

## **City Council Minutes**

Meeting Date: Monday, July 30, 2012 5:30 PM

### **Pledge of Allegiance**

Councilmember Nevitt led the Pledge of Allegiance.

### **Roll Call**

Present: Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega,  
Robb, Shepherd

Absent: Brooks, Lopez, Susman

### **Approval of the Minutes**

The minutes of meeting date, Monday, July 23, 2012, were distributed to Council. Council President Pro-Tem Herndon ordered the minutes approved.

### **Council Announcements**

Council President Pro-Tem Herndon offered announcements.

### **Presentations**

### **Communications**

### **Proclamations**

### **Resolutions**

#### **Health, Safety, Education & Services**

#### **CR12-0524 A resolution approving the Mayor's appointment to the Denver African-American Commission. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CR12-0524, CR12-0525, CR12-0526, CR12-0527, CR12-0543, CR12-0538, and CR12-0539 be adopted en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb,

Shepherd (10)  
Against: (None) (0)  
Absent: Brooks, Lopez, Susman (3)  
Abstain: (None) (0)

**CR12-0525 A resolution approving the Mayor's appointment to the Board of Environmental Health. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CR12-0524, CR12-0525, CR12-0526, CR12-0527, CR12-0543, CR12-0538, and CR12-0539 be adopted en bloc, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd (10)  
Against: (None) (0)  
Absent: Brooks, Lopez, Susman (3)  
Abstain: (None) (0)

**CR12-0526 A resolution approving the Mayor's reappointment and appointment to the Denver American Indian Commission. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CR12-0524, CR12-0525, CR12-0526, CR12-0527, CR12-0543, CR12-0538, and CR12-0539 be adopted en bloc, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd (10)  
Against: (None) (0)  
Absent: Brooks, Lopez, Susman (3)  
Abstain: (None) (0)

**CR12-0527 A resolution approving the Mayor's appointment to the Denver Commission on Aging. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CR12-0524, CR12-0525, CR12-0526, CR12-0527, CR12-0543, CR12-0538, and CR12-0539 be adopted en bloc, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd (10)  
Against: (None) (0)  
Absent: Brooks, Lopez, Susman (3)  
Abstain: (None) (0)

**CR12-0543 A resolution appointing and re-appointing members of the Human Services Citizen Review Panel. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CR12-0524, CR12-0525, CR12-0526, CR12-0527, CR12-0543, CR12-0538, and CR12-0539 be adopted en bloc, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd (10)  
Against: (None) (0)  
Absent: Brooks, Lopez, Susman (3)  
Abstain: (None) (0)

**Land Use, Transportation & Infrastructure**

**CR12-0538 A resolution laying out, opening and establishing as part of the city street system parcels of land as Mississippi Avenue between S. Broadway and S. Sherman Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CR12-0524, CR12-0525, CR12-0526, CR12-0527, CR12-0543, CR12-0538, and CR12-0539 be adopted en bloc, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd (10)  
Against: (None) (0)  
Absent: Brooks, Lopez, Susman (3)  
Abstain: (None) (0)

**CR12-0539 A resolution laying out, opening and establishing as part of the city street system a parcel of land as S. Broadway between Tennessee Avenue and Mississippi Avenue. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CR12-0524, CR12-0525, CR12-0526, CR12-0527, CR12-0543, CR12-0538, and CR12-0539 be adopted en bloc, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd (10)  
Against: (None) (0)

Absent: Brooks, Lopez, Susman (3)  
Abstain: (None) (0)

## **Bills for Introduction**

### **Business, Workforce & Sustainability**

**CB12-0528 A bill for an ordinance approving a proposed Purchase Order between the City and County of Denver and John Deere Company concerning the purchase of 6 tractors with mowers for Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Nevitt, that CB12-0528, CB12-0529, CB12-0530, CB12-0531, CB12-0534, CB12-0427, CB12-0476, CB21-0477, CB12-0501, and CB12-0510 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**CB12-0529 A bill for an ordinance approving a proposed Eighth Amendment to Agreement between the City and County of Denver and A & A Restaurant of Republic Plaza Corp., concerning the operation of a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Nevitt, that CB12-0528, CB12-0529, CB12-0530, CB12-0531, CB12-0534, CB12-0427, CB12-0476, CB21-0477, CB12-0501, and CB12-0510 be ordered published en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd (10)

