

City Council Minutes

Meeting Date: Monday, August 15, 2011 5:30 PM

Pledge of Allegiance

Councilmember Susman led the Pledge of Allegiance.

Roll Call

Present: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero,
Ortega, Robb, Shepherd, Susman

Absent: Nevitt

Councilmember López arrived late.

Approval of Minutes of Monday, August 8, 2011

The minutes of meeting date, Monday, August 15, 2011, were distributed to Council. Council President Pro-Tem Lehmann ordered the minutes approved.

Council Announcements

Councilmember Montero offered an announcement.

Presentations

The Kaiser Permanente Colfax Marathon presents awards to Denver's Municipal Cup relay winners.

The Kaiser Permanente Colfax Marathon presented awards to Denver's Municipal Cup relay winners.

Communications

Proclamations

Resolutions

The Council Secretary read the following resolutions by titles.

Business, Workforce & Sustainability

CR11-0517 A resolution approving the Mayor’s appointments to the 9th Avenue Business Improvement District Board of Directors. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Susman, duly seconded by Councilmember Brooks, that CR11-0517, CR11-0554, CR11-0555, CR11-0556, and CR11-0571be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

Land Use, Transportation & Infrastructure

CR11-0554 A resolution laying out, opening and establishing as part of the city street system a certain parcel of land as Ringsby Court located at the intersection of 31st Street and Ringsby Court. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Susman, duly seconded by Councilmember Brooks, that CR11-0517, CR11-0554, CR11-0555, CR11-0556, and CR11-0571be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

CR11-0555 A resolution granting a revocable permit to MMD of Colorado LLC, to encroach into the right-of-way with various items at 2601 Walnut Street including the alley area directly behind the building. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Susman, duly seconded by Councilmember Brooks, that CR11-0517, CR11-0554, CR11-0555, CR11-0556, and CR11-0571be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

CR11-0556 A resolution accepting and approving the plat of C.P. Bedrock

Filing No. 3. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Susman, duly seconded by Councilmember Brooks, that CR11-0517, CR11-0554, CR11-0555, CR11-0556, and CR11-0571be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

CR11-0571 A resolution laying out, opening and establishing as part of the city street system a certain parcel of land as 16th Street located at the intersection of 16th Street and Chestnut Place. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Susman, duly seconded by Councilmember Brooks, that CR11-0517, CR11-0554, CR11-0555, CR11-0556, and CR11-0571be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

Bills for Introduction

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

Business, Workforce & Sustainability

CB11-0561 A bill for an ordinance approving a proposed First Amendment and Modification Agreement between the City and County of Denver and Lincoln Housing Partners, LLLP for the project at 501 Lincoln. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman, that CB11-0561, CB11-0562, CB11-0563, CB11-0568, CB11-0505, CB11-0310, CB11-0526, CB11-0557, and CB11-0558 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)
Abstain: (None) (0)

CB11-0562 A bill for an ordinance approving and providing for the execution of proposed grant agreements between the City and County of Denver and the United States of America concerning the "Community Development Block Grant FY11" program, the "HOME FY11" program and the "HOPWA FY11" program and the funding therefor. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman, that CB11-0561, CB11-0562, CB11-0563, CB11-0568, CB11-0505, CB11-0310, CB11-0526, CB11-0557, and CB11-0558 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

CB11-0563 A bill for an ordinance approving a proposed Grant Agreement between the City and County of Denver and Urban Land Conservancy to administer HUD Community Challenge Planning Grant – Housing Development Assistance Funds. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman, that CB11-0561, CB11-0562, CB11-0563, CB11-0568, CB11-0505, CB11-0310, CB11-0526, CB11-0557, and CB11-0558 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

CB11-0568 A bill for an ordinance approving a proposed Grant Agreement between the City and County of Denver and Denver Housing Authority to administer HUD Community Challenge Planning Grant – Housing Development Assistance Funds. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman, that CB11-0561, CB11-0562, CB11-0563, CB11-0568, CB11-0505, CB11-0310, CB11-0526, CB11-0557, and CB11-0558 be ordered published en bloc,

carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

Government & Finance

CB11-0505 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Ferkam, Inc., dba Extreme Towing and Recovery for citywide towing services. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman, that CB11-0561, CB11-0562, CB11-0563, CB11-0568, CB11-0505, CB11-0310, CB11-0526, CB11-0557, and CB11-0558 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

