

City Council of Monday, October 17, 2011

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
Lauri Dannemiller..... Director
Kelly Velez..... Council Secretary

ROOM 451
CITY & COUNTY BUILDING
DENVER COLORADO
80202
720-865-9534
FAX: 720-865-9540
EMAIL: dencc@denvergov.org

****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

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 17, 2011 5:30 PM

Pledge of Allegiance

Roll Call

Mayor's Proposed 2012 Budget and Public Hearing Notice

Approval of Minutes of Monday, October 10, 2011

Council Announcements

Presentations

Communications

Proclamations

CP11-0764 A proclamation celebrating Denver's afterschool programs as part of the National Lights on Afterschool Day.

Sponsored by Councilmembers López, Brown, Susman, Ortega, and Lehmann.

Resolutions

Government & Finance

CR11-0722 A resolution declaring the intent of the City and County of Denver, Colorado to use its best efforts to issue housing revenue bonds or mortgage credit certificates to provide financing of residential facilities for low- and middle-income families or persons; prescribing certain terms and conditions of such bonds; and containing other provisions relating to the proposed issuance of such bonds. (GOVERNMENT & FINANCE)

Authorizes the City and County of Denver to apply for an additional \$15 million allocation of 2011 private activity housing revenue bonds or mortgage credit certificates to finance residential facilities for low- and middle-income families or persons. The Committee approved filing this resolution by consent on 10-06-11.

Health, Safety, Education & Services

CR11-0761 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the sum of Thirty Eight Thousand Five Hundred and 00/100 Dollars (\$38,500.00), payable to Law Office of Kevin C. Flesch, LLC, in full payment and satisfaction of all claims by Daniel Hernandez in Civil Action No. 09-cv-02783-RPM-CBS. (HEALTH, SAFETY, EDUCATION & SERVICES)

Settles a claim in the amount of \$38,500 involving the Police Department. This resolution was approved for filing at the Mayor-Council meeting on 10-11-11.

CR11-0762 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the sum of Two Thousand Three Hundred Eighty-Seven and 98/100 Dollars (\$2,387.98) payable to Zachary David Malkinson and Julie M. Malkinson, and the sum of Three Thousand Nine Hundred Eighty-Two and 89/00 Dollars (\$3,982.89) payable to Geico Direct as Subrogee of Zachary David Malkinson and Julie M. Malkinson, in full payment and satisfaction of all claims in Claim No. 1103-001291. (HEALTH, SAFETY, EDUCATION & SERVICES)

Settles claims in the amount of \$6,370.87 involving the Police Department. This resolution was approved for filing at the Mayor-Council meeting on 10-11-11.

CR11-0763 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the sum of Twenty-Three Thousand Dollars (\$23,000.00), payable to the Trust Account of Springer and Steinberg, P.C., and the sum of Fifteen Thousand Dollars (\$15,000.00), payable to the Trust Account of Springer and Steinberg, P.C., in full payment and satisfaction of all claims by Shauna Klemme and Diane Erickson in Case No. 11-CV-5619. (HEALTH, SAFETY, EDUCATION & SERVICES)

Settles claims in the amount of \$38,000 involving the Police Department. This resolution was approved for filing at the Mayor-Council meeting on 10-11-11.

Land Use, Transportation & Infrastructure

CR11-0702 A resolution granting a revocable permit to Williams and Graham to encroach into the right-of-way with various items at 3160 Tejon Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Grants a revocable permit to Williams & Graham to encroach into the right-of-way with swinging doors, planters, and metal steps with handrail at 3160 Tejon in Council District 9. The Committee approved filing this resolution by consent on 10-6-11.

CR11-0708 A resolution granting a revocable permit to Michael Korenblat to encroach into the right-of-way for a private waterline located at E. 54th Avenue and Garfield Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Grants revocable permit to Michael Korenblat to encroach into the public right-of-

way with a private waterline at E. 54th Ave. and Garfield to service the Suncor Refinery in Council District 9. The Committee approved filing this resolution by consent on 10-6-11.

Resolution - Denver 14th Street General Improvement District Board of Directors

A resolution by the Council of the City and County of Denver, sitting ex officio as the Board of Directors of the Denver 14th Street General Improvement District, approving a Work Plan, adopting a Budget, imposing Capital Charges and Maintenance Charges, and making appropriations for the 2012 Fiscal Year.