Against: (None) (0)

Absent: Brooks, Lopez, Susman (3)

Abstain: (None) (0)

**CB12-0530 A bill for an ordinance approving a proposed Eighth Amendment to Agreement between the City and County of Denver and Mission Yogurt, Inc., concerning the operation of a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Nevitt, that CB12-0528, CB12-0529, CB12-0530, CB12-0531, CB12-0534, CB12-0427, CB12-0476, CB21-0477, CB12-0501, and CB12-0510 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
Abstain: (None) (0)

**CB12-0531 A bill for an ordinance approving a proposed Sixth Amendment to Agreement between the City and County of Denver and Mission Yogurt, Inc., concerning the operation of a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Nevitt, that CB12-0528, CB12-0529, CB12-0530, CB12-0531, CB12-0534, CB12-0427, CB12-0476, CB21-0477, CB12-0501, and CB12-0510 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
Abstain: (None) (0)

**CB12-0534 A bill for an ordinance creating and establishing the Federal Boulevard Business Improvement District, appointing the initial members of the Board of Directors of the District, and approving the Initial Operating Plan and preliminary 2013 Budget therefore. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Nevitt, that CB12-0528, CB12-0529, CB12-0530, CB12-0531, CB12-0534, CB12-0427, CB12-0476, CB21-0477, CB12-0501, and CB12-0510 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
Abstain: (None) (0)

## Government & Finance

**CB12-0427 A bill for an ordinance approving a proposed Purchase and Sale Agreement between the City and County of Denver and Joshua Paul Seidler, to sell the City property located at 2785 S. Pierce Street. (GOVERNMENT & FINANCE)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Nevitt, that CB12-0528, CB12-0529, CB12-0530, CB12-0531, CB12-0534, CB12-0427, CB12-0476, CB21-0477, CB12-0501, and CB12-0510 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**CB12-0476 A bill for an ordinance approving a proposed Agreement by and between the City and County of Denver and C & M Air Cooled Engine, Inc., for parks, recreation and golf related equipment to be financed through a separate lease-purchase agreement with All American Investment Group, LLC. (GOVERNMENT & FINANCE)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Nevitt, that CB12-0528, CB12-0529, CB12-0530, CB12-0531, CB12-0534, CB12-0427, CB12-0476, CB21-0477, CB12-0501, and CB12-0510 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**CB12-0477 A bill for an ordinance approving a proposed Equipment Lease Purchase Agreement between the City and County of Denver and All American Investment Group, LLC, to approve a five year turf equipment capital lease. (GOVERNMENT & FINANCE)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Nevitt, that CB12-0528, CB12-0529, CB12-0530, CB12-0531, CB12-0534, CB12-0427, CB12-0476, CB21-0477, CB12-0501, and CB12-0510 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**CB12-0501 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Senter Goldfarb & Rice, LLC, to provide professional legal services in matters assigned by the City Attorney. (CE13018). (GOVERNMENT & FINANCE)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Nevitt, that CB12-0528, CB12-0529, CB12-0530, CB12-0531, CB12-0534, CB12-0427, CB12-0476, CB21-0477, CB12-0501, and CB12-0510 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**Land Use, Transportation & Infrastructure**

**CB12-0510 A bill for an for an ordinance approving the second amendatory agreement between CH2M Hill, Inc. and the City & County of Denver for the Peoria Grade Separation Project, Phase III. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Nevitt, that CB12-0528, CB12-0529, CB12-0530, CB12-0531, CB12-0534, CB12-0427, CB12-0476, CB21-0477, CB12-0501, and CB12-0510 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**Recap of Bills to be Called Out**

**Recess**

## **Council Reconvenes and Resumes its Regular Session**

### **Bills for Final Consideration**

#### **Business, Workforce & Sustainability**

**CB12-0516 A bill for an ordinance approving a proposed Lease Agreement between the City and County of Denver and U.S. Government General Services Administration for office space for the Transportation Securities Administration at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Lehmann, that CB12-0516, CB12-0469, CB12-0470, CB12-0520, CB12-0519, and CB12-0512 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd (10)

Against: (None) (0)

Absent: Brooks, Lopez, Susman (3)

Abstain: (None) (0)

