

## City Council of Monday, January 23, 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..... Council Secretary

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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 720-865-9534.

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

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### **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, January 23, 2012 5:30 PM

## **Pledge of Allegiance**

## **Roll Call**

## **Approval of Minutes of Tuesday, January 17, 2012**

## **Council Announcements**

## **Presentations**

## **Communications**

## **Proclamations**

**CP12-0053 A proclamation honoring former Police Chief Gerald Whitman. Sponsored by Councilmembers Brown, Brooks, Lehmann, Montero, Ortega, López, and Herndon.**

**CP12-0070 A proclamation supporting Denver districts applying for creative district designation by the State of Colorado. Councilmembers Montero, Robb, Shepherd, Brooks, Brown, Lehmann, Ortega, López, and Herndon.**

**CP12-0071 A proclamation declaring January 30, 2012 Metro State Aviation and Aerospace Science Day. Sponsored by Councilmembers Montero, Brooks, Brown, Lehmann, Ortega, and López.**

## **Resolutions**

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

**CR12-0069 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 Aklil Hailu Law, LLC, in full payment and satisfaction of all claims by Yilma Wako in Case No. 10-CV-4765, in the Denver District Court. (HEALTH, SAFETY, EDUCATION & SERVICES)**

Approves a settlement involving the Department of Environmental Health - Animal

Control Division. This resolution was approved for filing at the Mayor-Council meeting on 1-17-12.

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

### **CR12-0038 A resolution granting a revocable permit to Denver Bike Sharing to encroach into the right-of-way with a bicycle docking station at 899 Logan Street and 2095 Chestnut Place. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Grants a revocable permit to Denver Bike Sharing to encroach into the public right-of-way with bicycle docking stations at 899 Logan in Council District 10 and 2095 Chestnut Pl. in Council District 9. The Committee approved filing this resolution by consent on 1-12-12.

### **CR12-0039 A resolution granting a revocable permit to Denver Bike Sharing to encroach into the right-of-way with a bicycle docking station at 1279 Marion Street and 923 W. 9th Avenue. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Grants a revocable permit to Denver Bike Sharing to encroach into the public right-of-way with bicycle docking stations at 1279 Marion in Council District 10 and 923 W. 9th Ave. Council District 9. The Committee approved filing this resolution by consent on 1-12-12.

### **CR12-0040 A resolution accepting and approving the plat of Indian Creek, Filing No. 11. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Approves the final subdivision plat for Indian Creek Filing No. 11, a 4.5-acre site for 10 residential lots, at S. Quebec Way and Colorado Ave. in Council District 6. The Committee approved filing this resolution by consent on 1-12-12.

## **Bills for Introduction**

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

#### **CB12-0025 A bill for an ordinance approving a proposed Standard Agreement between the City and County of Denver and DIA Steak House, LLC for the operation of a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Approves a ten-year concession agreement with DIA Steak House, LLC dba Elway's with a \$606,900 annual revenue minimum to provide a food and beverage casual dining bar-steak and seafood restaurant on Concourse B at Denver International Airport. The last regularly scheduled Council meeting within the 30-day period is on 2-13-12. The Committee approved filing this bill at its meeting on 1-11-12.

#### **CB12-0026 A bill for an ordinance approving a proposed Standard 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)**

Approves a seven-year concession agreement with Host International, Inc dba Crú-A Wine Bar for \$203,932 minimum annual revenues for a food and beverage wine bar on Concourse B at Denver International Airport. The last regularly scheduled Council meeting within the 30-day period is on 2-13-12. The Committee approved filing this bill at its meeting on 1-11-12.

**CB12-0027 A bill for an ordinance approving a proposed Standard Agreement between the City and County of Denver and XpresSpa Denver Airport, LLC for the operation of a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Approves a five-year concession agreement with XpresSpa Denver Airport, LLC dba XpresSpa for \$95,200 minimum annual revenues to provide massage and related spa services on Concourse C at Denver International Airport. The last regularly scheduled Council meeting within the 30-day period is on 2-13-12. The Committee approved filing this bill at its meeting on 1-11-12.

**CB12-0028 A bill for an ordinance approving a proposed Standard Agreement between the City and County of Denver and Tugals LLC for the operation of a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Approves a five-year concession agreement with Tugals, LLC dba TULEH RUCHE for \$100,300 in minimum annual revenues for specialty retail women’s fashions and accessories on Concourse B at Denver International Airport. The last regularly scheduled Council meeting within the 30-day period is on 2-13-12. The Committee approved filing this bill at its meeting on 1-11-12.