Bills for Introduction

Business, Workforce & Sustainability

CB11-0666 A bill for an ordinance approving 58 proposed PVC Participation and Amendments to Agreements between the City and County of Denver and certain concessionaires, concerning participation in the Premium Value Concession Program at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Amends 59 concession contracts to incorporate the Premium Value Concession Program language to allow Concessionaires to participate in the program and to compete for a new agreement upon expiration of their contract term. The last regularly scheduled Council meeting within the 30-day review period is on 11-7-11. The Committee approved filing this bill at its meeting on 10-5-11.

CB11-0667 A bill for an ordinance approving 7 proposed PVC Participation and Amendments to Non-Disturbance and Attornment Agreements between the City and County of Denver and certain concessionaires, concerning participation in the Premium Value Concession Program at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Amends the agreement with seven (7) concession contracts that have an attornment clauses in their current leases (i.e. they are subleasees) to allow participation in the Premium Value Program. The last regularly scheduled Council meeting within the 30-day period is on 11-7-11. The Committee approved filing this bill at its meeting on 10-5-11.

CB11-0701 A bill for an ordinance approving a proposed Purchase Order between Bruel and Kjaer Environment Management and the City and County of Denver, related to the purchase of twenty-eight noise monitoring terminals at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Authorizes the purchase of twenty eight 3639-C NMT AND 4184-A MICROPHONES at \$18,000 each for a total of \$504,000 (plus \$90,000 in installation costs) to replace obsolete Noise Monitoring Terminals at Denver International Airport to comply with the IGA with Adams County re: noise mitigation. The last regularly scheduled Council meeting within the 30-day review period is on 11-7-11. The Committee approved filing this bill by consent on 10-6-11.

CB11-0717 A bill for an ordinance approving a proposed Airline Ground Lease between the City and County of Denver and Southwest Airlines Co., concerning the leasing of ground space at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Approves a ground lease with revenues of \$4,668 annually for a parking area for Southwest's catering trucks at DIA. The last regularly scheduled Council meeting within the 30-day review period is on 11-7-11. The Committee approved filing this bill by consent on 10-6-11.

CB11-0718 A bill for an ordinance approving a proposed Second Amendment to TSA National Explosives Detection Canine Team Program (NEDCTP) Agreement between the Transportation Security Administration and the City and County of Denver related to the Canine Program for enhanced airport security at Denver International Airport (BUSINESS, WORKFORCE & SUSTAINABILITY)

Accepts an additional \$238,181.15 in DIA's grant through the Transportation Security Administration to provide canines for enhanced airport security. The last regularly scheduled Council meeting within the 30-day review period is on 11-7-11. The Committee approved filing this bill by consent on 10-6-11.

Government & Finance

CB11-0572 A bill for an Ordinance designating certain properties as being required for public use and authorizing use and acquisition thereof by negotiation or through condemnation proceedings including all improvements, fixtures, licenses, permits, access points and any other rights and interests related or appurtenant to properties so designated. (GOVERNMENT & FINANCE)

Authorizes the Division of Real Estate to acquire a parcel of land for public right-of-way to allow better access for vehicles and pedestrians at the corner of Colfax and Welton. The last regularly scheduled Council meeting within the 30-day review period is on 11-7-11. The Committee approved filing this bill at its meeting on 10-5-11.

CB11-0685 A bill for an ordinance amending the 1963 Retirement Plan with regard to the use of trustees, custodians and investment managers. (GOVERNMENT & FINANCE)

Removes language in the City Code that requires mayoral approval of investment managers selected by the Retirement Board. The Committee approved filing this bill at its meeting on 10-05-11.

CB11-0704 A bill for an ordinance amending Ordinance No. 82, Series of 2004, concerning cash transfers from Special Revenue Funds to the General Fund. (GOVERNMENT & FINANCE)

Corrects an accounting error in Ordinance 82, Series of 2004 by rescinding an authorization for a cash transfer that never occurred. The Committee approved filing this bill by consent on 10-6-11.

CB11-0716 A bill for an ordinance authorizing the transfer of funds from the General Government Special Revenue Fund to the General Fund and the Culture and Recreation Special Revenue Fund effective for calendar year 2011. (GOVERNMENT & FINANCE)

Transfers to the General Fund cash totaling \$58,839 from the remaining special revenue funds of outgoing City Council members from District 5, 11, and an at large District 12 and a portion of the special revenue fund in Council District 2 (\$4,196.90) as a budget savings measure for the 2012 budget. Also transfers \$1,260.95 from City Council District 10's special revenue fund to the Cultural and Recreation Special Revenue Fund to assist with pedestrian lighting in Cheesman Park. The Committee approved filing this bill by consent on 10-6-11.

