

City Council Minutes

Meeting Date: Monday, May 16, 2011 5:30 PM

Pledge of Allegiance

Councilmember Sandoval led the Pledge of Allegiance.

Roll Call

Present: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt,
Robb, Sandoval

Absent: Boigon, Hancock

Councilmember López arrived late.

Approval of Minutes of Monday, May 2, 2011

The minutes of meeting date, Monday, May 9, 2011 were distributed to Council. Council President Nevitt ordered the minutes approved.

Council Announcements

Councilmembers Johnson, Robb, Brown, Montero, and López offered announcements.

Presentations

Communications

A letter dated May 16, 2011 from Edward D. Scholz, Manager of Finance, notifying City Council of the Department of Finance's intent to issue City and County of Denver, Colorado, General Obligation Better Denver Bonds, Series 2011A in an amount not to exceed \$20,000,000.

Proclamations

**CP11-0363 A proclamation designating May 15th through May 21st as "Public Works Week in Denver" and congratulating the Public Works Department's ten employees of the year.
Robb, Linkhart, Brown, Johnson, Boigon, Hancock, Faatz, Lehmann, Johnson, Sandoval and Montero.**

A motion offered by Councilmember Montero, duly seconded by Councilmember

Lehmann, that CP11-0363 be adopted, carried by the following vote:
Passed
For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)
Against: (None) (0)
Absent: Boigon, Hancock (2)
Abstain: (None) (0)

**CP11-0364 A proclamation in recognition of Denver students participating in Bold Leaders Kenya 2011.
Councilmembers Robb, Linkhart, Brown, Johnson, Boigon, Hancock, Lehmann, Johnson, and Sandoval.**

A motion offered by Councilmember Robb, duly seconded by Councilmember Lehmann, that CP-0364 be adopted, carried by the following vote:
Passed
For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)
Against: (None) (0)
Absent: Boigon, Hancock (2)
Abstain: (None) (0)

**CP11-0367 A proclamation declaring Emergency Medical Services Week.
Sponsored by Councilmembers Lehmann, Linkhart, Brown, López, Montero, Johnson, and Sandoval.**

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Johnson, that CP11-0367 be adopted, carried by the following vote:
Passed
For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)
Against: (None) (0)
Absent: Boigon, Hancock (2)
Abstain: (None) (0)

Resolutions

The Council Secretary read the following resolutions by titles.

Business, Workforce & Sustainability

**CR11-0308 A resolution approving the Mayor’s Appointment to the Cherry Creek Subarea Business Improvement District Board of Directors.
(BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilmember López, duly seconded by Councilmember Lehmann, that CR11-0308, CR11-0305, CR11-0306, CR11-0307, and CR11-0318

be adopted en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)

Against: (None) (0)

Absent: Boigon, Hancock (2)

Abstain: (None) (0)

Health, Safety, Education & Services

CR11-0305 A resolution approving the Mayor’s Appointments to the Commission for People with Disabilities. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember López, duly seconded by Councilmember Lehmann, that CR11-0308, CR11-0305, CR11-0306, CR11-0307, and CR11-0318 be adopted en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)

Against: (None) (0)

Absent: Boigon, Hancock (2)

Abstain: (None) (0)

CR11-0306 A resolution approving the Mayor’s Reappointment to the Denver African American Commission. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember López, duly seconded by Councilmember Lehmann, that CR11-0308, CR11-0305, CR11-0306, CR11-0307, and CR11-0318 be adopted en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)

Against: (None) (0)

Absent: Boigon, Hancock (2)

Abstain: (None) (0)

CR11-0307 A resolution approving the Mayor’s Reappointments to the Denver Preschool Program Board of Directors. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember López, duly seconded by Councilmember Lehmann, that CR11-0308, CR11-0305, CR11-0306, CR11-0307, and CR11-0318 be adopted en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb,

Sandoval (10)
Against: (None) (0)
Absent: Boigon, Hancock (2)
Abstain: (None) (0)

Land Use, Transportation & Infrastructure

CR11-0318 A resolution laying out, opening and establishing as part of the city street system certain parcels of land as Evans Ave., located at the intersection of Evans Ave. between S. Broadway and S. Lincoln St., Evans Ave. at Ash St., Evans Ave. at S. Dahlia St., Evans Ave. between S. Dahlia St. and S. Holly St., Evans Ave. between S. Jasmine St. and Monaco St. Parkway, and Evans Ave. and S. Oneida St. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember López, duly seconded by Councilmember Lehmann, that CR11-0308, CR11-0305, CR11-0306, CR11-0307, and CR11-0318 be adopted en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)

