

## City Council of Monday, October 22, 2012

# City and County of Denver

Robin Kniech..... At Large  
Deborah "Debbie" Ortega..... At Large  
Susan K. Shepherd..... District 1  
Jeanne Faatz..... District 2  
Paul D. López..... District 3  
Peggy Lehmann..... District 4  
Mary Beth Susman..... District 5  
Charlie Brown..... District 6



Chris Nevitt..... District 7  
Albus Brooks..... District 8  
Judy H. Montero..... District 9  
Jeanne Robb..... District 10  
Christopher Herndon..... District 11  
Janna M. Bergquist..... Director  
Kelly Velez..... Clerk

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**\*\*WEB ACCESS\*\***

**Live video and archives may be  
accessed at**

**<http://www.denvergov.org/citycouncil>**

**\*\*REMINDER\*\***

As a courtesy to those in attendance,  
please  
**turn off your cell phones.**

### **MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT**

The Council Chambers has listening devices for the hearing impaired; request a device from the Council Secretary. The City can provide sign language interpretation for persons attending City Council meetings. If you need sign language interpretation, please contact Lorrie Kosinski at TTY 720-913-8484 at least 72 hours in advance.

### **CITY COUNCIL AGENDA**

The City Council agenda and meeting schedule are made available for public review during normal business hours at Denver City Council, 1437 Bannock St., Rm. 451, on Thursday afternoons prior to the regularly scheduled meeting on Monday. The agenda packet is also posted on the City Council website. Questions on agenda items may be directed to the Denver City Council at 720-337-2000.

### **AUDIO/VIDEO ACCESS TO CITY COUNCIL MEETINGS**

City Council meetings are televised live on cable TV Channel 8, and can be viewed via live or archived web cast at <http://www.denvergov.org/citycouncil>. DVD recordings of meetings are available at the Central Library or at the Clerk and Recorder's Office.

### **PUBLIC COMMENT DURING PUBLIC HEARINGS**

This is the time of the meeting for the City Council to receive comments from the public regarding items up for consideration scheduled for public hearing. To speak during a public hearing, speaker cards are available during the recess of Council. Each speaker is allowed 3 minutes, unless another speaker has yielded his or her time which would result in a maximum of 6 minutes. Public hearings allow citizens the opportunity to speak in favor or against specific items. The Council President will open the public hearing to receive public comment on that specific item. Upon hearing all public comments, the Council President will close or continue the public hearing. Council may then decide to engage in discussion and/or take action on the item.

# **City Council Agenda and Explanatory Notes**

Meeting Date: Monday, October 22, 2012 5:30 PM

## **Pledge of Allegiance**

## **Roll Call**

## **Approval of the Minutes**

## **Council Announcements**

## **Presentations**

## **Communications**

## **Proclamations**

**CP12-0785 A proclamation congratulating the Denver Region on receiving the 2012 International Festival & Events Association (IFEA) World Festival & Event City Award.**

**Sponsored by Councilmembers Ortega, Montero, Shepherd, Faatz, Robb, Lehmann, López, and Brown.**

**CP12-0786 A proclamation celebrating October as National Energy Action Month.**

**Sponsored by Councilmembers Shepherd, Brooks, Susman, Montero, Herndon, Brown, Kniech, and Robb.**

**CP12-0796 A proclamation welcoming the Denver Cutthroats to Denver.**

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

## **Resolutions**

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

**CR12-0699 A resolution appointing Patricia R. Hunt to the Denver County Cultural Council.**

Appoints Patricia R. Hunt to the Denver County Cultural Council representing Denver Public Schools through October 1, 2014. The Committee approved filing this resolution by consent on 9-20-12.

**CR12-0742 A resolution approving the Mayor's appointments to the West Colfax Business Improvement District Board of Directors.**

Approves the Mayoral appointment of Andrew Atchley and Annette Alo to the West Colfax Business Improvement District Board of Directors for a term effective immediately and expiring on December 31, 2015 or until a successor is duly appointed. The Committee approved filing this resolution by consent on 10-11-12.

**CR12-0764 A resolution reappointing Pamela Packer to the Denver County Cultural Council.**

Reappoints Pamela Packer as an at large member of the Denver County Cultural Council for a term beginning October 1, 2012 through October 1, 2016. The Committee approved filing this resolution by consent on 10-11-12.

**Health, Safety, Education & Services**

**CR12-0743 A resolution approving the Mayor's appointment to the Citizen Oversight Board.**

Approves the Mayoral appointment of Francisco Gallardo to the Citizen Oversight Board for a term effective immediately and expiring on January 1, 2013 or until a successor is duly appointed. The Committee approved filing this resolution by consent on 10-11-12.