Health, Safety, Education & Services

CB11-0709 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 United States of America concerning the "Diligent Recruitment/Denver's Village FY11-12" program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)

Authorizes the Denver Department of Human Services to accept from the U.S. Department of Health and Human Services the 2011-2012 Diligent Recruitment/Denver's Village grant monies in the amount of \$399,248 to improve adoption efforts and adoption data collection. The Committee approved filing this bill by consent on 10-6-11.

CB11-0713 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Asphalt Specialties Company, Incorporated to conduct asphalt recycling operations at the Denver Arapahoe Disposal Site (DADS). (HEALTH, SAFETY, EDUCATION & SERVICES)

Authorizes a revenue agreement between the City and County of Denver and Asphalt Specialties Company Inc. (ASCI) to conduct asphalt recycling operations at the Denver Arapahoe Disposal Site (DADS) beginning October 1, 2011 with the option of renewing four additional years. Estimated revenue is \$50,000. The last regularly scheduled Council meeting within the 30-day review period is on 11-7-11. The Committee approved filing this bill by consent on 10-6-11.

Land Use, Transportation & Infrastructure

CB11-0705 A bill for an ordinance changing the zoning classification of 4455 E. 12th Ave. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Changes the zoning classification of property at 4455 East 12th Ave. from E-SU-Dx to CMP-EI2 in Council District 10. PUBLIC HEARING AT LEAST FOUR WEEKS FOLLOWING PUBLICATION. The Committee approved filing this bill at its meeting on 10-4-11.

CB11-0724 A bill for an ordinance changing the zoning classification of 4050 E. 14th Avenue and 1325 Colorado Boulevard. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Changes the zoning classification of property at 4050 E. 14th Ave. and at 1325 Colorado Blvd. from U-SU-C, G-MU-5/UO-3, and H-2 with conditions to CMP-H2 and CMP-H in Council District 10. PUBLIC HEARING AT LEAST FOUR WEEKS FOLLOWING PUBLICATION. The Committee approved filing this bill at its meeting on 10-4-11.

CB11-0725 A bill for an ordinance designating The Waldman, located at 1515 East 9th Avenue, as a structure for preservation. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves Individual Building Designation of The Waldman, 1515 E 9th Ave, for historic preservation in Council District 10. PUBLIC HEARING AT LEAST ONE WEEK FOLLOWING PUBLICATION. The Committee approved filing this bill at its meeting on 10-3-11.

CB11-0686 A bill for an ordinance assessing the cost of the construction and installation of the streetscape improvements in South Broadway Streetscape (Arizona Avenue to Iowa Avenue) Local Public Improvement District, including but not limited to sidewalks, brick pavers, trees, tree grates, irrigation, benches, trash receptacles and pedestrian lights (including amenities within the medians), providing for the assessment of the real estate included in the district, the payment of costs, and other matters incidental to the making of said improvements upon the real property, exclusive of improvements thereon, benefited. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves the assessments for constructing improvements within the S Broadway Streetscape (Arizona to Iowa) Local Improvement District in Council District 7. The Committee approved filing this bill by consent on 9-29-11. Council sat as the Board of Equalization on 10-10-11.

CB11-0687 A bill for an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the South Broadway Streetscape (Arizona Avenue to Iowa Avenue) Local Maintenance District upon the real property, exclusive of improvements thereon, benefited. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves the annual assessments for maintaining improvements in the S Broadway Streetscape (Arizona to Iowa) Local Maintenance District in Council District 7. The Committee approved filing this bill by consent on 9-29-11. Council sat as the Board of Equalization on 10-10-11.

Recap of Bills to be Called Out

Pre-Recess Announcement

Tonight Council will convene as the Ex-officio Board of Directors of the Gateway Village General Improvement District and there will be a public hearing to consider the district's proposed 2012 Work Plan and Budget and to make an appropriation and approve a mill levy for the Budget Year 2012. 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 Reconvenes and Resumes its Regular Session

Gateway Village General Improvement District Board of Directors - Public Hearing

A resolution by the Council of the City and County of Denver, sitting ex officio as the Board of Directors of the Gateway Village General Improvement District, approving a Work Plan, adopting a Budget and making appropriations for the Budget Year 2012 and approving a mill levy.