Land Use, Transportation & Infrastructure

CB11-0310 A bill for an ordinance approving an Amendment to Cooperative Agreement with Tallbull Memorial Council. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman, that CB11-0561, CB11-0562, CB11-0563, CB11-0568, CB11-0505, CB11-0310, CB11-0526, CB11-0557, and CB11-0558 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

CB11-0526 A bill for an ordinance approving a proposed agreement between the City and County of Denver and Goodland Construction, Inc. for a new 10-foot wide concrete bike and pedestrian trail along Bear Creek, between Fenton and Wadsworth. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

INFRASTRUCTURE)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman, that CB11-0561, CB11-0562, CB11-0563, CB11-0568, CB11-0505, CB11-0310, CB11-0526, CB11-0557, and CB11-0558 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

CB11-0557 A bill for an ordinance vacating the alley and lot bounded by Broadway, 20th Street and Welton Street with reservations. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman, that CB11-0561, CB11-0562, CB11-0563, CB11-0568, CB11-0505, CB11-0310, CB11-0526, CB11-0557, and CB11-0558 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

Late Filings

Land Use, Transportation & Infrastructure

CB11-0558 A bill for an ordinance amending Ordinance No. 433, Series of 2008 relating to the rezoning of 2851 West 52nd Avenue. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Herndon, that the Rules of Council be suspended to allow for the introduction of CB11-0558 as a late filing, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman, that CB11-0561, CB11-0562, CB11-0563, CB11-0568, CB11-0505, CB11-

0310, CB11-0526, CB11-0557, and CB11-0558 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

Recap of Bills to be Called Out

Recess

Council took a brief recess.

Council Reconvenes and Resumes its Regular Session

Bills for Final Consideration - Public Hearings

CB11-0548 A bill for an ordinance renaming Northeast Denver Community Park at E. Martin Luther King Blvd and N. Colorado Boulevard as "J. Langston Boyd Park". (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves renaming Northeast Denver Community Park to J. Langston Boyd Park at Colorado and MLK Blvd. in Council District 8 as requested by petition. The Committee approved filing this bill at its meeting on 7-26-11. LAND USE, TRANSPORTATION & INFRASTRUCTURE

This item be placed upon final consideration and do pass.

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Susman (11)

Against: (None) (0)

Absent: Nevitt (1)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 6:27 PM, Council President Pro-Tem presiding, to hear speakers either for or against CB11-0548. René Bullock, Deborah Fard, Sean Bradley, Ollie A. Brown, Timothy Tyler, Angela Elaine Lombard, JuJu Nkrumah, Bobbie J. Brown, Harold Brewer, Seku, David T. Goens, Brother Jeff Fard, Penelope Zeller, King H. Harris, Raymond Grizzard, David Boyd, Jeweldine Blair, Charlene Porter, and Michael Gallant signed up to address the bill. Dody Erickson, Manager of Parks and Recreation delivered the Staff Report with an overview.

Bills for Final Consideration

Business, Workforce & Sustainability

CB11-0442 A bill for an ordinance approving a proposed First Amendment to Agreement between the City and County of Denver and Milender White Construction Co. concerning on-call construction services at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Susman, duly seconded by Councilmember Brooks, that CB11-0442, CB11-0485, CB11-0510, CB11-0511, CB11-0512, CB11-0545, CB11-0531, CB11-0544, and CB11-0550 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

CB11-0485 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Denver Urban Renewal Authority to enable certain improvements in the St. Luke's Redevelopment Area. (BUSINESS WORKFORCE AND SUSTAINABILITY)

A motion offered by Councilmember Susman, duly seconded by Councilmember Brooks, that CB11-0442, CB11-0485, CB11-0510, CB11-0511, CB11-0512, CB11-0545, CB11-0531, CB11-0544, and CB11-0550 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

