

City Council Minutes

Meeting Date: Monday, March 05, 2012 5:30 PM

Pledge of Allegiance

Councilmember Brooks 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, February 27, 2012

The minutes of meeting date, Monday, February 27, 2012, were distributed to Council. Council President Nevitt ordered the minutes approved.

Council Announcements

Councilmembers Faatz, Herndon, Montero, López, Brooks, Susman, and Ortega offered announcements.

Presentations

Communications

Proclamations

CP12-0185 A proclamation in support of Native Peoples HIV/AIDS Awareness Day.

Sponsored by Councilmembers López, Herndon, Ortega, Brooks, and Kniech.

A motion offered by Councilmember López, duly seconded by Councilmember Lehmann, that CP12-0185 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

CR12-0135 A resolution approving the Mayor's reappointment and appointment to the Denver American Indian Commission. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Brooks, duly seconded by Councilmember Herndon, that CR12-0135 and CR12-0136 be adopted en bloc, carried by the following vote:

Passed

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

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CR12-0136 A resolution approving the Mayor's reappointments to the Denver Asian Pacific American Commission. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Brooks, duly seconded by Councilmember Herndon, that CR12-0135 and CR12-0136 be adopted en bloc, carried by the following vote:

Passed

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

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.

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 Nevitt, duly seconded by Councilmember Brooks, that CB12-0141, CB12-0137, CB12-0014, and CB12-0081 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)

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 Nevitt, duly seconded by Councilmember Brooks, that CB12-0141, CB12-0137, CB12-0014, and CB12-0081 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

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 Nevitt, duly seconded by Councilmember Brooks, that CB12-0141, CB12-0137, CB12-0014, and CB12-0081 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)

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)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Brooks, that CB12-0141, CB12-0137, CB12-0014, and CB12-0081 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 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 CB12-0055 amending the Denver Zoning Code to mitigate the effect of certain governmental actions on zone lots and uses. 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.

Council Reconvenes and Resumes its Regular Session

Bills for Final Consideration - Public Hearings

**CB12-0055 A bill for an ordinance amending the Denver Zoning Code to mitigate the effect of certain governmental actions on zone lots and uses. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)
Approves Zoning Code Text Amendment #10 to mitigate the effect of**

governmental actions, such as right-of-way widening or narrowing, on zone lots and uses. A PUBLIC HEARING WILL BE HELD AT LEAST FOUR WEEKS AFTER PUBLICATION. The Committee approved filing this bill at its meeting on 1-24-12. LAND USE, TRANSPORTATION & INFRASTRUCTURE

A motion offered by Councilmember Brooks, duly seconded by Councilmember Shepherd, that CB12-0055 be placed upon final consideration and do pass, 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)

Council sat as a Committee of the Whole commencing at 6:26 PM, Council President Nevitt presiding, to hear speakers either for or against CB12-0055. No speakers signed up to address the bill. Michelle Pyle of Community Planning and Development delivered the Staff Report with an overview and recommendation for approval.

Bills for Final Consideration

Business, Workforce & Sustainability

CB12-0130 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Icelandair for Advertising, Marketing and Promotional Services at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Brooks, duly seconded by Councilmember Susman, that CB12-0130 and CB12-0131 be placed upon final consideration and do pass, carried by the following vote:

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

CB12-0131 A bill for an Ordinance approving a proposed Agreement between the City and County of Denver and Icelandair for Landing Fee Incentives at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Brooks, duly seconded by Councilmember Susman, that CB12-0130 and CB12-0131 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Brooks, Brown, Herndon, Kniech, Lehmann, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)

Against: Faatz (1)

Absent: (None) (0)

Abstain: (None) (0)

Government & Finance

CB12-0084 A bill for an ordinance establishing a "Public Works Alternative Fuel Vehicles Donation" fund in the General Government Special Revenue Fund and the means for authorizing expenditures from such fund. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Brooks, duly seconded by Councilmember Shepherd that CB12-0084, CB12-0120, CB12-0126, CB12-0079, CB12-0089, CB12-0090, CB12-0122, CB12-0124, CB12-0127, CB12-0128, and CB12-0129 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, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB12-0120 A bill for an ordinance approving a proposed Master Purchase Order between the City and County of Denver and Harris Corporation. (GOVERNMENT & FINANCE)

motion offered by Councilmember Brooks, duly seconded by Councilmember Shepherd that CB12-0084, CB12-0120, CB12-0126, CB12-0079, CB12-0089, CB12-0090, CB12-0122, CB12-0124, CB12-0127, CB12-0128, and CB12-0129 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, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB12-0126 A bill for an ordinance approving a proposed Purchase Order between the City and County of Denver and Oracle America, Inc. (GOVERNMENT & FINANCE)

motion offered by Councilmember Brooks, duly seconded by Councilmember Shepherd that CB12-0084, CB12-0120, CB12-0126, CB12-0079, CB12-0089, CB12-0090, CB12-0122, CB12-0124, CB12-0127, CB12-0128, and CB12-0129 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, Ortega, Robb, Shepherd, Susman (13)
Against: (None) (0)
Absent: (None) (0)
Abstain: (None) (0)

