revenue

Don Bailey, Triton Investment Co.
Bruce Benson, Benson Mineral Group
Jay Choi, Burns, Figa, & Will
Bill Dougherty, BD Advisors LLC
Lee Driscoll, Wynkoop Holdings
David Foster, Foster, Graham, & Huttner
Sal Gomez, Source One
Maurice Goodgaine, Heritage Bank
Pat Grant, National Western Stock Show
Gail Klapper, The Colorado Forum
Jerry Natividad, American Facility Maintenance
Joe Serna, Indian Chamber of Commerce
Bob Willis, Colorado Black Chamber
Richard Yuvienco, Colorado Business Bank

The Finance Subcommittee met jointly with the Design and Construction Subcommittee on November 9th. The Finance Subcommittee also met jointly with the Program Subcommittee on both November 18th and December 2nd. At each of these joint meetings Finance had the opportunity at the end to meet separately and discuss issues. On December 16th a meeting of all the subcommittees plus the Alternatives to Sentencing Subcommittee was held. At this meeting preliminary reports of the subcommittees' activity were presented by the co-chairs. Each meeting lasted between two and half to three hours. The final meeting, a joint meeting of all the Task Force Subcommittees and the Alternatives to Sentencing Subcommittee, was held January 6th. At that time the Finance Subcommittee presented preliminary recommendations to the Mayor.

II. Discussion of Finance Subcommittee's Work

A. Scope

The Finance Subcommittee was charged with analyzing the cost of the project and recommending a financing plan that balances the concerns of various groups including the Administration, City Council and the citizens of Denver.

B. Project Cost Analysis

The Subcommittee considered project cost in terms of the following:

(1) Does the scope of the project, as presented, meet the needs of the program as it is currently defined? This is a very important consideration. To have a successful election, first, the public must believe there is a problem; second, people must believe the plan provides a good solution to the problem and finally, the cost of the solution must be realistic.

(2) Classifying the program components as “required”, “desirable” and “nice to have” as a means of modeling program combinations that meet the needs of the criminal justice system while providing different project models for cost consideration. With this analysis it was determined that there were only three programmatic items under consideration that have a significant effect on project cost. These items are (a) the number and/or timing of beds added to Smith Road; (b) the location of the juvenile court facilities; and, (c) the financing of the parking garage.

The initial plan, as presented, calls for a net increase of 286 beds at Smith Road. In combination with the 1500 beds built downtown, this number of beds is anticipated to meet the jail population projects until at least 2050. Prior to 2050 a number of these beds should be excess capacity. In order to avoid paying for additional long-term capacity today, it was determined that the Smith Road expansion could be completed in two phases. Phasing the project could reduce the number of new jail beds from 750 to 384 and reduce project cost by approximately \$20 million.

If Juvenile Courts were to not be relocated to the proposed Justice Center but remained in City Hall, project cost savings of approximately \$22 million could be recognized.

Finally, the parking garage as a revenue generating facility could be financed separately thereby lowering the dollar amount that would be put before the voters for approval. The cost of the parking garage is estimated to be approximately \$18.5 million.

C. Financing Options

The Finance Committee briefly reviewed the pros and cons of using Certificates of Participation and Sales Tax Revenue Bonds as financing options for the proposed Justice Center. These issues are summarized in Exhibit A. The cost of these two financing mechanisms limit their attractiveness as options. Additionally, a Certificate of Participation, without additional revenues being generated, results in substantial reductions to other general fund expenditures. Given this information, the Subcommittee

agreed with the Administration that a general obligation bond was the best mechanism for financing the Justice Center.

D. Details of General Obligation Bond

The Subcommittee determined that an optimal general obligation (“GO”) financing would balance the following four criteria, or in the best circumstances, maximize each of them.

- 1) Maintain the current mill levy
- 2) Provide flexibility for future borrowing needs, i.e. be able to issue some amount of future debt without a mill increase
- 3) Not allow the term of the debt to exceed the life of the asset (30 years)
- 4) Keep repayment cost as low as possible

In order to maintain the current mill levy, annual debt service cannot exceed \$70 million a year with repayment capacity not beginning until 2008. Depending on interest rate levels, \$70 million in annual debt service could provide for borrowing up to \$400 million dollars. This capacity is available as two previously issued series of general obligation bonds are fully repaid between 2008 and 2009. Maintaining debt service below \$70 million dollars basically nets the decrease in the existing debt service mill levy against an increase in the mill levy for any new GO debt. However, to meet criteria number two, not all of the existing \$70 million would be used solely for Justice Center debt.

A 20-year financing using current interest bonds with level debt service was used as a bench mark for criteria 3 and 4.

About 60 scenarios with different loan amounts and repayment terms were analyzed to test for which structures optimally balanced the criteria.

III. Recommendations

A. Optimal Financing Structure

For a total bond issue of up to about \$380 million, issued in 3-traunches or series of bonds in increasing issue size we can meet all the criteria listed above. The details of the optimal structure are provided in Exhibit B (January 6, 2005 Financing Structure Analysis) as option 5. Under Option 5 no tax increase is necessary. Furthermore, this structure allows the City to issue, depending upon timing, \$150 million or more in additional GO debt without raising taxes; thus flexibility is provided for future borrowing needs. The term of the proposed structure does not exceed the life of the facilities. Most importantly this is a very cost effective transaction as total debt service cost is even below our benchmark transaction for cost (Option 1). This option uses all current interest bonds in for all three series.

The optimal result is due to two factors. One, issuing smaller tranches early in the project allow for smaller annual debt service cost prior to 2008 (the year more capacity becomes available). Second, with a small first series of bonds debt service payment may be supplemented with excess capacity in the City's Principal and Interest Debts Service Reserves. This accommodates early debt service limitations for this project thus requiring fewer mills to meet repayment cost in the early, tight years before the outstanding bonds are fully retired.

B. Financial Implication of Not Proceeding with the Proposed Justice Center

While not explored in detail by the Finance Subcommittee, there are also financial implications if the City is not successful in securing voter approval for the Justice Center. While the initial cost may be relatively modest increases in incremental operating costs (such as requiring more staff to assure safety in the current over crowded, out- dated facility at Smith Road) no one doubts that those costs may be overwhelming in the long run. The cost may come in the form of (1) increased crime as jail over crowding limits the ability to arrest and hold criminals; (2) a successful lawsuit by a prisoner due to conditions in the jail; or (3) a judge imposing substantial fines on the City until the conditions of the facilities are substantially improved. In each of these cases, the cost could be extreme with the situation being exacerbated by the City having no control over these occurrences and limited time, money and/ or options for resolving the problem.