**CB12-0029 A bill for an ordinance approving a proposed Standard Agreement between the City and County of Denver and DIA Wine Bar Partnership for the operation of a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Approves a seven-year concession agreement with DIA Wine Bar Partnership dba Vino Volo for \$110,819 in minimum annual revenues for wine and small plate food items on Concourse C at Denver International Airport. The last regularly scheduled Council meeting within the 30-day period is on 2-13-12. The Committee approved filing this bill at its meeting on 1-11-12.

**CB12-0030 A bill for an ordinance approving a proposed Standard Agreement between the City and County of Denver and Ayala’s RMAC, LLC for the operation of a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Approves a five-year concession agreement with Ayala’s RMAC, LLC dba TAG Evolution for \$144,500 in minimum annual revenues to provide women’s fashion jewelry, watches, optical wear, belts, handbags, totes, silk scarves, and related items on Concourse B at Denver International Airport. The last regularly scheduled Council meeting within the 30-day period is on 2-13-12. The Committee approved filing this bill at its meeting on 1-11-12.

**CB12-0042 A bill for an ordinance approving a proposed Standard Agreement between the City and County of Denver and Mission Yogurt, Inc., for the operation of a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Approves a seven-year concession agreement with Mission Yogurt, Inc. dba Udi's Café & Bar for \$552,500 in minimum annual revenues for freshly prepared hot and cold sandwiches and bar in Concourse B at Denver International Airport. The last regularly scheduled Council meeting within the 30-day period is on 2-13-12. The Committee approved filing this bill at its meeting on 1-11-12.

**Health, Safety, Education & Services**

**CB11-0870 A bill for an ordinance approving a proposed Site Use License Agreement between the City and County of Denver and Frontier Asset Building to provide space in the Richard T. Castro Building to operate a Volunteer Income Tax Assistance (VITA) program. (HEALTH, SAFETY, EDUCATION & SERVICES)**

Authorizes a License for Site Use agreement with Denver Human Services (DHS) and Frontier Asset Building in the amount of \$10 to provide financial education, programs, and services to promote concepts of financial saving and asset building to under-served and low-income individuals which will include Volunteer Income Tax Assistance (VITA) program assistance. The last regularly scheduled Council meeting within the 30-day review period is on 2-13-12. The Committee approved filing this bill by consent on 11-24-11.

**CB11-0920 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Catholic Charities and Community Services of the Archdiocese of Denver, to extend the contract term, increase the services to be provided, and increase the total amount of compensation to be paid. (HEALTH, SAFETY, EDUCATION & SERVICES)**

Approves an amendment to the Catholic Charities and Community Services of the Archdiocese of Denver agreement to extend the end term through June 30, 2012, and to increase funding in the amount of \$695,509 for a total contract amount of \$1,459,538 to assist 224 eligible children in the Head Start Program. The last regularly scheduled Council meeting within the 30-day review period is on 2-13-12. The Committee approved filing this bill by consent on 12-15-11.

**CB11-0951 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and the Colorado Coalition for the Homeless, to extend the term and increase funds, to provide outreach and housing placement services to homeless youth and adults. (HEALTH, SAFETY, EDUCATION & SERVICES)**

Amends the contract with the Colorado Coalition for the Homeless to add \$934,640 to the contract for a total contract amount of \$2,803,921 and to extend the term through December 31, 2012 for the purpose of providing outreach services to the

homeless at 2111 Champa Street. The last regularly scheduled Council meeting within the 30-day review period is on 2-13-12. The Committee approved filing this bill by consent on 12-22-11.

**CB12-0032 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 "Denver Youth Healthy Connections TASC Project" grant program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)**

Approves a grant amendment to the agreement between the City and County of Denver Police Department and the State of Colorado Judicial Department to add \$130,000 to support the "Denver Youth Healthy Connections TASC Project" for a total grant amount of \$620,000. The last regularly scheduled Council meeting within the 30-day review period is on 2-13-12. The Committee approved filing this bill by consent on 1-5-12.

**Land Use, Transportation & Infrastructure**

**CB11-0907 A bill for an ordinance approving a proposed Cooperation Agreement between the City and County of Denver and Denver Urban Renewal Authority, for the Marycrest Urban Redevelopment Area. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Approves a Cooperation Agreement with the Denver Urban Renewal Authority regarding the Marycrest Urban Redevelopment Area to establish parameters for sales and property tax increment financing for development at the northeast corner of Federal and 52nd Ave. in Council District 1. The last regularly scheduled Council meeting within the 30-day review period is on 2-13-12. The Committee approved filing this bill at its meeting on 1-10-12.

