

City Council Minutes

Meeting Date: Monday, March 12, 2012 5:30 PM

Pledge of Allegiance

Councilmember Lehmann led the Pledge of Allegiance.

Roll Call

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

Absent: Ortega

Councilmember Brooks arrived late.

Approval of Minutes of Monday, March 5, 2012

The minutes of meeting date, Monday, March 5, 2012, were distributed to Council. Council President Nevitt ordered the minutes approved.

Council Announcements

Councilmembers Lehmann, Herndon, Susman, Brown, Brooks, Robb, Herndon, López, Montero, and Nevitt offered announcements.

Presentations

Communications

Proclamations

CP12-0144 A proclamation congratulating the Denver St. Patrick's Day Parade Committee on the occasion of the 50th annual parade on March 17, 2012.

Sponsored by Councilmembers Montero, Susman, Brown, Robb, Lehmann, Brooks, Faatz, and Herndon.

A motion offered by Councilmember Montero, duly seconded by Councilmember Shepherd, that CP12-0144 be adopted carried by the following vote:

Passed

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

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

Resolutions

The Council Secretary read the following resolutions by titles.

Health, Safety, Education & Services

CR12-0162 A resolution nominating Desiree Salas-Shelton to the Head Start Policy Council. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Herndon, that CR12-0162, CR12-0142, and CR12-0143 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Ortega (1)

Abstain: (None) (0)

Land Use, Transportation & Infrastructure

CR12-0142 A resolution laying out, opening and establishing as part of the city street system a certain parcel of land as Fairmont Drive at the intersection of S. Valentia Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Herndon, that CR12-0162, CR12-0142, and CR12-0143 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Ortega (1)

Abstain: (None) (0)

CR12-0143 A resolution laying out, opening and establishing as part of the city street system a certain parcel of land as a public alley bounded by W. 17th Avenue, W. 18th Avenue, Grove Street and Hooker Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Herndon, that CR12-0162, CR12-0142, and CR12-0143 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Ortega (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

CB12-0138 A bill for an ordinance approving a proposed Third Amendment and Modification Agreement between the City and County of Denver and NEWSED Community Development Corporation, Inc., to modify the terms and conditions of the Loan Agreement. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Lehmann, that CB12-0138, CB12-0159, CB12-0161, CB12-0133, CB12-0150, CB12-0158, CB12-0151, CB12-0152, CB12-0156, CB21-0123, CB12-0139, CB12-0140, and CB12-0148 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Ortega (1)

Abstain: (None) (0)

CB12-0159 A bill for an ordinance approving a proposed Second Amendment to Agreement between the City and County of Denver and Host International, Inc. for the operation of a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Lehmann, that CB12-0138, CB12-0159, CB12-0161, CB12-0133, CB12-0150, CB12-0158, CB12-0151, CB12-0152, CB12-0156, CB21-0123, CB12-0139, CB12-0140, and CB12-0148 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Ortega (1)

Abstain: (None) (0)

CB12-0161 A bill for an ordinance approving a proposed Second Amendment to Agreement between the City and County of Denver and Host International, Inc. for the operation of a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Lehmann, that CB12-0138, CB12-0159, CB12-0161, CB12-0133, CB12-0150, CB12-0158, CB12-0151, CB12-0152, CB12-0156, CB21-0123, CB12-0139, CB12-0140, and CB12-0148 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Ortega (1)

Abstain: (None) (0)

Government & Finance

CB12-0133 A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and McKinstry Essention, Inc., to allow for energy audits, retrocomissionings, and facility condition assessments of additional City buildings. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Lehmann, that CB12-0138, CB12-0159, CB12-0161, CB12-0133, CB12-0150, CB12-0158, CB12-0151, CB12-0152, CB12-0156, CB21-0123, CB12-0139, CB12-0140, and CB12-0148 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Ortega (1)

Abstain: (None) (0)

CB12-0150 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 Nevitt, duly seconded by Councilmember Lehmann, that CB12-0138, CB12-0159, CB12-0161, CB12-0133, CB12-0150, CB12-0158, CB12-0151, CB12-0152, CB12-0156, CB21-0123, CB12-0139, CB12-0140, and CB12-0148 be ordered published en bloc, carried by the following vote:

Passed
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Robb, Shepherd, Susman (12)
Against: (None) (0)
Absent: Ortega (1)
Abstain: (None) (0)

CB12-0155 A bill for an ordinance authorizing and approving (i) the use of an amount not to exceed \$30,000,000 of Private Activity Bond Volume Cap Allocation for the purpose of making a mortgage credit certificate election; and (ii) the MCC Program Administration Agreement and the MCC Program Guidelines. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Herndon, that CB12-0155 be ordered published, carried by the following vote:

Passed
For: Brooks, Brown, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Robb, Shepherd, Susman (11)
Against: Faatz (1)
Absent: Ortega (1)
Abstain: (None) (0)

CB12-0158 A bill for an Ordinance amending Section 20-76(d) of Division 3 of Article IV of Chapter 20, Treatment of Employees Associated with City Contracts, to permit payment of prevailing wages by contractors to oil and gas field employees and contractors on a biweekly basis. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Lehmann, that CB12-0138, CB12-0159, CB12-0161, CB12-0133, CB12-0150, CB12-0158, CB12-0151, CB12-0152, CB12-0156, CB21-0123, CB12-0139, CB12-0140, and CB12-0148 be ordered published en bloc, carried by the following vote:

Passed
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Robb, Shepherd, Susman (12)
Against: (None) (0)
Absent: Ortega (1)
Abstain: (None) (0)

Health, Safety, Education & Services

CB12-0151 A bill for an ordinance approving and providing for the execution of a proposed amendment to the grant agreement between the City and County of Denver and the State of Colorado concerning the "Expelled and At-Risk Student Services (EARSS) FY11-12" program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Lehmann, that CB12-0138, CB12-0159, CB12-0161, CB12-0133, CB12-0150, CB12-0158, CB12-0151, CB12-0152, CB12-0156, CB21-0123, CB12-0139, CB12-0140, and CB12-0148 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Ortega (1)

Abstain: (None) (0)

CB12-0152 A bill for an ordinance authorizing expenditures in the General Government Special Revenue Fund based on a letter of intent from the Wallace Foundation to award funding for Denver's "Out of School Time" programs. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Lehmann, that CB12-0138, CB12-0159, CB12-0161, CB12-0133, CB12-0150, CB12-0158, CB12-0151, CB12-0152, CB12-0156, CB21-0123, CB12-0139, CB12-0140, and CB12-0148 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Ortega (1)

Abstain: (None) (0)

CB12-0156 A bill for an ordinance amending the Building and Fire Code of the City and County of Denver. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Lehmann, that CB12-0138, CB12-0159, CB12-0161, CB12-0133, CB12-0150, CB12-0158, CB12-0151, CB12-0152, CB12-0156, CB21-0123, CB12-0139, CB12-0140, and CB12-0148 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Robb, Shepherd, Susman (12)
Against: (None) (0)
Absent: Ortega (1)
Abstain: (None) (0)

CB12-0157 A bill for an ordinance amending the Building and Fire Code of the City and County of Denver. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember López, duly seconded by Councilmember Susman, that CB12-0157 be re-referred or held in committee to Monday, March 19, 2012, carried by the following vote:

Passed
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Robb, Shepherd, Susman (12)
Against: (None) (0)
Absent: Ortega (1)
Abstain: (None) (0)

Land Use, Transportation & Infrastructure

CB12-0123 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and American Civil Constructors, Inc. for landscape improvement and irrigation construction. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Lehmann, that CB12-0138, CB12-0159, CB12-0161, CB12-0133, CB12-0150, CB12-0158, CB12-0151, CB12-0152, CB12-0156, CB21-0123, CB12-0139, CB12-0140, and CB12-0148 be ordered published en bloc, carried by the following vote:

Passed
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Robb, Shepherd, Susman (12)
Against: (None) (0)
Absent: Ortega (1)
Abstain: (None) (0)

CB12-0139 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Richdell Construction for landscape improvement and irrigation construction. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Lehmann, that CB12-0138, CB12-0159, CB12-0161, CB12-0133, CB12-0150,

CB12-0158, CB12-0151, CB12-0152, CB12-0156, CB21-0123, CB12-0139, CB12-0140, and CB12-0148 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Ortega (1)