Appendix #1 – Community Planning and Development Design Guidelines



John W. Hickenlooper
Mayor

CITY AND COUNTY OF DENVER

COMMUNITY PLANNING
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CIVIC CENTER DISTRICT Urban Design Vision and Goals

The Civic Center District is the centerpiece of the City Beautiful movement in Denver. Since its creation at the turn of the 20th Century, the planning and execution of Civic Center has been based on Daniel Burnham's 1902 principles for a Civic Center:

- A supplement for the city retail-commercial core;
- A beautiful ensemble of buildings grouped around a square, park or intersection of radial streets;
- A contrast of open space and buildings;
- A harmonious whole of class harmony, patriotism, beauty and civic mindedness;
- The presence of citizens to strengthen city pride and sense of community;
- The location for collective citizen activities.

The Civic Center District is the heart of democratic interaction in both the City and County of Denver and the State of Colorado. Organized around beautiful parks and framed by grand avenues, the District includes buildings that house the fundamental legislative, executive, judicial, and cultural functions of the City and State governments. Public buildings, parks, monuments and streets reflect the importance of civic functions and are open and welcoming to the public. Historic buildings and streets create links to the traditions of the past. New buildings, while contemporary and innovative in style and architecture, continue Denver's legacy of inspired urban design. Security features that increase the safety of the public realm are integrated into the streetscape and building design, keeping a feeling of openness and transparency that is appropriate to a democratic society. The Civic Center District is important to the City, the Region and the State as a significant destination for government, art, culture and civic gatherings. The sense of place is enhanced by views to the Front Range and building scale that balances the monumentality of the public buildings.

To contribute to and further these goals of the Civic Center, the Justice Center complex should be designed according to the following principles:

The site should be vibrant, active and vital both during operational hours and in off-peak times.

- The vitality of the Justice Center site will be enhanced by the presence of street level pedestrian activity. This can be accomplished in a variety of ways, including automobile access, on-street parking and drop-off opportunities and associated pedestrian activity to the extent allowed by security needs, enhanced pedestrian walkways, landscape and streetscape detailing, lighting, and security elements that are present but invisible.
- Attention should be paid to the scale of the public space between the courts and detention facilities. This can be moderated in a variety of ways, including maintaining a roadway, placement of street

furniture, transparent first level of adjacent buildings, articulated buildings, the use of a variety of interesting paving materials, and well designed landscaping.

- Connections between the Golden Triangle neighborhood and Colfax should be enhanced through establishing a vital and vibrant pedestrian way with the possibility of continued automobile access.
- The ground floors of all buildings should include active uses, such as strong entries and gathering places, meeting rooms, office, accessory retail or service functions or similar activities. The active uses should be visible through transparent windows wherever possible. Long, blank facades on the ground levels should be avoided, and be modulated through the use of articulations and architectural detailing wherever windows are not possible.

Development should hold the street edge on Colfax Avenue and 14th Avenue.

- Building setbacks should be similar to the Mint and the City & County Building in order to maintain a strong and consistent civic presence. To that end, buildings should be a minimum of 25' and a maximum of 45' from Colfax. The purpose of this is to maintain a strong street wall and presence. The preference is for structures that help fill and define the blocks, hold the street edges and appropriately scale the open space.
- Where a plaza interrupts the street wall, other elements, such as formal landscaping, street furniture, kiosks, pavilions, and public art could be used to the same advantage.
- Building setbacks on Delaware, Gene Amole Way and Fox Streets north of 14th Avenue should be 10', but may be set back even further on the site in order to enhance open space and plazas, or to allow for future expansion needs.
- South of 14th Avenue, buildings should be located adjacent to the sidewalk and include active, pedestrian uses on the first level.
- Streetscaping along all streets should be used to enhance the street edge, improve pedestrian connectivity and visually connect the Justice Center blocks to the rest of the Civic Center District and to Speer Boulevard. Streetscape includes sidewalks, tree lawns, street trees, pedestrian lights, traffic and pedestrian signals and street furniture such as benches, planters, and trash receptacles. Special attention should be paid to bus drop-off sites.
- It is anticipated that special streetscaping may be designed along Colfax and 14th Avenues including double rows of trees and special pedestrian lighting to add to the visual identity of the district.
- 14th and Colfax Avenues should be considered as paired axes connecting the Civic Center from the Capitol to Speer Boulevard.

Buildings should have appropriate civic frontage prominently oriented to Colfax Avenue.

- The main public entry to both buildings in the Justice Center should be located so that they are prominently visible from and accessible directly from Colfax Avenue, even if the entry is actually on Gene Amole Way. Circulation, design, open space and landscaping should combine to emphasize Colfax Avenue as the symbolic entry point.
- If the main public entry is not on Colfax Avenue, another feature, however symbolic, might enliven the Colfax façade and establish an appropriate civic frontage.
- Strategies should be developed to emphasize pedestrian circulation and connections north to the Central Business District, south to the Golden Triangle, east to the other government facilities and west to Speer Boulevard.

Buildings should have four-sided architecture.

- All elevations of the detention facility and the courthouse should be significant facades, appropriately finished and designed.
- All street-facing elevations of the parking structure, as well as any part of the alley elevation that is visible from the public right of way, should be equally detailed and finished.

- All elevations facing a street should have doors, windows, and architectural scaling elements to create a pedestrian-friendly streetscape.
- Building materials should be high quality, durable materials appropriate to the Civic Center District and the Denver tradition. These may include granite, marble or other stone, architectural metals or window systems, or contemporary materials such as ceramic tile. Other materials may be proposed for accent or detailing during the design phase.

Permanent open space should be scaled appropriately to each function.