Health, Safety, Education & Services

CB12-0079 A bill for an Ordinance approving a proposed Fifth Amendatory Agreement between the City and County of Denver and Alfred Benesch & Company to extend the existing contract for six additional months. (HEALTH, SAFETY, EDUCATION & SERVICES)

motion offered by Councilmember Brooks, duly seconded by Councilmember Shepherd that CB12-0084, CB12-0120, CB12-0126, CB12-0079, CB12-0089, CB12-0090, CB12-0122, CB12-0124, CB12-0127, CB12-0128, and CB12-0129 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, Ortega, Robb, Shepherd, Susman (13)
Against: (None) (0)
Absent: (None) (0)
Abstain: (None) (0)

Land Use, Transportation & Infrastructure

CB12-0089 A bill for an ordinance approving a proposed Intergovernmental Agreement between the City and County of Denver and Town Center Metropolitan District which provides funding for reimbursement costs for the construction of Green Valley Ranch Boulevard from Airport Way to Telluride Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

motion offered by Councilmember Brooks, duly seconded by Councilmember Shepherd that CB12-0084, CB12-0120, CB12-0126, CB12-0079, CB12-0089,

CB12-0090, CB12-0122, CB12-0124, CB12-0127, CB12-0128, and CB12-0129 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, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB12-0090 A bill for an ordinance approving a proposed Second Amendment to Development Agreement between the City and County of Denver, HC Development & Management Services, Inc. and Town Center Metropolitan District, for funding and construction of Green Valley Ranch Boulevard. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

motion offered by Councilmember Brooks, duly seconded by Councilmember Shepherd that CB12-0084, CB12-0120, CB12-0126, CB12-0079, CB12-0089, CB12-0090, CB12-0122, CB12-0124, CB12-0127, CB12-0128, and CB12-0129 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, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB12-0122 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Goodland Construction, Inc. for landscape improvement and irrigation construction. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

motion offered by Councilmember Brooks, duly seconded by Councilmember Shepherd that CB12-0084, CB12-0120, CB12-0126, CB12-0079, CB12-0089, CB12-0090, CB12-0122, CB12-0124, CB12-0127, CB12-0128, and CB12-0129 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, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB12-0124 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and CTM, Inc. for landscape

improvement and irrigation construction. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

motion offered by Councilmember Brooks, duly seconded by Councilmember Shepherd that CB12-0084, CB12-0120, CB12-0126, CB12-0079, CB12-0089, CB12-0090, CB12-0122, CB12-0124, CB12-0127, CB12-0128, and CB12-0129 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, Ortega, Robb, Shepherd, Susman (13)
Against: (None) (0)
Absent: (None) (0)
Abstain: (None) (0)

CB12-0127 A bill for an ordinance approving a proposed First Amendment to Purchase Agreement between the City and County of Denver and Avondale Commons, LLC, for increased infrastructure and site development costs for the Westside Library site. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

motion offered by Councilmember Brooks, duly seconded by Councilmember Shepherd that CB12-0084, CB12-0120, CB12-0126, CB12-0079, CB12-0089, CB12-0090, CB12-0122, CB12-0124, CB12-0127, CB12-0128, and CB12-0129 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, Ortega, Robb, Shepherd, Susman (13)
Against: (None) (0)
Absent: (None) (0)
Abstain: (None) (0)

CB12-0128 A bill for an ordinance vacating the alley bounded by 10th Avenue, between Osage Street and Navajo Street, with reservations. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

motion offered by Councilmember Brooks, duly seconded by Councilmember Shepherd that CB12-0084, CB12-0120, CB12-0126, CB12-0079, CB12-0089, CB12-0090, CB12-0122, CB12-0124, CB12-0127, CB12-0128, and CB12-0129 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, Ortega, Robb, Shepherd, Susman (13)
Against: (None) (0)
Absent: (None) (0)

Abstain: (None) (0)

CB12-0129 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 "South Broadway Reconstruction – Kentucky to Tennessee" project and the funding therefor. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

motion offered by Councilmember Brooks, duly seconded by Councilmember Shepherd that CB12-0084, CB12-0120, CB12-0126, CB12-0079, CB12-0089, CB12-0090, CB12-0122, CB12-0124, CB12-0127, CB12-0128, and CB12-0129 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, 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 CB12-0081 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) on Monday, April 2, 2012. Any protests against CB12-0081 must be filed with the Council Offices no later than Tuesday, March 27, 2012.

There will be a public hearing on CB12-0081 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) on Monday, April 2, 2012. Any protests against CB12-0081 must be filed with the Council Offices no later than Tuesday, March 27, 2012.

Adjourn

There being no further business before the City Council, Council President Nevitt adjourned the meeting at 6:38 PM.

Pending

CB12-0086 A bill for an ordinance changing the zoning classification for 3350 Brighton Boulevard. (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)