**CR12-0752 A resolution approving the Mayor's appointments to the Denver Health and Hospital Board.**

Approves the Mayoral appointment of Dr. Fernando Carreira to the Denver Health and Hospital Board for a term effective immediately and expiring June 30, 2015, and to approve the Mayoral appointment of Dr. Irene Aguilar to the Denver Health and Hospital Authority Board for a term effective immediately and expiring June 30, 2017 or until successors are duly appointed. The Committee approved filing this resolution by consent on 10-11-12.

**Land Use, Transportation & Infrastructure**

**CR12-0749 A resolution granting a revocable permit to Oakwood Homes, LLC to encroach into the right-of-way with various items at Maxwell Place and Ensenada Street, Maxwell Place and Ensenada Court, Maxwell Place and Espana Street, Maxwell Place and Fundy Street, Maxwell Place and Genoa Street and Maxwell Place and Himalaya Road.**

Grants a revocable permit to Oakwood Homes to encroach into the public right-of-way with twelve 6-foot Trex fence panels with stone columns at Maxwell Pl and Ensenada St, Ensenada Ct, Espana St, Fundy St, Genoa St, and Himalaya Rd in Council District 11 (2011-0209-07). The Committee approved filing this resolution by consent on 10-11-12.

**CR12-0750 A resolution granting a revocable permit to Evergreen-Colfax & Garfield, L.L.C. to encroach into the right-of-way with various items at**

### **Colfax Avenue at Jackson Street.**

Grants a revocable permit to Evergreen Colfax and Garfield, LLC, to encroach into the public right-of-way of Colfax with a ramp, railing, concrete steps, and a door swing for a new building at Jackson St in Council District 8 (2012-0235-01). The Committee approved filing this resolution by consent on 10-11-12.

### **CR12-0759 A resolution granting a revocable permit to Western Development Group, LLC to encroach into the right-of-way with various items at 2800 East 2nd Avenue.**

Grants a revocable permit to Western Development Group to encroach into the public right-of-way with an awning over the seating area and support columns in front of True Food Kitchen at 2800 E 2nd Ave in Council District 10 (2012-0386-01). The Committee approved filing this resolution by consent on 10-11-12.

## **Bills for Introduction**

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

#### **CB12-0702 A bill for an ordinance approving a proposed Concession Agreement between the City and County of Denver and Aramark Sports and Entertainment Services, LLC, to provide food and beverage services at City venues.**

Approves a five-year food and beverage concession agreement with Aramark Sports and Entertainment Services for Red Rocks Amphitheatre and the Denver Coliseum for \$30,837,547 in estimated net revenue. The last regularly scheduled Council meeting within the 30-day review period is on 11-13-12. The Committee approved filing this bill at its meeting on 10-17-12.

#### **CB12-0763 A bill for an ordinance approving a proposed First Amendment to Agreement between the City and County of Denver and BRUEL & KJAER EMS, INC. concerning consultant services at Denver International Airport.**

Adds one year and \$300,000 to the contract with Bruel & Kjaer for technical support for the Airport Noise and Operations Monitoring System (2011036101(1)). The last regularly scheduled Council meeting within the 30-day review period is on 10-13-12. The Committee approved filing this bill by consent on 10-11-12.

### **Government & Finance**

#### **CB12-0615 A bill for an ordinance approving a proposed Equipment Lease Purchase Agreement between the City and County of Denver and Sovereign Leasing, LLC, to lease equipment for the crime lab.**

Approves a capital lease agreement with Sovereign Leasing, LLC, through 2017 to replace aging crime lab equipment for the Crime Lab for no more than \$1,250,000, the payment of which was approved in the 2012 budget. (FINAN 201207277). The last regularly scheduled Council meeting within the 30-day review period is on 11-

13-12. The Committee approved filing this bill by consent on 8-23-12.

**CB12-0754 A bill for an ordinance making a supplemental appropriation from the General Contingency Fund to the City Attorney.**

Approves a \$1,400,000 supplemental to the City Attorney's Office 2012 General Fund appropriation due to the need for additional process servers, outside legal services, court reporters, professional services, and a large number of retirements in 2012 (01010-451000). The Committee approved filing this bill by consent on 10-11-12.

**CB12-0755 A bill for an ordinance amending Ordinance No. 87, Series of 2012, concerning the "Wildland Firefighting Reimbursement and Other Fee-Based Programs" Special Revenue Fund.**

Changes the Wildland Firefighting Reimbursement ordinance to authorize expenditures based on revenues instead of "deposits" so that the Department of Finance can set up budget in the fund—allowing the Fire Department to spend funds—based on revenue to be received from the State and other jurisdictions. The Committee approved filing this bill by consent on 10-11-12.