- Residual or “left over” open space should be minimized. All open space should be fully designed, programmed and used. The Gene Amole Way frontage should be designed and scaled to meet current needs. The Fox Street open space, on the other hand, could be designed to take into account future courts expansion, if needed. In no case should it be designed as the back of the building.
- Open space may be characterized in two ways:
 - Civic, including setbacks and landscape design consistent with the Civic Center context of an apron of green surrounding the buildings. Civic open space should consist primarily of landscaping that continues the landscaping vocabulary of the Civic Center. In general, this includes live, healthy plants on permeable ground cover rather than hardscape such as plazas or furniture on non-permeable material. Civic open space should be located in the building setbacks on all streets and at the building entries.
 - Functional, including site circulation, entries, plazas, and appropriate public amenities. Functional open space could include both hardscape and landscaping. Functional open space may be concentrated along Gene Amole Way or along Colfax Avenue with a focus on pedestrian circulation routes.
- In order for a plaza to be successful, it must be enlivened by a sense of purpose, such as providing an organizing feature for multiple buildings, a grand approach to the entry of the buildings or an urban space for people to meet and gather. Active uses on the first level of a building are another means of activating a plaza and creating a sense of security. A critical evaluation of open space location, size, use and design is essential to the success of the site.

Other design considerations

- In order to create an identity for the district, improve orientation, recognition and visibility, a system of wayfinding and signage is encouraged. This could include orientation maps, directional signs, identification signs, interpretative signs, district boundary markers, transit signs, and historic plaques.
- With good planning and a commitment to sustainable design, LEED certification for the courts and detention facility should be required. Higher costs for advanced glazing and daylighting devices, for example, may be offset by downsizing or elimination of other systems permitting a neutral first cost project.
- In order to plan for invisible security in the public realm, the design team should become an early part of the planning for security, working along with risk assessment professionals. These needs should be balanced with aesthetics in order that security can be integral to the architecture, the landscape, and the streetscape.
- Lighting in the district should be glare free and avoid light trespass, including lighting in and on the roof of the parking structure. Guidelines should be established for lighting of plazas and pedestrian ways to enhance security and provide direction to building entries and landscape lighting for aesthetic enhancement of features such as public art, and for security. Guidelines might also be established for the architectural lighting of civic structures.
- Create an identity for the Civic Center that is enhanced through the use of public art.

Appendix #2 – Golden Triangle Neighborhood Association Design Guidelines

GOLDEN TRIANGLE ASSOCIATION DESIGN RECOMMENDATIONS Denver Justice Center

1. The detention center must be a legacy building. It should not look like a jail and not be distinctly different from the Justice Center. Overall, it should promote a campus that ties to the Civic Center.
2. The capacity of the Detention Center shall be limited to 1,500 beds..
3. The project should be built to encourage the redevelopment of Colfax Avenue as an entry to the Civic Center and to create a civic boulevard on the south side of Colfax and the north side of 14th Ave. to identify the civic center campus.
4. A PUD or other effective mechanism is needed to legally guarantee Task Force decisions into future administrations.
5. The Detention Center should be located on the east block and the Justice Center on the west block.
6. The project should take into consideration all of the property that was acquired in the RMN acquisition. If any property remains as surface parking, it must be brought up to current standards.
7. The project should respect the existing streets and scale through appropriate placement and size of the buildings. Recognition of the existing alley grid in the design is important; it helps to break up the blocks and suggests less mammoth buildings.
8. The Fox Street side needs to be designed so that it could promote further civic expansion to the west, not as a back door. Even consider Fox Street as a front door.
9. Delaware Street is probably the backdoor of the development, but the project should consider the historic context of the Denver Mint in its design along Delaware.
10. If the main entrance is on Gene Amole Way or West Colfax Avenue, the main plaza should be wrapped around Colfax extending onto Gene Amole Way. In discussions thus far, it was expected that the primary entry would be located on Gene Amole Way toward the northern end of the building. However, give some consideration to the possibility of Fox Street as a front door.
11. The point of release from the detention center should not encourage directing individuals towards the Golden Triangle.

12. The parking structure can be above ground across 14th Ave, as proposed. It should include the Post Office on the first floor with loading to the south. The first floor, including the Post Office should have a transparent façade with other pedestrian-type uses. The parking structure should not just be a box, but have some careful architectural style and detail
13. Gene Amole Way is to be left open to traffic with pedestrian emphasis, extensive landscaping, possible narrowing and the use of traffic-calming mechanisms.
14. Landscape and light all buildings in the Justice Center program to city standards, as a minimum.
15. A traffic/parking study is needed for the entire project and specifically to clarify the parking structure and Gene Amole Way recommendations.
16. Careful attention should be given to Vistas to and from the Justice Center, especially along Tremont, and from the Civic Center and Speer Boulevard.
17. Incorporate the bond houses into the Detention Facility as a programmatic element, with the intent of their existing buildings becoming a historic district.
18. It is essential that the building include meaningful elements of sustainable design.
19. The development should include provisions across Colfax to ensure pedestrian connections to the Silver Triangle and to stitch together the downtown grid and the orthogonal (north/south) grid.
20. The development should include provisions to extend across 14th Avenue to ensure pedestrian connections to the Golden Triangle, as well as the parking structure.
21. There are non-design issues that should be covered in the Finance and Program Committees such as the PADF building, and assurance and provision for long-term maintenance (unlike the existing Police Building).
22. There are design issues for the Civic Center District Plan that have been presented and are not listed here, e.g. celebration of Colfax Ave. and 14th Ave. as special landscaped streets setting off the Civic Center.

Appendix #3 – Downtown Denver Partnership Design Guidelines

Downtown Denver Partnership, Inc.

September, 2004

Guiding Principals for Development of a Downtown Justice Center

1. The Justice Center provides a unique opportunity for Downtown to link the Civic Center/Golden Triangle area. Multi – modal connections between the Justice Center site and Downtown can provide quality access. The Justice Center can be a site that creates missing pedestrian linkages and permeability.
2. The Justice Center provides an important opportunity to realize the vision of several previous and current efforts that will improve the urban fabric and pedestrian connections to adjacent neighborhoods, specifically the Silver Triangle Development Planning, the East and West Colfax Plans, the Civic Center Master Plan, the Parks and Recreation Master Plan and the Downtown Multi – Modal Access Plan (DMAP). The Justice Center planning should take its lead from the Denver Comprehensive Plan and Blueprint Denver.
3. The Downtown Justice Center can serve as a catalyst for the area surrounding it through strong urban design characteristics. The center should include landscaping and design elements that reflect an urban setting and enhance the building edges.
4. While serving as a public facility that incorporates courts and justice activities, the building should be a world – class design that adds to our urban environment and enhances the Golden Triangle, Silver Triangle and Downtown neighborhood. The building design should be successful from all directions, creating a 360 – degree façade and maximizing all views of the building.
5. The timing, process and public involvement in the development of a justice center should be extensive, including residents and neighborhood organizations, state, federal and local officials, and the business community. The image and perception of the facility is very important to the project.