**CB11-0908 A bill for an ordinance approving the Marycrest Urban Redevelopment Plan for the former Marycrest site. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Approves the Marycrest Urban Redevelopment Plan authorizing the creation of property and sales tax increment area at 2851 W. 52nd Ave. in Council District 1. A PUBLIC HEARING WILL BE HELD ON JANUARY 30, 2012. The Committee approved filing this bill at its meeting on 1-10-12.

**CB11-0966 A bill for an ordinance approving a proposed Loan Agreement between the City and County of Denver and Denver Urban Renewal Authority, for the Marycrest Urban Redevelopment Area. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Approves a loan agreement with Denver Urban Renewal Authority for purchase of the Marycrest Campus at 2851 West 52nd Ave. in Council District 1. The last regularly scheduled Council meeting within the 30-day review period is on 2-13-12. The Committee approved filing this bill at its meeting on 1-10-12.

**CB12-0018 A bill for an ordinance approving an amendatory agreement between CH2M Hill, Inc. and the City & County of Denver for the Peoria Grade Separation Project, Phase II. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Amends the contract with CH2M Hill to extend the term nine months to Dec. 31, 2012, and increase the contract amount by \$2,034,514 for a new total of \$2,487,670 for Phase II environmental documentation and conceptual engineering services on the Peoria grade separation project. The last regularly scheduled Council meeting within the 30-day review period is on 2-13-12. The Committee approved filing this bill by consent on 1-5-12.

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

### **Recess**

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

### **Bills for Final Consideration**

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

**CB11-0933 A bill for an ordinance approving a proposed Third Amendment to Permit Agreement for Multi - purpose Permit, Ref. No. 400 between the City and County of Denver and Park Creek Metropolitan District for general construction, traffic access, ingress, and egress at the former Stapleton site. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Corrects the bill title for the previously approved Council Bill 11-0933 regarding the multi-purpose permit between the City and Park Creek Metropolitan District. The last regularly scheduled Council meeting within the 30-day period is on 2-6-12. The Committee approved filing this bill by consent on 12-15-11.

**CB11-0963 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and JOHN ROHRER CONTRACTING COMPANY, INC. to provide concrete repairs and moisture protection for the DIA Terminal Roadways and the Terminal Parking Structure. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Approves an on-call agreement for up to \$12,000,000 and 730 days with John Rohrer Contracting Company to provide concrete repairs and moisture protection for the DIA Terminal Roadways and the Terminal Parking Structure. The last regularly scheduled Council meeting within the 30-day period is on 2-6-12. The Committee approved filing this bill by consent on 12-22-11.

**CB12-0011 A bill for an ordinance approving a proposed Second Amendment and Modification Agreement between the City and County of Denver, Taxi Building III, LLC and Morton Zeppelin, relating to the "Taxi**

**III" development. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Amends the scope of services for the Taxi III development to reduce the project from 95,000 square feet to 38,000, to utilize remaining available Section 108 and Brownfield Economic Development Initiative (BEDI) funds, to allow the Office of Economic Development to fund a higher percentage of the project (from 41% to 79%), and to modify TAXI's existing payment schedule. This bill was approved for filing by title only by Council President Nevitt. The last regularly scheduled Council meeting within the 30-day review period is on 2-6-12. The Committee approved filing this bill at its meeting on 1-11-12.

**Government & Finance**

**CB11-0862 A bill for an ordinance approving a proposed First Amendment to Concession Agreement and Revival (Civic Center Office Building) between the City and County of Denver and HJB Convenience Corporation, d/b/a Russell's Convenience for a five-year, income-generating extension, to the concession agreement. (GOVERNMENT & FINANCE)**

Approves a five-year \$154,000 income-generating extension to the lease agreement with Russell's in the Webb Building. The last regularly scheduled Council meeting within the 30-day period is on 2-6-12. The Committee approved filing this bill by consent on 12-8-11.

**Health, Safety, Education & Services**

**CB11-0829 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Mile High Business Alliance to procure energy efficiency services. (HEALTH, SAFETY, EDUCATION & SERVICES)**

Approves an amendment to the Mile High Business Alliance agreement to add \$500,000 of the Better Buildings Energy Efficiency and Conservation Block Grant (EECBG) funding to the existing rebate program as part of the larger Denver Energy Challenge. The last regularly scheduled Council meeting within the 30-day review period is on 2-6-12. The Committee approved filing this bill by consent on 11-10-11.

**CB12-0031 A bill for an ordinance amending Section 18-164(e) of the Revised Municipal Code, extending the military pay differential for eligible career service employees and members of the classified service through the end of calendar year 2012. (HEALTH, SAFETY, EDUCATION & SERVICES)**

Amends Section 18-164 (e) of the Denver Revised Municipal Code to continue to provide for a pay differential for both civilian and sworn personnel while on active duty, by extending the "sunset" provision of this Section through December 31, 2012. The Committee approved filing this bill by consent on 1-5-12.