**CB12-0756 A bill for an ordinance amending Ordinance No. 608, Series of 2011, concerning the appropriations to pay the expenses of conducting the public business for the year 2012 and for the purposes required by the Charter and by other law.**

Amends the 2012 Long Bill, Ordinance 608, Series of 2011, to allocate 2012 merit increases from merit reserve to Departments' General Fund appropriations. The Committee approved filing this bill by consent on 10-11-12.

**CB12-0765 A bill for an ordinance amending various subsections of the Code of Ethics, Chapter 2, Sections 2-51 through 2-65 of the Revised Municipal Code to clarify certain provisions of the Code.**

Amends the Code of Ethics to: 1) clarify an existing provision prohibiting "improper use of confidential information or records", 2) add the term "complaint" to Section 2-53(a), 3) clarify that it is acceptable not just to solicit charitable donations, but also to accept them, and 4) to recognize current practice regarding periodic updates of the employee handbook and to clarify its distribution to employees by agencies. The Committee approved filing this bill at its meeting on 10-10-12.

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

**CB12-0614 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Agilent Technologies, Inc. for the purchase of Denver crime laboratory equipment to be financed through a separate lease-purchase agreement with Sovereign Leasing, LLC.**

Approves a contract with Agilent Technologies, Inc. in the amount of \$588,073.90 for Denver Police Department Crime Laboratory specialized equipment purchases (POLIC 201207340-00). This is a companion bill to the Sovereign Leasing, LLC,

leasing contract for the equipment purchases. The last regularly scheduled Council meeting within the 30-day review period is on 11-13-12. The Committee approved filing this bill by consent on 8-23-12.

**CB12-0631 A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and Knowledge Computing Corporation dba i2 Merger Sub Two, Inc. to increase the maximum contract amount.**

Approves a second amendatory agreement with Knowledge Computing Corporation to add \$37,375 for services related to the Denver Sheriff's Jail Management System (JMS) data integration into the COPLINK system (GE-93040-02). The last regularly scheduled Council meeting within the 30-day review period is on 11-13-12. The Committee approved filing this bill by consent on 8-30-12.

**CB12-0740 A bill for an ordinance approving a contract for purchase and sale of 1548 Ogden Street, Denver, Colorado.**

Approves a contract with Urban Peak Development for the purchase and sale of the apartment building located at 1548 Ogden St. in Council District 8 to serve the needs of homeless youth. The last regularly scheduled Council meeting within the 30-day review period is on 11-13-12. The Committee approved filing this bill at its meeting on 10-9-12.

**CB12-0744 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 "UASI FY12" program and the funding therefor, and authorizing the purchase of capital equipment items from the "UASI FY12" Special Revenue Fund budget.**

Approves a grant agreement with the State of Colorado to receive and expend the FY12 Urban Area Security Initiative (UASI) program funding in the amount of \$2,022,020 for procurement of equipment and training for Denver and other counties in Colorado (MOOEM-2012-08017-00). The last regularly scheduled Council meeting within the 30-day review period is on 11-13-12. The Committee approved filing this bill by consent on 10-11-12.

**Land Use, Transportation & Infrastructure**

**CB12-0675 A bill for an ordinance changing the zoning classification, with a reasonable condition, for 200, 234 and 280 Columbine Street and 2600 E. 3rd Avenue.**

Changes the zoning classification for 200, 234 and 280 Columbine and 2600 E. 3rd Ave. from C-CCN (Urban Center context, Cherry Creek North) to C-MX-5 (Urban Center context, Mixed Use, 5 story max.) on the north 150 ft. and C-MX-8 (Urban Center context, Mixed Use, 8 story max.) on the south 350 ft., both with a condition requiring a Regulating Plan, in Council District 10. A PUBLIC HEARING WILL BE HELD AT LEAST FOUR WEEKS AFTER PUBLICATION. The Committee approved filing this bill at its meeting on 10-9-12.

**CB12-0746 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and T2 Construction, Inc., for landscape improvement and irrigation construction.**

Amends the \$1,500,000 million on-call landscape improvements and irrigation construction services contract awarded to T2 Construction after a competitive bid process in Jan. 2012 with a term through Jan. 2015, to increase the capacity by \$1,000,000 since the remaining balance is under \$700,000 (201204313). The last regularly scheduled Council meeting within the 30-day review period is on 11-13-12. The Committee approved filing this bill by consent on 10-11-12.