Appendix #4 - Guidelines for Providing Disability Access Within The New Denver Justice Center Campus And the Renovated County Jail Site

Background

Within the framework of developing a much-needed Criminal Justice Center, there is an opportunity to provide a facility that recognizes the needs of all citizens, including those with disabilities. According to the US Census report of 2000, twenty percent of Denver citizens have some sort of disability, a significant impairment of a major life function. This could be physical, mental or cognitive impairment. In terms of the design of the Justice Center, accommodations have to be made, not only for those incarcerated who have a disability, but also visitors, employees, judges, lawyers and those who may need to visit to file papers or provide services to the Center. All too frequently, buildings are designed and, even constructed, before decisions are made as to accommodating those with disabilities, leading to excessive costs and/or inadequate provisions for accommodation. It is to the credit of those planning these buildings that access issues are being considered before any design is finalized. While this can not be considered an exhausted list of suggestions, the following has been offered by Kevin Williams, an attorney with the Colorado Cross-disability Coalition, Julie Deden, Executive Director of the Colorado Center for the Blind and Lorie Kosinski, Deaf Program Coordinator for the Denver Commission for People with Disabilities and William Lundgren, Chairman of the Board of the Denver Commission for People with Disabilities and a member of the Task Force for the Denver Justice Center. By necessity, the focus of this report will be on design and program needs of people with physical disabilities using the buildings and grounds of the Campus. We do feel that review of the needs of persons with emotional and cognitive disabilities are not to be overlooked, but may be best served by the Committee on Alternative sentencing.

Legal Support

Obviously the City and County of Denver ("City") is subject to Title II of the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12131, et seq., and, generally, Section 504 of the Rehabilitation Act of 1973 ("Section 504"), 29 U.S.C. § 794. Both of these statutes require the City to make its programs and facilities accessible to people with all kinds of disabilities.

The design standards applicable to facilities covered by Section 504 and Title II also include specific provisions relating to jails, prisons, and "other detention or correctional facilities." The Section 504 regulations adopt the Uniform Federal Accessibility Standards, which apply to all federal agencies and all entities receiving federal financial assistance. See 28 C.F.R. § 42.522 (b); 41 C.F.R. subparts 101-19.6, Appendix A. UFAS was promulgated in 1984.

Under Title II, covered entities building new facilities can choose to follow UFAS or the ADA Accessibility Guidelines for Buildings and Facilities (ADAAG), 28 C.F.R. part 36, Appendix A, in meeting their obligations under the ADA. It is not necessary to rehash all of the requirements of UFAS and the ADAAG; the City knows the necessity to comply with these standards, including the provisions of ADAAG § 11, regarding Judicial, Legislative and Regulatory Facilities.

The key to compliance with the ADA and Section 504 is to meet 28 C.F.R § 35.151(c). UFAS and ADAAG are only minimum standards for accessibility. It would behoove us to exceed these standards to a reasonable level. The American Correctional Association, which certifies correctional facilities, reviews not only the physical component, but also the program demonstration of non-discrimination of those with disabilities.

Edward Neuberg, Director of the Denver Commission for People with Disabilities and Eric Dennis, ADA Compliance Officer for the Commission are both available to review all design and plans for the Justice Center Campus and the renovations throughout the process. Those who want to review what others have done with similar facilities are directed to the following web page: www.adaportal.org

There are a number of areas of concern that have been identified with the Denver Justice Center Project:

Parking Garage

Under the present plan, the garage is positioned on the south side of 14th Avenue. This would mean that someone with mobility difficulty would need to exit from the vehicle, go to the elevator to the ground floor, travel out to the corner of 14th and Delaware, cross the street, walk to Gene Amole Way, and then travel nearly a block to the entrance of either building before traveling within the buildings in question. This would be a hardship for some. Perhaps, a smaller walk-in entrance off 14th Street may be possible.

There may not be an option of providing a convenient drop off station or handicapped parking in front of either building due to the desire to protect against an Oklahoma City type attack. We recommend that the final design reconsider this concern and offer handicapped parking nearer to the buildings.

Our experience is that the numbers of accessible and van accessible parking spaces required by the ADAAG are insufficient to meet the parking needs of people with disabilities.

We recommend exceeding the ADAAG-required numbers for accessible and van accessible parking.

In addition, under the ADA, van accessible spaces (those having eight-foot wide access aisles) are not required to be reserved for vans transporting people who use wheelchairs. This causes vehicles that have no need for eight-foot wide parking spaces to use them, denying access to people who use wheelchairs.

We recommend making all accessible parking spaces van accessible. In other words, we recommend that all designated accessible spaces have an eight-foot wide access aisle. The alternative we recommend is that van accessible spaces be designated with signs saying, "Reserved for vans only."

Many vans used for transporting people who use wheelchairs are mini-vans with floors that are lowered. Changes in elevation in parking garages and parking lots and speed bumps cause the bottoms of mini-vans to scrape as they drive over the elevation change. People who use

wheelchairs will not be willing to use the garage or parking lot if doing so might damage their vehicles. Therefore, we recommend gradual changes in elevation and not using speed bumps.

Courthouse

Not only should the courtrooms be accessible to people with disabilities who come to view proceedings but also the judge's bench, the witness stand and the jury box need to be accessible. Frequently, new courthouses do not make judge's benches accessible. These should be accessible both for a judge who uses a wheelchair and for attorneys who use wheelchairs to engage in a side bar conference.

The witness boxes and jury boxes must be accessible to people who use wheelchairs. We oppose portable ramps. They can never be found when needed, few court employees have adequate training regarding where they are located and how to install them. Improper installation creates a safety hazard. Having ready access to these elements meets the requirements of the statutes and improves the efficiencies of the courtroom. Further, we remind the designers that at least some of the judges' chambers will need to be fully handicapped accessible.

All service counters provided throughout the facility, e.g., the clerk's office, should be accessible to people who use wheelchairs. At least a thirty-six inch portion of the counter should be no higher than thirty-six inches above the floor. See ADAAG § 7.2. We recommend that all counters, not just those with cash registers have a portion of the actual counter that is lowered to thirty-six inches. The most effective way to make such counters accessible is to construct the entire counter so that it is no higher than thirty-six inches.