Bills for Final Consideration

Government & Finance

Health, Safety, Education & Services

CB11-0682 A bill for an ordinance approving a Second Amendatory Agreement to Express Services Inc., increasing the total amount of compensation to be paid under the Agreement. (HEALTH, SAFETY, EDUCATION & SERVICES)

Amends the Express Personnel Services contract (CE11077-01) with the Department of Human Services to add \$250,000 to the agreement for a new total contract amount of \$900,000; to provide temporary employment positions to process assistance applications. The last regularly scheduled Council meeting within the 30-day review period is on 10-31-11. The Committee approved filing this bill by consent on 9-29-11.

Land Use, Transportation & Infrastructure

CB11-0673 A bill for an ordinance approving an Amendatory Agreement with WM Recycle America, L.L.C. to provide processing and marketing services for the recyclable materials generated through the residential recycling program. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Extends the contract with WM Recycle America to provide processing and marketing services for the City's residential recycling program through June 30, 2020. The last regularly scheduled Council meeting within the 30-day review period is on 10-31-11. The Committee approved filing this bill by consent on 9-22-11.

CB11-0674 A bill for an ordinance approving an Agreement with Waste Management of Colorado, Inc. for use of transfer facilities and the D.A.D.S. landfill for disposition of waste material delivered by or on behalf of the City. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves an agreement with Waste Management of Colorado setting annual maximum increases through Dec. 2014 for use of transfer facilities and the DADS landfill for disposition of waste material delivered by or on behalf of the City. The last regularly scheduled Council meeting within the 30-day review period is on 10-31-11. The Committee approved filing this bill by consent on 9-22-11.

CB11-0684 A bill for an ordinance vacating Fundy Street between 54th Pl. and 54th Ave., without reservations. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Vacates public right-of-way that is Fundy St. between 54th Pl. and 54th Ave. for construction of a private cul-de-sac in Council District 11. The Committee approved filing this bill by consent on 9-29-11.

CB11-0688 A bill for an ordinance approving an Agreement and Plan for Exclusion of Territory from the Lakehurst Water and Sanitation District and agreeing to continue providing sanitary sewer service to the excluded area. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Excludes Denver land from the Lakehurst Water and Sanitation District, which is primarily in Jefferson County, and agrees that Denver will continue to provide sanitary sewer service to the excluded area in Council District 2. The Committee approved filing this bill by consent on 9-29-11.

CB11-0694 A bill for an ordinance approving a proposed Amendment to Cooperative Agreement between the City and County of Denver and Denver Board of Water Commissioners regarding relocation of Conduit Nos. 12 and 18, for the completion of the South Platte River Zuni/Sun Valley River Project. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Amends the IGA with Denver Water regarding relocation of conduits crossing the South Platte River near 11th Av. to accommodate re-channelization, increasing Denver's obligation by \$727,700, for a new total of \$2,414,132, and approves expenditure of those funds. The last regularly scheduled Council meeting within the 30-day review period is on 10-31-11. The Committee approved filing this bill by consent on 9-29-11.

Announcement

There will be a public hearing on CB11-0725, designating The Waldman, located at 1515 East 9th Avenue, as a structure of preservation on Monday, October 24, 2011. Also, there will be a public hearing on CB11-0705, changing the zoning classification of 4455 E. 12th Ave., and on CB11-0724, changing the zoning classification of 4050 E. 14th Avenue and 1325 Colorado Boulevard, on Monday, November 14, 2011. Any protests against CB11-0705 or CB11-0724 must be filed with the Council Office no later than Monday, November 7, 2011.

Adjourn

Pending

CB11-0283 A bill for an ordinance vacating a portion of Forest St., at approximately 43rd Ave., with reservations.

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.

Bills Pending 10/24/2011					
CB #	Committee	Status	Description	Continued From	Hearing
CB11-0546	LAND USE TRANSPORTATION AND INFRASTRUCTURE	Final Consid.	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.	7/26/2011 8/2/2011 8/9/2011 9/26/2011	YES

Bills Pending 11/7/2011					
CB #	Committee	Status	Description	Continued From	Hearing
CB11-0283	LAND USE, TRANSPORTATION	1st Reading -	A bill for an ordinance vacating	6/16/2011 6/21/2011	YES

	& INFRASTRUCTURE	Held in Committee	a portion of Forest St., at approximately 43rd Ave., with reservations.	6/27/2011 8/1/2011 10/3/2011	
--	---------------------	----------------------	---	------------------------------------	--