**CB12-0760 A bill for an ordinance relinquishing the reservation of easements established in Ordinance No. 59, Series of 1947 and Ordinance No. 11, Series of 1942.**

Relinquishes certain easements containing 0.3 acre created in 1947 and 1942 with the vacation of portions of 21st St. between Delgany and Wewatta for new development in Council District 9 (2011-0422-02). The Committee approved filing this bill by consent on 10-11-12.

## **Recap of Bills to be Called Out**

### **Pre-Recess Announcement**

**Tonight Council will hold a required public hearing on CB12-0627 changing the zoning classification for 700 W. 39th Avenue, 3860 Galapago Street and 3820 Galapago Street; a required public hearing on CB12-0671 changing the zoning classification for 1200, 1214 and 1220 Grove Street; and a required public hearing on the Mayor's Proposed 2013 Budget. Anyone wishing to speak on any of these matters must see the Council Secretary to receive a speaker card to fill out and return to her during the recess of Council.**

### **Recess**

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

### **Public Hearings - Bills for Final Consideration**

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

**CB12-0627 A bill for an ordinance changing the zoning classification for property located at 700 W. 39th Avenue, 3860 Galapago Street and 3820 Galapago Street.**

Changes the zoning classification of 700 W. 39th Ave. and 3860 and 3820 Galapago from I-A, UO-2 (Light industrial, billboards allowed overlay) to C-MS-12

(Commercial Main Street, max. 12 stories) to permit mixed-use, pedestrian-oriented development near the future 41st and Fox commuter rail station 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 9-11-12.

**CB12-0671 A bill for an ordinance changing the zoning classification for properties located at 1200, 1214 and 1220 Grove Street.**

Changes the zoning classification from OS-A (open space, City-owned) to E-TU-B (Urban Edge context, two-unit) for 1200-1220 Grove in Council District 3. A PUBLIC HEARING WILL BE HELD AT LEAST FOUR WEEKS AFTER PUBLICATION. The Committee approved filing this bill at its meeting on 9-11-12.

## **Public Hearing - Mayor's Proposed 2013 Budget**

### **Bills for Final Consideration**

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

**CB12-0709 A bill for an ordinance approving a proposed Towing Services Agreement between the City and County of Denver and Drawbaugh Enterprises, Inc. concerning towing services at Denver International Airport.**

Approves a three-year \$2,500,000 contract with Drawbaugh Enterprises Inc. for towing services at the airport beginning November 1, 2012. The last regularly scheduled Council meeting within the 30-day review period is on 11-5-12. The Committee approved filing this bill by consent on 9-27-12.

#### **Government & Finance**

**CB12-0732 A bill for an ordinance making an appropriation from the Arts and Venues Denver Special Revenue Fund.**

Approves a \$2,500,000 increase in the 2012 expenditure appropriation for the Arts and Venues Denver Special Revenue Fund for operating funds due to an increased number of events over original expectations with spending offset by increased revenue totaling \$7,155,340 from the additional programming. The Committee approved filing this bill by consent on 10-4-12.

**CB12-0741 A bill for an ordinance approving a proposed extension to a Master Purchase Order between the City and County of Denver and Faris Machinery Company to add additional funds for OEM Elgin™ Street Sweeper parts and components.**

Adds \$2,050,000 to the master purchase order with Faris Machinery Company, Inc. for OEM Elgin™ Street Sweeper parts and components to accommodate anticipated spending through September 30, 2017. The last regularly scheduled Council meeting within the 30-day review period is on 11-5-12. The Committee approved



filing this bill by consent on 9-27-12.

## **Announcement**

**Dependent upon publication on Monday, November 19, 2012, Council will hold a required public hearing on CB12-0675 changing the zoning classification, with a reasonable condition, for 200, 234 and 280 Columbine Street and 2600 E. 3rd Avenue. Any protests against CB12-0675 must be filed with the Council Offices no later than Tuesday, November 13, 2012. Also, it is the intent of City Council to convene as the Ex-Officio Board of Directors of the Gateway Village General Improvement District on Monday, October 29, 2012. At that time, a public hearing will be held on the District's proposed 2013 Work Plan and Budget and mill levy.**

## **Adjourn**

## **Pending**

**For 10-29-12**

**CB12-0676 A bill for an ordinance amending the Denver Zoning Code to delete the sunset provisions on medical marijuana in Sections 11.7.1.3.C and 11.8.4.1.**

**Required Public Hearing  
Final Consideration**

**For 10-29-12**

**CB12-0677 A bill for an ordinance changing the zoning classification for properties located at 61-81 S. Garfield Street.**

**Required Public Hearing  
Final Consideration**

**For 10-29-12**

**CB12-0678 A bill for an ordinance changing the zoning classification of 290 S. Monaco Street to a Planned Unit Development District (PUD).**

**Required Public Hearing  
Final Consideration**