Although automatic door openers are not required, they are needed in facilities like courthouses. Also, to the extent possible, automatic doors should be considered for interior doors. Otherwise, all doors must comply with ADAAG § 4.13. In addition, we recommend that all public entrances be made accessible. The 50% requirement under the ADAAG creates complications with directional signage and locked entrances that create barriers for people who use wheelchairs.

Increasing numbers of individuals who are deaf or hard of hearing use Computer Aided Real Time (CART) reporting as the preferred method of effective communication. Courtrooms, jury rooms and other places, where individuals who are deaf may need to communicate with others, should be equipped with CART technology. Assistive listening devices should be provided as well.

Often in courthouses intercoms are used to gain access into and throughout the building. Obviously, these devices discriminate against individuals who are deaf or hard of hearing. See ADAAG § 11.1.3. Pay TTY 's need to be made available outside the courtrooms for deaf and hard of hearing people who use them. If court appearances or probation interviews are made via video, ensure that there is DSL (or whatever the state of the art is) available to allow for high-speed transmission of signs between an interpreter (in one room) and a Deaf inmate (in another room).

Personnel in every courtroom need to be aware of what real-time captioning is and the courtroom made accessible for its use. Consideration should also be made for the availability of Braille embossers, which can produce transcripts and other court documents quickly, for use by the blind. Purchase costs of such machines could be defrayed by making these available for use by other City offices.

Detention and Correctional Facilities

All facilities made available to detained persons must be accessible. For example, wheelchair access must be provided to detention cells but also to bathroom facilities and showers. See ADAAG § 11.2.3. Some correctional facilities have tended to place persons with disabilities unnecessarily in medical units, rather than in the general prison population. This results in such inmates having even less freedom and privacy.

More specifically, the detention facilities will need to establish a policy regarding the use of white canes by incarcerated individuals who are blind. These do have a potential for use as weapons, but if they are taken away, the program needs to assure that two correction officers guide the cuffed blind person, one on each side. Most correction facilities arrange with the Library Service for the Blind for audiotapes of books, but have to control the availability of tape recorders. Batteries can be used in harmful ways.

One frequent oversight in correctional institution is the availability of TTY's in locations that are readily available to deaf inmates. Having the TTY near the cell area, the same as for telephones, eliminates the need for a correction officer to accompany the inmate to the TTY.

Outdoor Area

The Civic Center District report outlines the considerations for designing the outside area of the Justice Center, however, we must remind the designers that every effort must be made to encourage a welcoming environment for those using wheelchairs, those who have mobility difficulties, those who are blind, as well as the rest of the population.

The use of convenient ramps, rather than steps, is encouraged. Traffic signals should include audible devices, with the multi-programmable type being encouraged. Signage usable by those who are blind is also encouraged.

Canine Relief Area

In planning the grounds of the campus, efforts should be made to provide a dog-friendly area convenient to exit doors for service animals. If an area of the proposed park at Colfax were designated, such area would be welcoming to neighbors walking their dogs. Such area(s) should have "doggy bag" dispenser for ease in clean up and, of course, waste receptacles with openings that are easy for those in wheelchairs to reach.

Exhibit A to Report of the Design and Construction Subcommittee of the Mayor's Justice Center Task Force

Guidelines for Providing Disability Access within The New Denver Justice Center Campus And the Renovated County Jail Site

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Not only should the courtrooms be accessible to people with disabilities who come to view proceedings but also the judge's bench, the witness stand and the jury box need to be accessible. Frequently, new courthouses do not make judge's benches accessible. These should be accessible both for a judge who uses a wheelchair and for attorneys who use wheelchairs to engage in a side bar conference.

The witness boxes and jury boxes must be accessible to people who use wheelchairs. We oppose portable ramps. They can never be found when needed, few court employees have adequate training regarding where they are located and how to install them. Improper installation creates a safety hazard. Having ready access to these elements meets the requirements of the statutes and improves the efficiencies of the courtroom. Further, we remind the designers that at least some of the judges' chambers will need to be fully handicapped accessible.

All service counters provided throughout the facility, e.g., the clerk's office, should be accessible to people who use wheelchairs. At least a thirty-six inch portion of the counter should be no higher than thirty-six inches above the floor. See ADAAG § 7.2. We recommend that all counters, not just those with cash registers have a portion of the actual counter that is lowered to thirty-six inches. The most effective way to make such counters accessible is to construct the entire counter so that it is no higher than thirty-six inches.

Although automatic door openers are not required, they are needed in facilities like courthouses. Also, to the extent possible, automatic doors should be considered for interior doors. Otherwise, all doors must comply with ADAAG § 4.13. In addition, we recommend that all public entrances be made accessible. The 50% requirement under the ADAAG creates complications with directional signage and locked entrances that create barriers for people who use wheelchairs.

Increasing numbers of individuals who are deaf or hard of hearing use Computer Aided Real Time (CART) reporting as the preferred method of effective communication. Courtrooms, jury rooms and other places, where individuals who are deaf may need to communicate with others, should be equipped with CART technology.

Assistive listening devices should be provided as well.

Often in courthouses intercoms are used to gain access into and throughout the building. Obviously, these devices discriminate against individuals who are deaf or hard of hearing. See ADAAG § 11.1.3.

Pay TTY 's need to be made available outside the courtrooms for deaf and hard of hearing people who use them. If court appearances or probation interviews are made via video, ensure that there is DSL (or whatever the state of the art is) available to allow for high-speed transmission of signs between an interpreter (in one room) and a Deaf inmate (in another room).

Personnel in every court room needs to be aware of what real-time captioning is and the courtroom made accessible for its use.

Consideration should also be made for the availability of Braille embossers which can produce transcripts and other court documents quickly for use by the blind. Purchase costs of such machines could be defrayed by making these available for use by other City offices.

Detention and Correctional Facilities

All facilities made available to detained persons must be accessible. For example, wheelchair access must be provided to detention cells but also to bathroom facilities and showers. See ADAAG § 11.2 3.

Some correctional facilities have tended to place persons with disabilities unnecessarily in medical units, rather than in the general prison population. This results in such inmates having even less freedom and privacy.

More specifically, the detention facilities will need to establish a policy regarding the use of white canes by incarcerated individuals who are blind. These do have a potential for use as weapons, but if they are taken away, the program needs to assure that two correction officers guide the cuffed blind person, one on each side. Most correction facilities arrange with the Library Service for the Blind for audio tapes of books, but have to control the availability of tape recorders . Batteries can be used in harmful ways.

