

City Council Minutes

Meeting Date: Monday, September 26, 2011 5:30 PM

Pledge of Allegiance

Councilmember Montero led the Pledge of Allegiance.

Roll Call

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

Absent: None

Approval of Minutes of Monday, September 19, 2011

The minutes of meeting date, October 19, 2011, were distributed to Council. Council President Nevitt ordered the minutes approved.

Council Announcements

Councilmembers Montero, López, Kniech, and Ortega offered announcements.

Presentations

Communications

Proclamations

CP11-0696 A proclamation in support of City Year Denver's School-Based Model in Denver Public Schools.

Sponsored by Councilmembers Herndon, Brown, Brooks, Robb, and Susman.

A motion offered by Councilmember Herndon, duly seconded by Councilmember Brooks, that CP11-0696 be adopted, 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)

CP11-0699 A proclamation in appreciation and acknowledgment of Alan

**Robert Ochsenbein on the occasion of his retirement from the City and County of Denver.
Councilmembers Faatz, Susman, Brown, Robb, López, Herndon, Montero, Ortega, and Lehmann.**

A motion offered by Councilmember Faatz, duly seconded by Councilmember Herndon, that CP11-0699 be adopted, 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)

Resolutions

The Council Secretary read the following resolutions by titles.

Health, Safety, Education & Services

CR11-0649 A resolution approving the Mayor's appointment to the Regional Emergency Medical and Trauma Council. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Montero, duly seconded by Councilmember Shepherd, that CR11-0649, CR11-0650, CR11-0660, CR11-0695, CR11-0648, and CR11-0661 be adopted 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)

CR11-0650 A resolution approving the Mayor's reappointments and appointments to the Denver American Indian Commission. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Montero, duly seconded by Councilmember Shepherd, that CR11-0649, CR11-0650, CR11-0660, CR11-0695, CR11-0648, and CR11-0661 be adopted 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)

CR11-0660 A resolution approving the Mayor’s appointments to the Advisory Commission on Youth. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Montero, duly seconded by Councilmember Shepherd, that CR11-0649, CR11-0650, CR11-0660, CR11-0695, CR11-0648, and CR11-0661 be adopted 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)

CR11-0695 A resolution authorizing and approving the expenditure and payment from the appropriation account designated “liability claims,” the sum of Thirty Thousand Dollars (\$30,000.00), payable to ROHIT MUKHERJEE and ALAN G. MOLK, Esq., in full payment and satisfaction of all claims in Case No. 10-cv-02304-REB-BNB, in the United States District Court for the District of Colorado. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Montero, duly seconded by Councilmember Shepherd, that CR11-0649, CR11-0650, CR11-0660, CR11-0695, CR11-0648, and CR11-0661 be adopted 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

CR11-0648 A resolution granting a revocable permit to N.P. Bank Lofts Associates, L.P. to encroach into the right-of-way with various items at 818 17th St. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Montero, duly seconded by Councilmember Shepherd, that CR11-0649, CR11-0650, CR11-0660, CR11-0695, CR11-0648, and CR11-0661 be adopted 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)

Special Issues: Redistricting

CR11-0661 A resolution establishing principles and procedures for developing a plan for redrawing the boundaries of Council Districts within the City and County of Denver. (REDISTRICTING)

A motion offered by Councilmember Montero, duly seconded by Councilmember Shepherd, that CR11-0649, CR11-0650, CR11-0660, CR11-0695, CR11-0648, and CR11-0661 be adopted 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)

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.

Government & Finance

CB11-0530 A bill for an Ordinance approving a three-year contract with Waste Management of Colorado, Inc. to provide trash services for City operated facilities in the amount of \$625,000. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB11-0530, CB11-0644, CB11-0677, CB11-0678, CB11-0681, CB11-0546, CB11-0621, CB11-0629, CB11-0646, CB11-0647, and CB11-0659 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)

CB11-0644 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Accela, Incorporated to purchase Crystal Reports Server OEM Embedded Licenses and associated maintenance and support. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB11-0530, CB11-0644, CB11-0677, CB11-0678, CB11-0681, CB11-

0546, CB11-0621, CB11-0629, CB11-0646, CB11-0647, and CB11-0659 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)

CB11-0677 A bill for an ordinance amending Section 18-173 of Chapter 18, of the Revised Municipal Code, changing the City’s percentage contribution towards the monthly premiums for the medical insurance plans. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB11-0530, CB11-0644, CB11-0677, CB11-0678, CB11-0681, CB11-0546, CB11-0621, CB11-0629, CB11-0646, CB11-0647, and CB11-0659 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)

CB11-0678 A bill for an ordinance amending Section 18-175 of Chapter 18, of the Revised Municipal Code, changing the City’s percentage contribution toward the monthly premiums for the dental insurance plans. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB11-0530, CB11-0644, CB11-0677, CB11-0678, CB11-0681, CB11-0546, CB11-0621, CB11-0629, CB11-0646, CB11-0647, and CB11-0659 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)

CB11-0681 A bill for an Ordinance approving a proposed purchase by the City and County of Denver of insurance coverage from Kaiser Permanente Health Plan of Colorado, United Healthcare, Standard Insurance Company of Colorado, Inc., Delta Dental and Anthem Blue Cross and Blue Shield. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB11-0530, CB11-0644, CB11-0677, CB11-0678, CB11-0681, CB11-0546, CB11-0621, CB11-0629, CB11-0646, CB11-0647, and CB11-0659 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

