

City Council Minutes

Meeting Date: Monday, August 22, 2011 5:30 PM

Pledge of Allegiance

Councilmember Shepherd led the Pledge of Allegiance.

Roll Call

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

Absent: Lopez

Approval of Minutes of Monday, August 15, 2011

The minutes of meeting date, Monday, August 15, 2011, were distributed to Council. Council President Nevitt ordered the minutes approved.

Council Announcements

No members of Council offered announcements.

Presentations

Communications

Proclamations

CP11-0617 A proclamation in celebration of the Denver's inaugural ciclovia, Viva Streets, held on August 14 in Park Hill. Sponsored by Councilmembers Herndon, Lehmann, Susman, Brooks, Brown, Shepherd, Ortega, and Montero.

A motion offered by Councilmember Herndon, duly seconded by Councilmember Brooks, that CP11-0617 be adopted, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

Abstain: (None) (0)

CP11-0618 A proclamation welcoming the first USA Pro Cycling Challenge

Denver On August 28, 2011.

Shepherd, Susman, Ortega, Lehmann, López, Brown, Brooks, Montero, Faatz, Herndon, and Robb.

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Lehmann, that CP11-0618 be adopted, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

Abstain: (None) (0)

Resolutions

The Council Secretary read the following resolutions by titles.

Land Use, Transportation & Infrastructure

CR11-0570 A resolution granting a revocable permit to U.S. General Services Administration to encroach into the right-of-way with various items at 1244 Speer Boulevard, 1300 Fox Street and 13th Avenue. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Montero, that CR11-0570 and CR11-0601 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

Abstain: (None) (0)

CR11-0601 A resolution appointing Councilmember Mary Beth Susman to the Board of Directors of the Urban Drainage and Flood Control District for a term effective immediately through Jan. 31, 2014. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Montero, that CR11-0570 and CR11-0601 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

Abstain: (None) (0)

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

CB11-0456 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Sotheby's, Inc., for sale of four Clyfford Still works and authorizing officials of the City and County of Denver to take all action necessary to carry out the transactions contemplated hereby. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

Abstain: (None) (0)

Government & Finance

CB11-0566 A bill for an ordinance amending the classification and pay plan for employees in the Career Service and for certain employees not in the Career Service. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Susman, that CB11-0566 be ordered published, carried by the following vote:

Passed

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

Against: Faatz (1)

Absent: Lopez (1)

Abstain: (None) (0)

A motion offered by Councilmember Ortega, duly seconded by Councilmember Faatz, that CB11-0566 be referred to committee, failed to carry by the following vote:

Failed

For: Faatz, Ortega, Robb (3)

Against: Brooks, Brown, Herndon, Kniech, Lehmann, Montero, Nevitt, Shepherd, Susman (9)

Absent: Lopez (1)
Abstain: (None) (0)

CB11-0576 A bill for an ordinance approving a proposed purchase by the City & County of Denver for insurance renewals through Marsh USA, Inc. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

Abstain: (None) (0)

CB11-0579 A bill for an ordinance approving a proposed Third Amendatory Agreement between the City and County of Denver and Kone, Inc., related to City-owned elevator preventative maintenance and emergency services. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

Abstain: (None) (0)

CB11-0600 A bill for an ordinance submitting to a vote of the qualified and registered electors of the City and County of Denver at a special municipal election to be held in conjunction with the regular biennial school board election of November 1, 2011, a proposed amendment to the Charter of the City and County of Denver. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)
Absent: Lopez (1)
Abstain: (None) (0)

Health, Safety, Education & Services

CB11-0487 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Community Education Centers for residential and non-residential community corrections services. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

Abstain: (None) (0)

BR11-0534 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Community Education Centers for residential and non-residential community corrections services. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

Abstain: (None) (0)

CB11-0578 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 State of Colorado concerning the "Community Services Block Grant (CSBG) FY11-12" program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be

ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

Abstain: (None) (0)

Land Use, Transportation & Infrastructure

CB11-0527 A bill for an ordinance approving an amendatory agreement between Brodart Co. and the City & County of Denver to provide cost effective and timely provisions of library collections and vendor services. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

Abstain: (None) (0)

CB11-0528 A bill for an ordinance approving an amendatory agreement between Midwest Tape, LLC and the City & County of Denver to provide cost effective and timely provisions of library collections and vendor services. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

Abstain: (None) (0)

CB11-0574 A bill for an ordinance approving and providing for the execution of a proposed Intergovernmental Agreement between the City and County of Denver and the Colorado Department of Transportation concerning the "Colorado Center Bike/Pedestrian Bridge" project and the funding therefor. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

Abstain: (None) (0)

CB11-0575 A bill for an ordinance creating a Fund Number in the Grant/Other Capital Projects Fund for the "Broadway, Asbury to Iowa" project, and the funding therefor. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

Abstain: (None) (0)

Recap of Bills to be Called Out

Recess

Council President Nevitt announced that there will be a public hearing on CB11-0504, changing the zoning classification of 3011 West 49th Avenue. Council took a brief recess.

Council Reconvenes and Resumes its Regular Session

Bills for Final Consideration - Public Hearings

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

Changes the zoning classification of property located at 3011 West 49th Avenue from E-MX-2x to E-MX-2 in Council District 1.PUBLIC HEARING AT

LEAST FOUR WEEKS FOLLOWING PUBLICATION. The Committee approved filing this bill at its meeting on 7-12-11. LAND USE, TRANSPORTATION & INFRASTRUCTURE

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Lehmann, that CB11-0504, be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 7:07 PM, Council President Nevitt presiding, to hear speakers either for or against CB11-0504. Vicky Marchino signed up to address the bill. Theresa Lucero of Community Planning & Development delivered the Staff Report with an overview and recommendation for approval.

Bills for Final Consideration

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 Shepherd, duly seconded by Councilmember Susman, that CB11-0561, CB11-0562, CB11-0563, CB11-0568, CB11-0505, CB11-0310, CB11-0526, and CB11-0557 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

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 Shepherd, duly seconded by Councilmember

Susman, that CB11-0561, CB11-0562, CB11-0563, CB11-0568, CB11-0505, CB11-0310, CB11-0526, and CB11-0557 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

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 Shepherd, duly seconded by Councilmember Susman, that CB11-0561, CB11-0562, CB11-0563, CB11-0568, CB11-0505, CB11-0310, CB11-0526, and CB11-0557 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

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 Shepherd, duly seconded by Councilmember Susman, that CB11-0561, CB11-0562, CB11-0563, CB11-0568, CB11-0505, CB11-0310, CB11-0526, and CB11-0557 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

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 Shepherd, duly seconded by Councilmember Susman, that CB11-0561, CB11-0562, CB11-0563, CB11-0568, CB11-0505, CB11-0310, CB11-0526, and CB11-0557 be placed upon final consideration and do pass, carried by the following vote:.

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

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 Shepherd, duly seconded by Councilmember Susman, that CB11-0561, CB11-0562, CB11-0563, CB11-0568, CB11-0505, CB11-0310, CB11-0526, and CB11-0557 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

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)

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Susman, that CB11-0561, CB11-0562, CB11-0563, CB11-0568, CB11-0505, CB11-0310, CB11-0526, and CB11-0557 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

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 Shepherd, duly seconded by Councilmember Susman, that CB11-0561, CB11-0562, CB11-0563, CB11-0568, CB11-0505, CB11-0310, CB11-0526, and CB11-0557 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Lopez (1)

Abstain: (None) (0)

Adjourn

There being no further business before the City Council, Council President Nevitt adjourned the meeting at 7:16 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)

CB11-0565 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)

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)