**CB12-0033 A bill for an ordinance approving a proposed Third Amendatory Agreement by and between the City and County of Denver and SomaLogic, Inc. (HEALTH, SAFETY, EDUCATION & SERVICES)**

Approves a third amendment to the SomaLogic, Inc. contract to extend the term through June 30, 2012 and to add \$38,519 for a new contract total of \$744,498 to complete additional research for the Denver Police Crime Lab. The last regularly scheduled Council meeting within the 30-day review period is on 2-6-12. The Committee approved filing this bill by consent on 1-5-12.

**Land Use, Transportation & Infrastructure**

**CB11-0630 A bill for an ordinance approving an amendatory agreement between the City and County of Denver and Pahl Architecture, PC to extend term and increase funding. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Amends the on-call agreement with Pahl Architecture for architectural and engineering services to increase the maximum contract from \$480,000 to \$960,000 and add two years to extend the term to March 31, 2014. The last regularly scheduled Council meeting within the 30-day review period is on 2-6-12. The Committee approved filing this bill by consent on 9-1-11.

**CB11-0967 A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and Wilderness Construction Co. to increase the maximum contract amount. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Approves a 2nd amendment to the On-Call general contracting agreement with Wilderness Construction to increase the maximum contract capacity by \$750,000 to \$2,250,000 and no change in the term of June 2009 through June 2013. The last regularly scheduled Council meeting within the 30-day review period is 2-6-12. The Committee approved filing this bill by consent on 12-22-11.

**CB11-0968 A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and Norkoli Construction, Inc. to increase the maximum contract amount. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Approves a 2nd amendment to the On-Call general contracting agreement with Norkoli Construction to increase the maximum contract capacity by \$750,000 to \$2,250,000 with no change in the term of August 2009 to August 2013. The last regularly scheduled Council meeting within the 30-day review period is 2-6-12. The Committee approved filing this bill by consent on 12-22-11.

**CB12-0007 A bill for an ordinance approving a proposed Master Purchase Order between the City and County of Denver and Hill Petroleum. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Approves a 2-year master purchase agreement, with 3 optional 1-year extensions, in an amount up to \$50 million with Hill Petroleum to provide fuel for the City's fleet, including unleaded, diesel and biodiesel, based on the weekly price published

by the Oil Price Information Service. The last regularly scheduled Council meeting within the 30-day review period is on 2-6-12. The Committee approved filing this bill by consent on 12-29-11.

**CB12-0016 A bill for an ordinance approving an on-call agreement between Orion Specialty Contractors, LLC and the City & County of Denver for surface restoration and repairs at Denver Parks & Recreation facilities. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Approves a 5-year on-call contract with capacity up to \$950,000 for Orion Specialty Contractors to provide concrete repair, surface restoration and coatings installations supporting facilities, structures, pools and fountains within the Parks & Recreation system. The last regularly scheduled Council meeting within the 30-day review period is on 2-6-12. The Committee approved filing this bill by consent on 1-5-12.

**Announcement**

**Dependent upon publication there will be a public hearing on CB11-0908 approving the Marycrest Urban Redevelopment Plan for the former Marycrest site on Monday, January 300, 2012.**

**Adjourn**

**Pending**

**CR11-0909 A resolution to set a public hearing relating to the approval of the Marycrest Urban Redevelopment Plan.**

**CB11-0947 A bill for an ordinance changing the zoning classification for 4787 S. Wadsworth Way.**

**CB11-0975 A bill for an ordinance changing the zoning classification of 1532 and 1540 Monroe Street and 1551 Garfield Street.**

Bills Pending 1/30/2012					
CB #	Committee	Status	Description	Continued From	Hearing
CR11-0909	LAND USE, TRANSPORTATION & INFRASTRUCTURE	Final Consid.	A resolution to set a public hearing relating to the approval of the Marycrest Urban Redevelopment Plan.	12/6/2011 12/13/2011 12/19/2011	YES

CB11-0975	LAND USE, TRANSPORTATION & INFRASTRUCTURE	Final Consid.	A bill for an ordinance changing the zoning classification of 1532 and 1540 Monroe Street and 1551 Garfield Street.	12/20/2011 1/3/2012 1/3/2012 2/6/2012	YES
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Bills Pending 2/13/2012					
CB #	Committee	Status	Description	Continued From	Hearing
CB11-0947	LAND USE, TRANSPORTATION & INFRASTRUCTURE	YES	A bill for an ordinance changing the zoning classification for 4787 S. Wadsworth Way.	12/20/2011 1/3/2012 1/17/2012	YES