CB11-0546 A bill for an ordinance changing the zoning classification of 7995 E. Hampden Ave. 7785 E. Hampden Ave. and a portion of 7777 E. Hampden Ave. (LAND USE TRANSPORTATION AND INFRASTRUCTURE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB11-0530, CB11-0644, CB11-0677, CB11-0678, CB11-0681, CB11-0546, CB11-0621, CB11-0629, CB11-0646, CB11-0647, and CB11-0659 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)

CB11-0621 A bill for an ordinance approving a proposed Second Amendatory Professional Services Agreement between the City and County of Denver and Jacobs Project Management Co. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB11-0530, CB11-0644, CB11-0677, CB11-0678, CB11-0681, CB11-0546, CB11-0621, CB11-0629, CB11-0646, CB11-0647, and CB11-0659 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)

CB11-0629 A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and Oz Architecture of Denver, Inc., for on-call architectural and engineering

services. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB11-0530, CB11-0644, CB11-0677, CB11-0678, CB11-0681, CB11-0546, CB11-0621, CB11-0629, CB11-0646, CB11-0647, and CB11-0659 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)

CB11-0646 A bill for an ordinance approving an amendatory agreement between Tsiouvaras Simmons Holderness and the City & County of Denver to provide design construction services. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB11-0530, CB11-0644, CB11-0677, CB11-0678, CB11-0681, CB11-0546, CB11-0621, CB11-0629, CB11-0646, CB11-0647, and CB11-0659 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)

CB11-0647 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and SiteWise, LLC, for locating underground utilities as needed for various projects in the City. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB11-0530, CB11-0644, CB11-0677, CB11-0678, CB11-0681, CB11-0546, CB11-0621, CB11-0629, CB11-0646, CB11-0647, and CB11-0659 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)

CB11-0659 A bill for an ordinance authorizing a Permanent Easement to the Denver Water Board for use of City owned land located at the

southeast corner of Monaco and Jewell Avenue to maintain a rectifier facility for the Conduit #29 water line. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB11-0530, CB11-0644, CB11-0677, CB11-0678, CB11-0681, CB11-0546, CB11-0621, CB11-0629, CB11-0646, CB11-0647, and CB11-0659 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

Pre-Recess Announcement

Council President Nevitt announced that no protests were filed in the following districts: East 13th Avenue Pedestrian Mall, Tennyson Street II Pedestrian Mall, Expanded Greektown Pedestrian Mall, Golden Triangle Pedestrian Mall, West 38th Avenue II Pedestrian Mall, and the 32nd and Lowell Pedestrian Mall. No hearings are required and the assessments are approved.

No protests were filed in the following districts: East 13th Avenue Pedestrian Mall, Tennyson Street II Pedestrian Mall, Expanded Greektown Pedestrian Mall, Golden Triangle Pedestrian Mall, West 38th Avenue II Pedestrian Mall, and the 32nd and Lowell Pedestrian Mall. No hearings are required and the assessments are approved.

Recess

Council did not take a recess.

Council Reconvenes and Resumes its Regular Session

Bills for Final Consideration

Government & Finance

Health, Safety, Education & Services

CB11-0535 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and the University of Colorado

Denver d/b/a Addiction Research and Treatment Services, for residential and non-residential community corrections services. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Montero, duly seconded by Councilmember Kniech, that CB11-0535, CB11-0612, CB11-0603, and CB11-0631 be passed 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)

CB11-0612 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and the Mental Health Center of Denver to provide DARTT services to clients in Drug Court. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Montero, duly seconded by Councilmember Kniech, that CB11-0535, CB11-0612, CB11-0603, and CB11-0631 be passed 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

CB11-0603 A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and the Regents of the University of Colorado, a body corporate, for and on behalf of the University of Colorado, Denver to provide student interns on an on-call basis for work in the Engineering Division of the Public Works Department. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Montero, duly seconded by Councilmember Kniech, that CB11-0535, CB11-0612, CB11-0603, and CB11-0631 be passed 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)

CB11-0631 A bill for an ordinance approving an agreement between K.E.C.I. Colorado, Inc. and the City & County of Denver for Phase II of the 2011 On Call Structural and Safety Repairs Project. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Montero, duly seconded by Councilmember Kniech, that CB11-0535, CB11-0612, CB11-0603, and CB11-0631 be passed 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)

Announcement

Council President Nevitt announced that there will be a public hearing on CB11-0546, changing the zoning classification of 7995 E. Hampden Ave., 7785 E. Hampden Ave. and a portion of 7777 E. Hampden Ave. on Monday, October 24, 2011. Any protests against CB11-0546 must be filed with the Council Office no later than Monday, October 17, 2011.

Dependent upon publication there will be a public hearing on CB11-0546, changing the zoning classification of 7995 E. Hampden Ave., 7785 E. Hampden Ave. and a portion of 7777 E. Hampden Ave. on Monday, October 24, 2011. Any protests against CB11-0546 must be filed with the Council Office no later than Monday, October 17, 2011.

Adjourn

There being no further business before the City Council, Council President Nevitt adjourned the meeting at 6:22 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)

CB11-0605 A bill for an ordinance changing the zoning classification of 3155 East First Avenue from PUD No. 151 to C-CCN. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

CB11-0606 A bill for an ordinance changing the zoning classification of 75

Adams Street from PUD No. 304 to C-MX-8. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)