Against: (None) (0)

Absent: Boigon, Hancock (2)

Abstain: (None) (0)

Bills for Introduction-Held or Postponed

CB11-0151 A bill for an ordinance relating to the Chapters 8 (Animals) and 36 (Noise Control) of the Denver Revised Municipal Code and the Denver Zoning Code authorizing the keeping of certain food producing animals. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember López, duly seconded by Councilmember Montero, that CB11-0151, be ordered published was followed by a motion offered by Councilmember Robb, duly seconded by Councilmember Lehmann, that CB11-0151 be amended in the following particulars: on page 1, in line 17 strike "11.8.6.1.A" and insert "11.8.5.1.A."; on page 1, in line 19, strike "11.8.6.1.A" and insert "11.8.5.1.A."; on page 1, line 20, strike "11.8.6.1.B" and insert "11.8.5.1.B."; and on page 1, lines 29 and 30 strike "April 14, 2011 at City Clerk Filing No. 10-512-I" and insert "May 16, 2011 at City Clerk Filing No. 10-512-K", which motion to amend carried by the following vote:

Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)

Against: (None) (0)

Absent: Boigon, Hancock (2)

Abstain: (None) (0)

A motion offered by Councilmember López, duly seconded by Councilmember Johnson, that CB11-0151 be ordered published as amended, carried by the following vote:

Passed

For: Brown, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb (8)

Against: (None) (0)

Absent: Boigon, Hancock (2)

Abstain: Faatz, Sandoval (2)

Council President Nevitt announced that final consideration with its public hearing will be Monday, June 13, 2011.

Bills for Introduction

The Council Secretary read the following bills by titles. Council President Nevitt announced that all other bills on introduction are ordered published.

Business, Workforce & Sustainability

CB11-0121 A bill for an ordinance approving a proposed License Agreement between the City and County of Denver and SolarCity, to provide access for construction, operation, and maintenance of solar photovoltaic system as part of the public art project at the Wellington E. Webb Municipal Building. (BUSINESS WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember López, that CB11-0121, CB11-0311, CB11-0312, CB11-0315, CB11-0314, and CB11-0300 be ordered published en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)

Against: (None) (0)

Absent: Boigon, Hancock (2)

Abstain: (None) (0)

CB11-0311 A bill for an ordinance approving a proposed Seventh Amendment to Agreement between the City and County of Denver and Mission Yogurt, Inc., concerning a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember López, that CB11-0121, CB11-0311, CB11-0312, CB11-0315, CB11-0314, and CB11-0300 be ordered published en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)

Against: (None) (0)

Absent: Boigon, Hancock (2)
Abstain: (None) (0)

CB11-0312 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Qwest Communications Company LLC related to on-call technical systems support services at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember López, that CB11-0121, CB11-0311, CB11-0312, CB11-0315, CB11-0314, and CB11-0300 be ordered published en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)

Against: (None) (0)

Absent: Boigon, Hancock (2)

Abstain: (None) (0)

CB11-0315 A bill for an ordinance authorizing the transfer of funds between "Workforce Investment Act PY10-11" grant programs within the Economic Opportunity Special Revenue Fund. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember López, that CB11-0121, CB11-0311, CB11-0312, CB11-0315, CB11-0314, and CB11-0300 be ordered published en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)

Against: (None) (0)

Absent: Boigon, Hancock (2)

Abstain: (None) (0)

General Government & Finance

CB11-0314 A bill for an Ordinance approving a proposed Purchase and Sale Agreement between the City and County of Denver and Craft Development, Inc. for the sale of the property located at 20 E. Center Avenue. (GENERAL GOVERNMENT & FINANCE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember López, that CB11-0121, CB11-0311, CB11-0312, CB11-0315, CB11-0314, and CB11-0300 be ordered published en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)

Against: (None) (0)
Absent: Boigon, Hancock (2)
Abstain: (None) (0)

Land Use, Transportation & Infrastructure

CB11-0300 A bill for an ordinance approving the Northeast Downtown Neighborhoods Plan, which plan shall become a part of the Comprehensive Plan for the City and County of Denver pursuant to the provisions of Section 12-61 of the Denver Revised Municipal Code. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember López, that CB11-0121, CB11-0311, CB11-0312, CB11-0315, CB11-0314, and CB11-0300 be ordered published en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)

Against: (None) (0)

Absent: Boigon, Hancock (2)

Abstain: (None) (0)

Council President Nevitt announced that there will be a one-hour courtsey public hearing on final consideration Monday, May 23, 2011.