CB11-0510 A bill for an Ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Aramark Sports and Entertainment Services, LLC. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Susman, duly seconded by Councilmember Brooks, that CB11-0442, CB11-0485, CB11-0510, CB11-0511, CB11-0512, CB11-0545, CB11-0531, CB11-0544, and CB11-0550 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)
Absent: Lopez, Nevitt (2)
Abstain: (None) (0)

CB11-0511 A bill for an Ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and Aramark Sports and Entertainment Services, LLC. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Susman, duly seconded by Councilmember Brooks, that CB11-0442, CB11-0485, CB11-0510, CB11-0511, CB11-0512, CB11-0545, CB11-0531, CB11-0544, and CB11-0550 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

CB11-0512 A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and Aramark Sports and Entertainment Services, LLC. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Susman, duly seconded by Councilmember Brooks, that CB11-0442, CB11-0485, CB11-0510, CB11-0511, CB11-0512, CB11-0545, CB11-0531, CB11-0544, and CB11-0550 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

CB11-0545 A bill for an ordinance to amend Division 3.5 of Article VIII of Chapter 2 of the Revised Municipal Code regarding the Denver Cultural Council powers. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Susman, duly seconded by Councilmember Brooks, that CB11-0442, CB11-0485, CB11-0510, CB11-0511, CB11-0512, CB11-0545, CB11-0531, CB11-0544, and CB11-0550 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)
Absent: Lopez, Nevitt (2)
Abstain: (None) (0)

Government & Finance

CB11-0531 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Mile High Montessori Early Learning Centers, formerly known as Mile High Child Care Association, for the lease of a building on the property formerly known as Lowry Air Force Base for Head Start and child care services. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Susman, duly seconded by Councilmember Brooks, that CB11-0442, CB11-0485, CB11-0510, CB11-0511, CB11-0512, CB11-0545, CB11-0531, CB11-0544, and CB11-0550 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

Health, Safety, Education & Services

CB11-0537 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 "Denver Approach to Recovery Through Treatment (DARTT)" Program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Susman, duly seconded by Councilmember Shepherd, that CB11-0537 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Robb, Shepherd, Susman (10)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: Ortega (1)

CB11-0544 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 Department of Health and Human Services concerning the "Head Start FY11-12" program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Susman, duly seconded by Councilmember Brooks, that CB11-0442, CB11-0485, CB11-0510, CB11-0511, CB11-0512, CB11-0545, CB11-0531, CB11-0544, and CB11-0550 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

Land Use, Transportation & Infrastructure

CB11-0550 A bill for an ordinance approving an amendatory agreement between J.F. Sato and Associates, Inc. and the City and County of Denver. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Susman, duly seconded by Councilmember Brooks, that CB11-0442, CB11-0485, CB11-0510, CB11-0511, CB11-0512, CB11-0545, CB11-0531, CB11-0544, and CB11-0550 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Lopez, Nevitt (2)

Abstain: (None) (0)

Announcement

Council President Pro-Tem Lehmann announced that there will be a public hearing on CB11-0558, which amends Ordinance No. 433, Series of 2008, relating to the rezoning of 2851 West 52nd Avenue on Monday, September 12, 2011. Any protests against CB11-0558 must be filed with the Council Office no later than Tuesday, September 6, 2011.

There will be a public hearing on CB11-0558, which amends Ordinance No. 433, Series of 2008 relating to the rezoning of 2851 West 52nd Avenue on Monday, September 12, 2011. Any protests against CB11-0558 must be filed with the Council Office no later than Tuesday, September 6, 2011.

Adjourn

There being no further business before the City Council, Council President Pro-Tem Lehmann adjourned the meeting at 7:53 PM.

Pending

CB11-0283 A bill for an ordinance vacating a portion of Forest St., at approximately 43rd Ave., with reservations. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

CB11-0504 A bill for an ordinance changing the zoning classification of 3011 West 49th Avenue. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

CB11-0565 A bill for an ordinance relating to the Denver Zoning Code correcting an error in the plant husbandry use in the I-MX and I-A zone districts. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)