One frequent oversight in correctional institution is the availability of TTY's in locations that are readily available to deaf inmates. Having the TTY near the cell area, the same as for telephones, eliminates the need for a correction officer to accompany the inmate to the to a TTY.

Outdoor Area

The Civic Center District report outlines the considerations for designing the outside area of the Justice Center, however, we must remind the designers that every effort must be made to encourage a welcoming environment for those using wheelchairs, those who have mobility difficulties, those who are blind, as well as the rest of the population.

The use of convenient ramps, rather than steps, is encouraged. Traffic signals should include audible devices, with the multi-programmable type being encouraged. Signage usable by those who are blind is also encouraged.

Canine Relief Area

In planning the grounds of the campus, efforts should be made to provide a dog-friendly area convenient to exit doors for service animals. If an area of the proposed park at Colfax is designated, such area would be welcoming to neighbors walking their dogs. Such area(s) should have “doggy bag” dispenser for ease in clean up and, of course, waste recepticals with openings that are easy for those in wheelchairs to reach.

Exhibit A to Report from the Finance Subcommittee of the Mayor's Justice Center Task Force

COMPARISON OF CERTIFICATES OF PARTICIPATION VS. SALES TAX REVENUE BONDS

CERTIFICATES OF PARTICIPATION

Pros:

Can be issued without voter approval

Cons:

No additional source of revenue for lease payment and General Fund will have to budget annually.

Higher cost of borrowing because of lower ratings of COPs.

SALES TAX REVENUE BONDS

Pros:

There is a funding source - the sales tax can be increased to make debt service payments.

Individuals that benefit are the ones that pay - sales tax will be paid by a broader base than just the Denver resident.

Cons:

Requires voter approval to increase sales tax and build the Justice Center.

City is extremely sales tax dependent and money for debt service would come off the top, leaving the General Fund with shortages during economic downturns.

City required to obtain new credit ratings because have not issued sales tax revenue bonds in the past.

Need to pledge all sales tax revenues to debt in order to get higher rating. This would need to be in the ballot language.

Increasing sales tax to 3.75% from 3.50% will put Denver on the high end of sales tax rates for Metro area and may cause lower sales.

Notes:

Sales tax rates for the metro area range from a low of 2.0% in both Lakewood and Wheat Ridge to a high of 4.35% for the Flatirons Business District. If Denver raised its rate to 3.75%, we would have the same rate as Aurora and Thornton and only Broomfield and Westminster would be higher.

Based on 2003 estimated total sales in Denver of \$11,488,642,143, the estimated taxes collected at the 3.75% rate would have been \$430,824,080. The unaudited taxes collected were \$402,102,475 for an increase of \$28,721,605 which would support approximately \$300 to \$350 million in debt.



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Denver Justice Center Task Force

Financing Structure Analysis

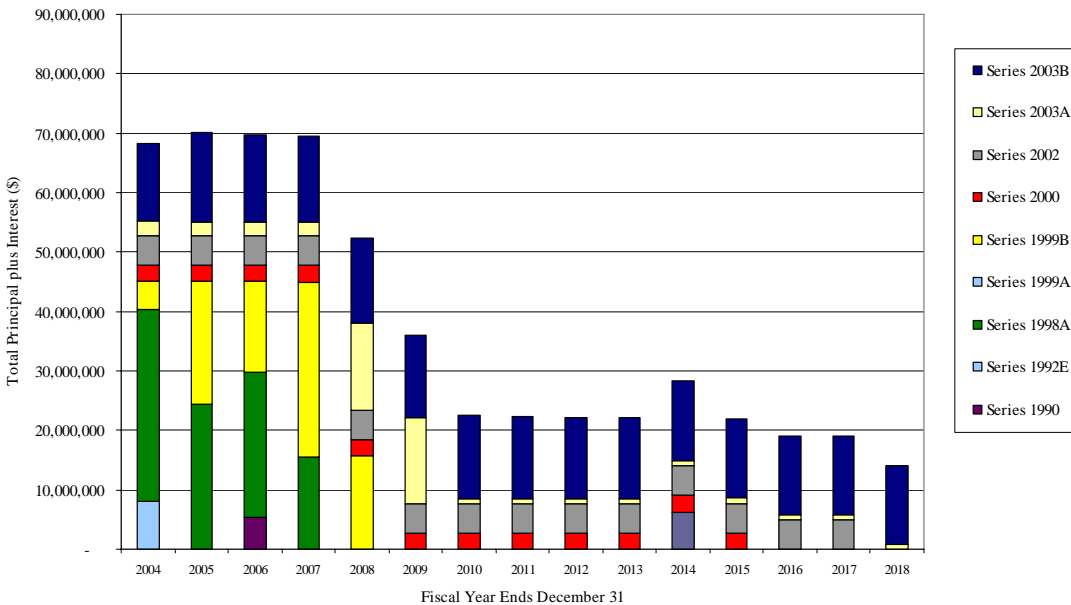
January 6, 2005

Current General Obligation Debt Structure



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Outstanding General Obligation Bonds Debt Service by Issue



Objectives

- Maintain Current Mill Levy
- Provide Flexibility for Future Borrowing
- Term of the Debt Cannot Exceed the Life of the Asset
- Keep Repayment Cost as Low as Possible

Structuring Options



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All Options assume the issuance of three series of bonds:

Option 1: Base Case

- \$60 mm Series 2005 Current Interest Bonds with Level Debt Service
- \$100 mm Series 2006 Current Interest Bonds with Level Debt Service
- \$220 mm Series 2007 Current Interest Bonds with Level Debt Service

Option 2: Interest Only/Deferred Principal

- \$60 mm Series 2005 Current Interest Bonds with Interest Only/Deferred Principal thru 2008
- \$100 mm Series 2006 Current Interest Bonds with Interest Only/Deferred Principal thru 2008
- \$220 mm Series 2007 Current Interest Bonds with Interest Only/Deferred Principal thru 2008

Option 3 - Interest Only/Deferred Principal with Capitalized Interest

- \$65 mm Series 2005 Current Interest Bonds with Capitalized Interest thru 2007
- \$106 mm Series 2006 Current Interest Bonds with Capitalized Interest thru 2007
- \$220 mm Series 2007 Current Interest Bonds with Interest Only/Deferred Principal thru 2008

