

City Council Minutes
Meeting Date: Monday, May 07, 2012 5:30 PM

Pledge of Allegiance

Councilmember Susman led the Pledge of Allegiance.

Roll Call

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

Absent: Herndon, Nevitt, Robb

Approval of Minutes of Monday, April 30, 2012

The minutes of meeting date, Monday, April 30, 2012, were distributed to Council. Council President Pro-Tem Lehmann ordered the minutes approved.

Council Announcements

Councilmembers Brooks and Lehmann offered announcements.

Presentations

Communications

Proclamations

Resolutions

The Council Secretary read the following resolutions by titles.

Land Use, Transportation & Infrastructure

CR12-0318 A resolution granting a revocable permit to CBD Denver Suites, LLC, to encroach into the right-of-way with various items at 17th Street and Champa Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Susman, duly seconded by Councilmember Brooks, that CR12-0318, CR12-0319, CR12-0320, and CR12-0322 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Shepherd, Susman (10)

Against: (None) (0)

Absent: Herndon, Nevitt, Robb (3)

Abstain: (None) (0)

CR12-0319 A resolution laying out, opening and establishing as part of the city street system a certain parcel of land as 16th Street between the intersections of 16th Street and Wynkoop Street and 16th Street and Wewatta Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Susman, duly seconded by Councilmember Brooks, that CR12-0318, CR12-0319, CR12-0320, and CR12-0322 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Shepherd, Susman (10)

Against: (None) (0)

Absent: Herndon, Nevitt, Robb (3)

Abstain: (None) (0)

CR12-0320 A resolution laying out, opening and establishing as part of the city street system a certain parcel of land as 45th Avenue at its intersection with Peoria Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Susman, duly seconded by Councilmember Brooks, that CR12-0318, CR12-0319, CR12-0320, and CR12-0322 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Shepherd, Susman (10)

Against: (None) (0)

Absent: Herndon, Nevitt, Robb (3)

Abstain: (None) (0)

CR12-0322 A resolution laying out, opening and establishing as part of the city street system a certain parcel of land as 1st Avenue, located between University Boulevard and Downing Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Susman, duly seconded by Councilmember Brooks, that CR12-0318, CR12-0319, CR12-0320, and CR12-0322 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Shepherd, Susman (10)

Against: (None) (0)

Absent: Herndon, Nevitt, Robb (3)

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

CB12-0305 A bill for an ordinance approving a proposed First Amendment to Intergovernmental License and Easement Agreement between the City and County of Denver, Sand Creek Metropolitan District, the City of Aurora and Gateway Land, LLC related to the construction and maintenance of a drainage channel and snow ramps on property adjacent to the intersection of Peña Boulevard and 40th Avenue and the Interstate 70/Peña Interchange. (BUSINESS, WORKFORCE, & SUSTAINABILITY)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Shepherd, Susman (10)

Against: (None) (0)

Absent: Herndon, Nevitt, Robb (3)

Abstain: (None) (0)

CB12-0307 A bill for an ordinance approving a proposed Denver International Airport Agreement for Operation and Maintenance Services for the Terminal Baggage Handling System, between the City and County of Denver and Vanderlande Industries Inc. related to the airport terminal baggage handling system at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Shepherd, Susman (10)

Against: (None) (0)

Absent: Herndon, Nevitt, Robb (3)

Abstain: (None) (0)

CB12-0308 A bill for an ordinance approving a proposed Airport Use and Lease Agreement between the City and County of Denver and Icelandair EHF, related to operations and leased space at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Shepherd, Susman (10)

Against: (None) (0)

Absent: Herndon, Nevitt, Robb (3)

Abstain: (None) (0)

Government & Finance

CB12-0287 A bill for an ordinance regarding policy, fees and license requirements for electronic records services provided to the public by the office of the clerk and recorder. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Shepherd, Susman (10)

Against: (None) (0)

Absent: Herndon, Nevitt, Robb (3)

Abstain: (None) (0)

CB12-0288 A bill for an ordinance approving a Second Amendment to Professional Services Agreement with Imagebase, LLC, for the records digitization project. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember

Susman, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 be ordered published en bloc, carried by the following vote:

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

CB12-0291 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 Lehmann, duly seconded by Councilmember Susman, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 be ordered published en bloc, carried by the following vote:

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

CB12-0312 A bill for an ordinance approving a proposed Amendatory Lease Agreement between the City and County of Denver and KEW Realty Corporation, to extend the term of the lease and add additional funds. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 be ordered published en bloc, carried by the following vote:

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

Land Use, Transportation & Infrastructure

CB12-0217 A bill for an ordinance approving a proposed Second

Amendatory Agreement between the City and County of Denver and Harris Kocher Engineering Group, Inc., d/b/a Harris Kocher Smith, to increase the total compensation to be paid under the Agreement. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 be ordered published en bloc, carried by the following vote:

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

CB12-0266 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Steer Davies & Gleave Inc., to prepare and provide an alternatives analysis for meeting the expected future increase in person-trip demand of the East Colfax corridor. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 be ordered published en bloc, carried by the following vote:

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

CB12-0310 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and T2 Construction, Inc., for landscape improvement and irrigation construction. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 be ordered published en bloc, carried by the following vote:

Passed
For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Shepherd,

Susman (10)
Against: (None) (0)
Absent: Herndon, Nevitt, Robb (3)
Abstain: (None) (0)

CB12-0321 A bill for an ordinance approving a proposed Purchase Order between the City and County of Denver and Suncor Energy USA, Inc., to procure liquid asphalt used to make asphalt. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 be ordered published en bloc, carried by the following vote:

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

Recap of Bills to be Called Out

Recess

Council President Pro-Tem Lehmann announced that tonight there will be a public hearing on CB12-0165 amending the Denver Zoning Code to modify the standards for attached garages.

Tonight there will be a public hearing on CB12-0165 amending the Denver Zoning Code to modify the standards for attached garages. Anyone wishing to speak on this matter must see the Council Secretary to sign up during the recess of Council.

Council Reconvenes and Resumes its Regular Session

Bills for Final Consideration - Public Hearings

CB12-0165 A bill for an ordinance amending the Denver Zoning Code to modify the standards for attached garages. LAND USE, TRANSPORTATION & INFRASTRUCTURE

A motion offered by Councilmember Susman, duly seconded by Councilmember Shepherd, that CB12-0165 be placed upon final consideration and do pass, carried

by the following vote:

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

Council sat as a Committee of the Whole commencing at 6:02 PM, Council President Pro-Tem Lehmann presiding, to hear speakers either for or against CB12-0165. No speakers signed up to address the bill. Michelle Pyle of Community Planning and Development delivered the Staff Report with an overview and recommendation for approval.

Bills for Final Consideration

Business, Workforce & Sustainability

CB12-0294 A bill for an ordinance approving a proposed First Amendment to Agreement between the City and County of Denver and Qwest Communications Company LLC, now known as Century Link, related to on-call technology systems support services at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Susman, duly seconded by Councilmember Shepherd, that CB12-0294, CB12-0295, CB12-0258, CB12-0292, CB12-0302, CB12-0022, CB12-0180, CB12-0199, CB12-0296, and CB12-0297 be placed upon final consideration and do pass en bloc, carried by the following vote:

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

CB12-0295 A bill for an ordinance approving a proposed First Amendatory Agreement between the City and County of Denver and Woolpert, Inc., concerning professional planning services at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Susman, duly seconded by Councilmember Shepherd, that CB12-0294, CB12-0295, CB12-0258, CB12-0292, CB12-0302, CB12-0022, CB12-0180, CB12-0199, CB12-0296, and CB12-0297 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Shepherd, Susman (10)

Against: (None) (0)

Absent: Herndon, Nevitt, Robb (3)

Abstain: (None) (0)

Government & Finance

CB12-0258 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 Susman, duly seconded by Councilmember Shepherd, that CB12-0294, CB12-0295, CB12-0258, CB12-0292, CB12-0302, CB12-0022, CB12-0180, CB12-0199, CB12-0296, and CB12-0297 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Shepherd, Susman (10)

Against: (None) (0)

Absent: Herndon, Nevitt, Robb (3)

Abstain: (None) (0)

CB12-0292 A bill for an ordinance approving a proposed Master Purchase Order between the City and County of Denver and Wagner Equipment Co., for the delivery of stock parts for the City's Caterpillar™ Heavy Equipment. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Susman, duly seconded by Councilmember Shepherd, that CB12-0294, CB12-0295, CB12-0258, CB12-0292, CB12-0302, CB12-0022, CB12-0180, CB12-0199, CB12-0296, and CB12-0297 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Shepherd, Susman (10)

Against: (None) (0)

Absent: Herndon, Nevitt, Robb (3)

Abstain: (None) (0)

CB12-0302 A bill for an ordinance making rescissions and transfer appropriations in the General Fund, authorizing expenditures and transfers in the General Government Special Revenue Fund, and making appropriations in the Capital Improvements and Capital Maintenance Fund. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Susman, duly seconded by Councilmember Shepherd, that CB12-0294, CB12-0295, CB12-0258, CB12-0292, CB12-0302, CB12-0022, CB12-0180, CB12-0199, CB12-0296, and CB12-0297 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Shepherd, Susman (10)