Recap of Bills to be Called Out

Recess

Council Reconvenes and Resumes its Regular Session

Bills for Final Consideration

Business, Workforce & Sustainability

CB11-0272 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and STEP Aviation Builders concerning the South Terminal Redevelopment Program at Denver International Airport. (BUSINESS WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember López, duly seconded by Councilmember Montero, that CB11-0272, CB11-0297, CB11-0298, CB11-0299, CB11-0278, CB11-0203, CB11-0266, CB11-0289, CB11-0290, CB11-0291, CB11-0292, CB11-0301, and CB11-0294 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)
Against: (None) (0)
Absent: Boigon, Hancock (2)
Abstain: (None) (0)

CB11-0297 A bill for an ordinance approving a proposed Fifth Amendment to Agreement between the City and County of Denver and Way Out West, Inc., concerning a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember López, duly seconded by Councilmember Montero, that CB11-0272, CB11-0297, CB11-0298, CB11-0299, CB11-0278, CB11-0203, CB11-0266, CB11-0289, CB11-0290, CB11-0291, CB11-0292, CB11-0301, and CB11-0294 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed
For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)
Against: (None) (0)
Absent: Boigon, Hancock (2)
Abstain: (None) (0)

CB11-0298 A bill for an ordinance approving a proposed Seventh Amendment to Agreement between the City and County of Denver and Way Out West, Inc., concerning a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember López, duly seconded by Councilmember Montero, that CB11-0272, CB11-0297, CB11-0298, CB11-0299, CB11-0278, CB11-0203, CB11-0266, CB11-0289, CB11-0290, CB11-0291, CB11-0292, CB11-0301, and CB11-0294 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed
For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)
Against: (None) (0)
Absent: Boigon, Hancock (2)
Abstain: (None) (0)

CB11-0299 A bill for an ordinance approving a proposed Second Amendment to Agreement between the City and County of Denver and Way Out West, Inc., concerning a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember López, duly seconded by Councilmember Montero, that CB11-0272, CB11-0297, CB11-0298, CB11-0299, CB11-0278, CB11-

0203, CB11-0266, CB11-0289, CB11-0290, CB11-0291, CB11-0292, CB11-0301, and CB11-0294 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)

Against: (None) (0)

Absent: Boigon, Hancock (2)

Abstain: (None) (0)

General Government & Finance

CB11-0278 A bill for an ordinance approving an agreement between Tally, Sylvester d/b/a Coffee Etcetera, LLC and the City & County of Denver for a five [5] year lease agreement. (GENERAL GOVERNMENT & FINANCE)

A motion offered by Councilmember López, duly seconded by Councilmember Montero, that CB11-0272, CB11-0297, CB11-0298, CB11-0299, CB11-0278, CB11-0203, CB11-0266, CB11-0289, CB11-0290, CB11-0291, CB11-0292, CB11-0301, and CB11-0294 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)

Against: (None) (0)

Absent: Boigon, Hancock (2)

Abstain: (None) (0)

Health, Safety, Education & Services

CB11-0203 A bill for an ordinance approving a proposed Revival and Amendatory Agreement between the City and County of Denver and School District No. 1 in the City and County of Denver and the State of Colorado, to extend the term and increase funding for Head Start services. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember López, duly seconded by Councilmember Montero, that CB11-0272, CB11-0297, CB11-0298, CB11-0299, CB11-0278, CB11-0203, CB11-0266, CB11-0289, CB11-0290, CB11-0291, CB11-0292, CB11-0301, and CB11-0294 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)

Against: (None) (0)

Absent: Boigon, Hancock (2)

Abstain: (None) (0)

CB11-0266 A bill for an Ordinance approving a proposed Second Amendatory Agreement for recovering delinquent fines, costs, and fees owed to the Denver County Court between the City and County of Denver and Integral Recoveries, Inc. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember López, duly seconded by Councilmember Montero, that CB11-0272, CB11-0297, CB11-0298, CB11-0299, CB11-0278, CB11-0203, CB11-0266, CB11-0289, CB11-0290, CB11-0291, CB11-0292, CB11-0301, and CB11-0294 be placed upon final consideration and do pass en bloc, carried by the following vote:

- Passed
- For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)
- Against: (None) (0)
- Absent: Boigon, Hancock (2)
- Abstain: (None) (0)

CB11-0289 A bill for an ordinance authorizing expenditures in the General Government Special Revenue Fund based on a letter of intent from United States of America to award funding for the "Head Start Grant FY 2011-12" program. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember López, duly seconded by Councilmember Montero, that CB11-0272, CB11-0297, CB11-0298, CB11-0299, CB11-0278, CB11-0203, CB11-0266, CB11-0289, CB11-0290, CB11-0291, CB11-0292, CB11-0301, and CB11-0294 be placed upon final consideration and do pass en bloc, carried by the following vote:

- Passed
- For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)
- Against: (None) (0)
- Absent: Boigon, Hancock (2)
- Abstain: (None) (0)

CB11-0290 A bill for an ordinance approving and providing for the execution of a proposed grant agreement between the City and County of Denver and the United States of America concerning the "Shelter Plus Care Women's FY11-12" program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember López, duly seconded by Councilmember Montero, that CB11-0272, CB11-0297, CB11-0298, CB11-0299, CB11-0278, CB11-0203, CB11-0266, CB11-0289, CB11-0290, CB11-0291, CB11-0292, CB11-0301, and CB11-0294 be placed upon final consideration and do pass en bloc, carried by the following vote:

- Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)
Against: (None) (0)
Absent: Boigon, Hancock (2)
Abstain: (None) (0)

CB11-0291 A bill for an ordinance approving and providing for the execution of a proposed grant agreement between the City and County of Denver and the United States of America concerning the "Shelter Plus Care Xenia FY11-12" program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember López, duly seconded by Councilmember Montero, that CB11-0272, CB11-0297, CB11-0298, CB11-0299, CB11-0278, CB11-0203, CB11-0266, CB11-0289, CB11-0290, CB11-0291, CB11-0292, CB11-0301, and CB11-0294 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)
Against: (None) (0)
Absent: Boigon, Hancock (2)
Abstain: (None) (0)

CB11-0292 A bill for an Ordinance approving a proposed purchase order by the City and County of Denver and Pierce Manufacturing, Inc., for the purchase of four velocity pumpers and one ladder truck for the Denver Fire Department. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember López, duly seconded by Councilmember Montero, that CB11-0272, CB11-0297, CB11-0298, CB11-0299, CB11-0278, CB11-0203, CB11-0266, CB11-0289, CB11-0290, CB11-0291, CB11-0292, CB11-0301, and CB11-0294 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)
Against: (None) (0)
Absent: Boigon, Hancock (2)
Abstain: (None) (0)

CB11-0301 A bill for an ordinance approving a proposed Revival and Amendatory Agreement between the City and County of Denver and The Coffee Mug, LLC, for the lease of 700 square feet in the southeast corner of the Central Library. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember López, duly seconded by Councilmember

Montero, that CB11-0272, CB11-0297, CB11-0298, CB11-0299, CB11-0278, CB11-0203, CB11-0266, CB11-0289, CB11-0290, CB11-0291, CB11-0292, CB11-0301, and CB11-0294 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)

Against: (None) (0)

Absent: Boigon, Hancock (2)

Abstain: (None) (0)

Land Use, Transportation & Infrastructure

CB11-0294 A bill for an ordinance amending Divisions 1, 3 and 4 of Article III of Chapter 56 of the Revised Municipal Code of the City and County of Denver updating sanitary and storm sewer provisions. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember López, duly seconded by Councilmember Montero, that CB11-0272, CB11-0297, CB11-0298, CB11-0299, CB11-0278, CB11-0203, CB11-0266, CB11-0289, CB11-0290, CB11-0291, CB11-0292, CB11-0301, and CB11-0294 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Montero, Nevitt, Robb, Sandoval (10)

Against: (None) (0)

Absent: Boigon, Hancock (2)

Abstain: (None) (0)

Adjourn

There being no further business before the City Council, Council President Nevitt adjourned the meeting at 6:33 PM.

Pending

CB11-0258 A bill for an ordinance relating to the Denver Zoning Code, to: improve usability and organization; make clarifying changes and substantive changes based on experience with the Code over the previous eight months. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

CB11-0261 A bill for an ordinance changing the zoning classification of 1545 Julian Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

CB11-0268 A bill for an ordinance changing the zoning classification of

1042 S. Parker Road. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)