Abstain: (None) (0)

CB12-0140 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Valleycrest Landscape Development, Inc. for landscape improvement and irrigation construction. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Lehmann, that CB12-0138, CB12-0159, CB12-0161, CB12-0133, CB12-0150, CB12-0158, CB12-0151, CB12-0152, CB12-0156, CB21-0123, CB12-0139, CB12-0140, and CB12-0148 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Ortega (1)

Abstain: (None) (0)

CB12-0148 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 reconstruction of two bridges, including the "Evergreen Lake Park Bridge" project and the "Red Rocks Park Bridge" project, and the funding therefor. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Lehmann, that CB12-0138, CB12-0159, CB12-0161, CB12-0133, CB12-0150, CB12-0158, CB12-0151, CB12-0152, CB12-0156, CB21-0123, CB12-0139, CB12-0140, and CB12-0148 be ordered published en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Ortega (1)

Abstain: (None) (0)

Recap of Bills to be Called Out

Pre-Recess Announcement

Council President Nevitt announced that tonight there will be a public hearing on CB12-0055 amending the Denver Zoning Code to mitigate the effect of certain governmental actions on zone lots and uses.

Tonight there will be a public hearing on CB12-0086 changing the zoning classification for 3350 Brighton Boulevard. Anyone wishing to speak on this matter must see the Council Secretary to receive a speaker card to fill out and return to her during the recess of Council.

Recess

Council took a brief recess.

Councilmember Brown left during the recess.

Council Reconvenes and Resumes its Regular Session

Bills for Final Consideration - Public Hearings

CB12-0086 A bill for an ordinance changing the zoning classification for 3350 Brighton Boulevard. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves rezoning from former Chapter 59 R-MU-30 with waivers (Residential Mixed Use-high density) to I-MX-8 (Industrial Context-Mixed Use-8 story) to allow for existing industrial building forms while permitting similar mixed-uses as allowed in R-MU-30 at 3350 Brighton in Council District 9. A PUBLIC HEARING WILL BE HELD AT LEAST FOUR WEEKS AFTER PUBLICATION. The Committee approved filing this bill at its meeting on 1-31-12. LAND USE, TRANSPORTATION & INFRASTRUCTURE

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Shepherd, that CB12-0086 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Brooks, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Brown, Ortega (2)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 6:35 PM, Council

President Nevitt presiding, to hear speakers either for or against the CB12-0086. Kyle Zeppelin, Mickey Zeppelin, and Seku signed up to address the bill. Deirdre Oss of Community Planning and Development delivered the Staff Report with an overview and recommendation for approval.

Bills for Final Consideration

Business, Workforce & Sustainability

CB12-0141 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Recycled Materials Company, Inc., related to operation and maintenance of asphalt and concrete recycle facilities at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Herndon, that CB12-0141, CB12-0137, and CB12-0014 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Robb, Shepherd, Susman (12)
Against: (None) (0)
Absent: Ortega (1)
Abstain: (None) (0)

Government & Finance

Health, Safety, Education & Services

CB12-0137 A bill for an ordinance approving a proposed Fourth Amendatory Agreement between the City and County of Denver and Keefe Commissary Network, LLC. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Herndon, that CB12-0141, CB12-0137, and CB12-0014 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Robb, Shepherd, Susman (12)
Against: (None) (0)
Absent: Ortega (1)
Abstain: (None) (0)

Land Use, Transportation & Infrastructure

CB12-0014 A bill for an ordinance approving an amendatory agreement between Felsburg, Holt & Ullevig, Inc. and the City & County of Denver for general design services. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Herndon, that CB12-0141, CB12-0137, and CB12-0014 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Ortega (1)

Abstain: (None) (0)

Adjourn

There being no further business before the City Council, Council President Nevitt adjourned the meeting at 7:01 PM.

Pending

CB12-0081 A bill for an ordinance changing the zoning classification of the block bounded by 1st Avenue, 2nd Avenue, Fillmore Street and Detroit Street to a Planned Unit Development District General (PUD-G). (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

CR12-0106 A resolution to set a public hearing relating to the approval of the Tamarac Square South Urban Redevelopment Plan. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)