#### **Government & Finance**

**CB12-0469 A bill for an Ordinance amending Section 20-76(b) of Division 3 of Article IV of Chapter 20, Treatment of Employees Associated with City Contracts. (GOVERNMENT & FINANCE)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Lehmann, that CB12-0516, CB12-0469, CB12-0470, CB12-0520, CB12-0519, and CB12-0512 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd (10)

Against: (None) (0)

Absent: Brooks, Lopez, Susman (3)

Abstain: (None) (0)

**CB12-0470 A bill for an Ordinance amending Section 20-84(b) of Division 3.5 of Article IV of Chapter 20, Treatment of Employees Associated with City Contracts. (GOVERNMENT & FINANCE)**



A motion offered by Councilmember Nevitt, duly seconded by Councilmember Lehmann, that CB12-0516, CB12-0469, CB12-0470, CB12-0520, CB12-0519, and CB12-0512 be placed upon final consideration and do pass, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd (10)  
Against: (None) (0)  
Absent: Brooks, Lopez, Susman (3)  
Abstain: (None) (0)

**CB12-0520 A bill for an ordinance approving a proposed Purchase Order between the City and County of Denver and Insight Public Sector, Inc., as Oracle’s reseller for database software maintenance. (GOVERNMENT & FINANCE)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Lehmann, that CB12-0516, CB12-0469, CB12-0470, CB12-0520, CB12-0519, and CB12-0512 be placed upon final consideration and do pass, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd (10)  
Against: (None) (0)  
Absent: Brooks, Lopez, Susman (3)  
Abstain: (None) (0)

**Health, Safety, Education & Services**

**CB12-0519 A bill for an ordinance approving a proposed Assignment and Amendatory Agreement between the City and County of Denver and Clayton Early Learning, Trustee, George W. Clayton Trust f/k/a Clayton Family Futures, dba Clayton Educare to acknowledge the transfer of operations from Clayton Family Futures to Clayton Early Learning, Trustee, George W. Clayton Trust, and to assign the Agreement to George W. Clayton Trust. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Lehmann, that CB12-0516, CB12-0469, CB12-0470, CB12-0520, CB12-0519, and CB12-0512 be placed upon final consideration and do pass, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb,

Shepherd (10)  
Against: (None) (0)  
Absent: Brooks, Lopez, Susman (3)  
Abstain: (None) (0)

## **Land Use, Transportation & Infrastructure**

### **CB12-0512 A bill for an ordinance approving an agreement between ASH and WHITE CONSTRUCTION CO. and the City & County of Denver for the West Denver New Branch Library. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Lehmann, that CB12-0516, CB12-0469, CB12-0470, CB12-0520, CB12-0519, and CB12-0512 be placed upon final consideration and do pass, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd (10)  
Against: (None) (0)  
Absent: Brooks, Lopez, Susman (3)  
Abstain: (None) (0)

## **Adjourn**

There being no further business before the City Council, Council President Pro-Tem Herndon adjourned the meeting at 5:47 PM.

## **Pending**

**For 8-6-12**

**CR12-0533 A resolution to set a public hearing relating to the creation of the Federal Boulevard Business Improvement District and approval of the District's 2013 Operating Plan and 2013 Budget.**

**Required Public Hearing  
Final Consideration (BUSINESS, WORKFORCE & SUSTAINABILITY)**

**For 8-13-12**

**CB12-0462 A bill for an ordinance changing the zoning classification for property located at approximately 4800 Verbena Street and 4801 Willow Street.**

**Required Public Hearing**  
**Final Consideration (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

**For 8-13-12**

**CB12-0463 A bill for an ordinance changing the zoning classification for property located at approximately 5001 Willow Street.**

**Required Public Hearing**  
**Final Consideration (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

**For 8-13-12**

**CR12-0471 A resolution to set a public hearing relating to the approval of the Ironworks Foundry Urban Redevelopment Plan for August 13, 2012.**

**Required Public Hearing**  
**Final Consideration (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

**For 8-20-12**

**CB12-0365 A bill for an ordinance prohibiting the advertising of medical marijuana in proximity to schools, child care centers, and parks.**

**No Required Public Hearing**  
**Final Consideration (BUSINESS, WORKFORCE & SUSTAINABILITY)**