Option 4 - Capital Appreciation Bonds and Interest Only/Deferred Principal

- \$60 mm Series 2005 Capital Appreciation Bonds with Level Amortization Beginning in 2008
- \$100 mm Series 2006 Capital Appreciation Bonds with Level Amortization Beginning in 2009
- \$220 mm Series 2007 Current Interest Bonds with Interest Only/Deferred Principal thru 2009

Option 5 - Current Interest Bonds Using GO Debt Reserves

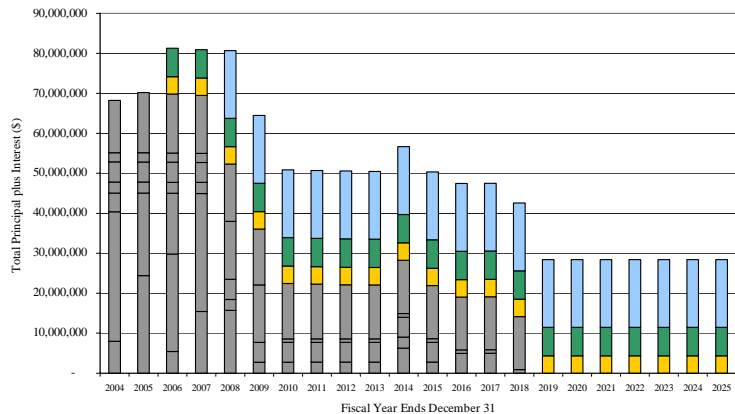
- \$60 mm Series 2005 Current Interest Bonds with Reduced Principal Payments thru 2008
- \$100 mm Series 2006 Current Interest Bonds with Reduced Principal Payments thru 2008
- \$220 mm Series 2007 Current Interest Bonds with Interest Only/Deferred Principal thru 2008



Structuring Options

1.)

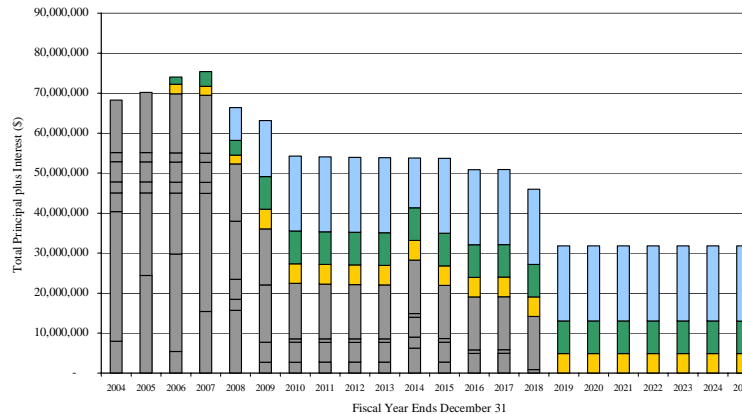
Structuring Option 1
Current General Obligation Bonds Debt Service and
Proposed \$60 Million Series 2005 as Current Interest Bonds with 20 Year Term, \$100 Million Series 2006 as
Current Interest with 19 Year Term, and \$220 Million Series 2007as Current Interest with 18 Year Term all with
Level Debt Service



■ Series 2005 ■ Series 2006 ■ Series 2007

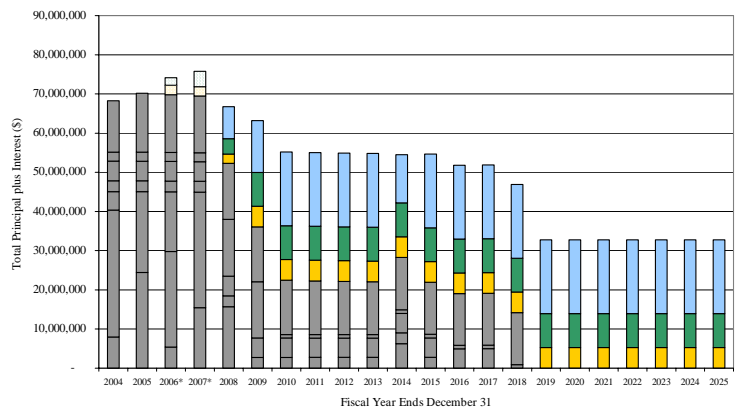
2.)

Structuring Option 2
Current General Obligation Bonds Debt Service and
Proposed \$60 Million Series 2005 as Current Interest Bonds with 20 Year Term, \$100 Million Series 2006 as
Current Interest with 19 Year Term, and \$220 Million Series 2007as Current Interest with 18 Year Term, all with
Interest Only Thru 2008



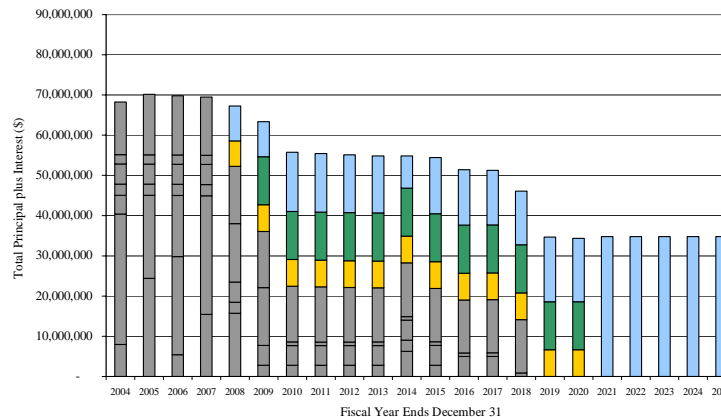
3.)

Structuring Option 3
Current General Obligation Bonds Debt Service and
Proposed \$65 Million Series 2005 as Current Interest Bonds with 20 Year Term and \$106 Million Series 2006 as
Current Interest with 19 Year Term, both with CAP I thru 2007, and \$220 Million Series 2007as Current Interest
with 18 Year Term and IO Thru 2008



4.)

Structuring Option 4
Current General Obligation Bonds Debt Service and
Proposed \$60 Million Series 2005 as CABS with 15 Year Term, and \$100 Million Series 2006 as CABS with 14 Year
Term and \$220 Million as Current Interest with 18 Year Term and IO thru 2009



*Series 2005 and 2006 interest in years 2006 and 2007 paid from Capitalized Interest

Structuring Options Cont.