Against: (None) (0)

Absent: Herndon, Nevitt, Robb (3)

Abstain: (None) (0)

Health, Safety, Education & Services

CB12-0022 A bill for an ordinance approving an access agreement with Altus Consulting, LLC, a consultant for the Colorado Division of Oil and Public Safety, under which State's consultant will have the right to access City-owned property at 2013 South Osage Street to conduct remediation activities. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Susman, duly seconded by Councilmember Shepherd, that CB12-0294, CB12-0295, CB12-0258, CB12-0292, CB12-0302, CB12-0022, CB12-0180, CB12-0199, CB12-0296, and CB12-0297 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Shepherd, Susman (10)

Against: (None) (0)

Absent: Herndon, Nevitt, Robb (3)

Abstain: (None) (0)

CB12-0180 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Denver Rescue Mission to modify the scope of work to be performed. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Susman, duly seconded by Councilmember Shepherd, that CB12-0294, CB12-0295, CB12-0258, CB12-0292, CB12-0302, CB12-0022, CB12-0180, CB12-0199, CB12-0296, and CB12-0297 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Shepherd, Susman (10)

Against: (None) (0)

Absent: Herndon, Nevitt, Robb (3)
Abstain: (None) (0)

CB12-0199 A bill for an ordinance approving an Agreement with the Colorado Nonprofit Development Center to act as the fiscal agent for the Ryan White Care Act Part A funding. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Susman, duly seconded by Councilmember Shepherd, that CB12-0294, CB12-0295, CB12-0258, CB12-0292, CB12-0302, CB12-0022, CB12-0180, CB12-0199, CB12-0296, and CB12-0297 be placed upon final consideration and do pass en bloc, carried by the following vote:

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

Land Use, Transportation & Infrastructure

CB12-0296 A bill for an ordinance vacating a portion of right-of-way at the corner of 32nd Avenue and a cross alley near Tejon Street, with reservations. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Susman, duly seconded by Councilmember Shepherd, that CB12-0294, CB12-0295, CB12-0258, CB12-0292, CB12-0302, CB12-0022, CB12-0180, CB12-0199, CB12-0296, and CB12-0297 be placed upon final consideration and do pass en bloc, carried by the following vote:

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

CB12-0297 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and AECOM Technical Services, Inc., to procure a study of the validity and appropriateness of a new type of regional trip-based model through the East Colfax corridor. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Susman, duly seconded by Councilmember Shepherd, that CB12-0294, CB12-0295, CB12-0258, CB12-0292, CB12-0302, CB12-0022, CB12-0180, CB12-0199, CB12-0296, and CB12-0297 be placed upon

final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Shepherd, Susman (10)

Against: (None) (0)

Absent: Herndon, Nevitt, Robb (3)

Abstain: (None) (0)

Announcement

Council President Pro-Tem Lehmann announced the following correction. On Monday June 4, 2012 Council will hold a public hearing on CB12-0261 changing the zoning classification for 3901 Fox Street and 3965 Fox Street and on CB12-0264 changing the zoning classification for 1804 South Pearl Street. Any protests against Council Bill 261 or Council Bill 264 must be filed with the Council Offices no later than Tuesday, May 29, 2012.

Please note the following correction. On Monday June 4, 2012 Council will hold a public hearing on CB12-0261 changing the zoning classification for 3901 Fox Street and 3965 Fox Street and on CB12-0264 changing the zoning classification for 1804 South Pearl Street. Any protests against Council Bill 261 or Council Bill 264 must be filed with the Council Offices no later than Tuesday, May 29, 2012.

Adjourn

There being no further business before the City Council, Council President Pro-Tem Lehmann adjourned the meeting at 6:13 PM.

Pending

CB12-0241 A bill for an ordinance prohibiting unauthorized camping on public or private property. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

CB12-0249 A bill for an ordinance changing the zoning classification for 4100 Federal Boulevard. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

CB12-0261 A bill for an ordinance changing the zoning classification for 3901 Fox Street and 3965 Fox Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

CB12-0264 A bill for an ordinance changing the zoning classification for 1804 South Pearl Street. (LAND USE, TRANSPORTATION &

INFRASTRUCTURE)

**CB12-0265 A bill for an ordinance changing the zoning classification of 8th Avenue and Colorado Boulevard to a Planned Unit Development District.
(LAND USE, TRANSPORTATION & INFRASTRUCTURE)**