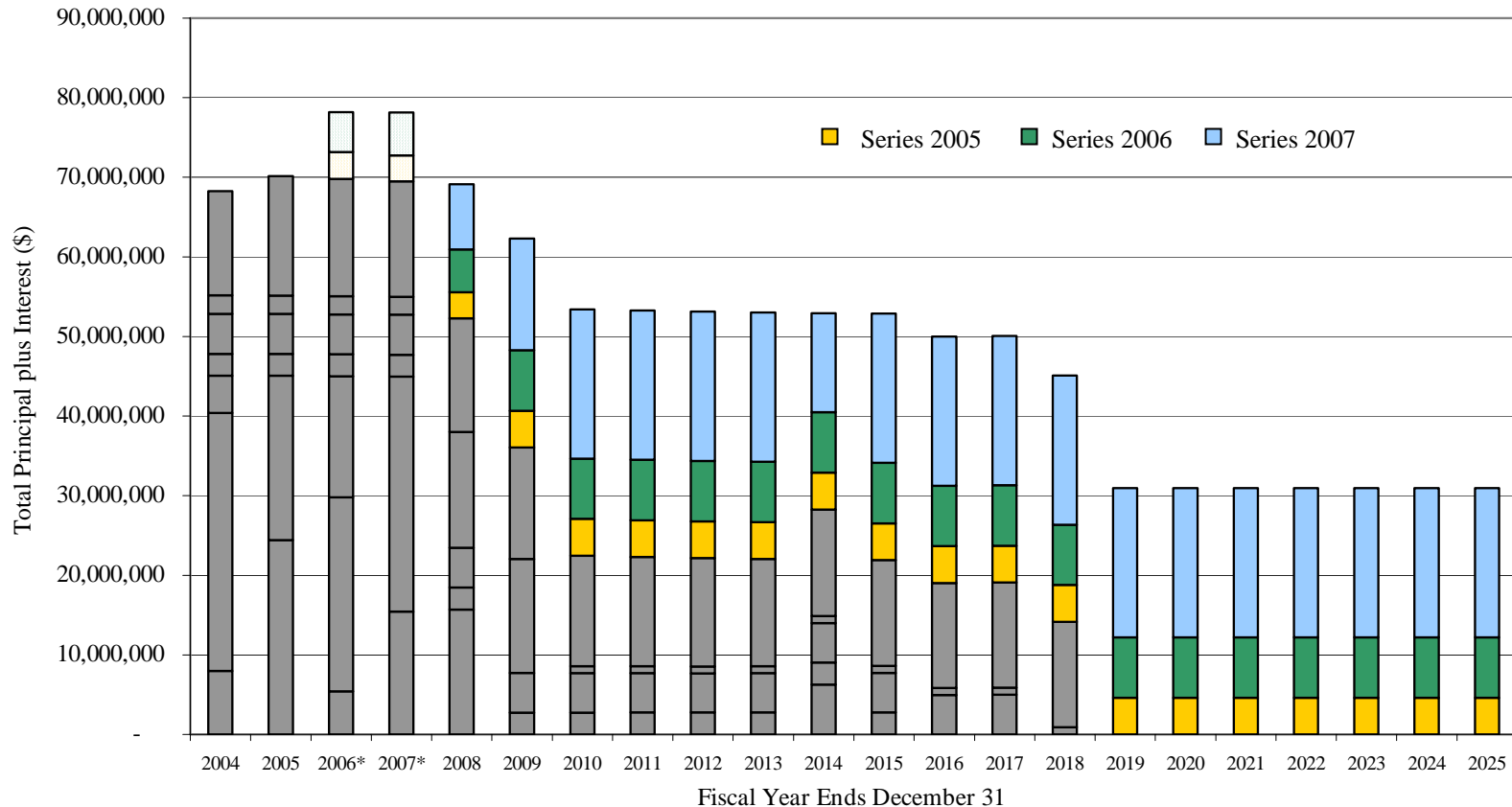


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5.)

Structuring Option 5

Current General Obligation Bonds Debt Service and
Proposed \$60 Million Series 2005 as Current Interest Bonds with 20 Year Term and \$100 Million Series 2006 as
Current Interest with 19 Year Term Paid from GO Debt Reserves in 2006 and 2007, and \$220 Million Series
2007as Current Interest with 18 Year Term with Interest Only in 2008



*Series 2005 and 2006 principal and interest in years 2006 and 2007 paid from GO Debt Reserves

Comparison of Total Debt Service



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Note: All of the repayment costs listed here assume interest rates at today's levels. Any change in the level of interest rates between today and the time of issuance will alter the repayment costs.

Option 1:

\$60 Million Series 2005 Current Interest Bonds Level Debt Service	\$ 87,019,917.92	
\$100 Million Series 2006 Current Interest Bonds Level Debt Service	\$ 142,143,577.50	
\$220 Million Series 2007 Current Interest Bonds Level Debt Service	\$ 305,068,702.50	
TOTAL		\$ 534,232,197.92

Option 2:

\$60 Million Series 2005 Current Interest Bonds with IO thru 2008	\$ 90,057,272.08	
\$100 Million Series 2006 Current Interest Bonds with IO thru 2008	\$ 147,942,316.25	
\$220 Million Series 2007 Current Interest Bonds with IO thru 2008	\$ 315,863,435.00	
TOTAL		\$ 553,863,023.33

Option 3:

\$65 Million Series 2005 Current Interest Bonds with CAP I thru 2007	\$ 97,032,357.50	
\$106 Million Series 2006 Current Interest Bonds with CAP I thru 2007	\$ 156,612,338.75	
\$220 Million Series 2007 Current Interest Bonds with IO thru 2008	\$ 316,226,910.00	
TOTAL		\$ 569,871,606.25

Option 4:

\$60 Million Series 2005 Capital Appreciation Bonds with Amortization Beginning 2008	\$ 85,930,000.00	
\$100 Million Series 2006 Capital Appreciation Bonds with Amortization Beginning 2009	\$ 143,495,000.00	
\$220 Million Series 2007 Current Interest Bonds with IO thru 2009	\$ 343,419,830.00	
TOTAL		\$ 572,844,830.00

Option 5:

\$60 Million Series 2005 Current Interest Bonds with Reduced Principal thru 2008*	\$ 81,885,870.00	
\$100 Million Series 2006 Current Interest Bonds with Reduced Principal thru 2008*	\$ 134,434,932.50	
\$220 Million Series 2007 Current Interest Bonds with IO thru 2008	\$ 315,863,435.00	
TOTAL		\$ 532,184,237.50

* Net of \$17,027,386 of principal and interest payments paid from GO Debt Reserves