

City Council of Monday, May 09, 2011

City and County of Denver

Carol Boigon..... At Large
Doug Linkhart..... At Large
Paula E. Sandoval..... District 1
Jeanne Faatz..... District 2
Paul López..... District 3
Peggy Lehmann..... District 4
Marcia Johnson..... District 5
Charlie Brown..... District 6



Chris Nevitt..... District 7
Vacant..... District 8
Judy H. Montero..... District 9
Jeanne Robb..... District 10
Michael B. Hancock..... District 11
Lauri Dannemiller..... Director
Kelly Velez..... Council Secretary

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****REMINDER****

As a courtesy to those in attendance,
please

**turn off your cell phones and
pagers.**

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.

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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, May 09, 2011 5:30 PM

Pledge of Allegiance

Roll Call

Approval of Minutes of Monday, May 2, 2011

Council Announcements

Presentations

Communications

Proclamations

CP11-0320 A proclamation in recognition of Denver Arbor Day, May 14, 2011.

Sponsored by Councilmembers Robb, Montero, López, Lehmann, Linkhart, Sandoval, Boigon, and Brown.

Resolutions

Business, Workforce & Sustainability

CR11-0303 A resolution approving the Mayor's Appointment to the Denver Convention Center Hotel Authority Board of Directors. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Approves the mayoral appointment of Scott C. Mitchell to the Denver Convention Center Hotel Authority Board of Directors for a term effective immediately and expiring on December 31, 2011. The Committee approved filing this resolution by consent on 4-28-11.

General Government & Finance

CR11-0281 A resolution confirming Mayor Guillermo V. Vidal as applicable representative for purposes of section 147(f)(2)(E) of the Internal Revenue Code of 1986, as amended, to take any and all actions required therein as Mayor. (GENERAL GOVERNMENT & FINANCE)

Confirms Mayor Vidal as the "Applicable Representative" for the City of Denver to take all and any actions as per IRS code for the purposes of meeting the necessary

conditions to issue tax-exempt bonds. The Committee approved filing this resolution by consent on 4-21-11.

Health, Safety, Education & Services

CR11-0302 A resolution approving the Mayor's Appointment and Reappointment to the Denver Housing Authority Board of Directors. (HEALTH, SAFETY, EDUCATION & SERVICES)

Approves mayoral appointment of Eric Lee, for a term effective immediately and expiring July 13, 2013, and reappointment of Michelle Harper, for a term effective immediately and expiring July 20, 2016, to the Denver Housing Authority Board of Directors. The Committee approved filing this resolution by consent on 4-28-11.

Land Use, Transportation & Infrastructure

CR11-0296 A resolution granting a revocable permit to Denver Bike Sharing to encroach into the right-of-way with a bicycle docking station at 900 E. 11th Avenue. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Grants a revocable permit to Denver Bike Sharing to encroach into the public right-of-way with a bicycle docking station near 11th Ave. and Emerson in Council District 10. The Committee approved filing this resolution by consent on 4-28-11.

Bills for Introduction

Business, Workforce & Sustainability

CB11-0272 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and STEP Aviation Builders concerning the South Terminal Redevelopment Program at Denver International Airport. (BUSINESS WORKFORCE & SUSTAINABILITY)

Approves a contract with Saunders Construction and Hunt Building Group, in the amount of \$125 million for the Denver International Airport Rail Station and Public Transit Center Construction Projects as part of the South Terminal Redevelopment Program for construction Management and General Contractor services (CE10014). The last regularly scheduled Council meeting within the 30-day review period is on 5-23-11. The Committee approved filing this bill at its meeting on 4-27-11.

CB11-0297 A bill for an ordinance approving a proposed Fifth Amendment to Agreement between the City and County of Denver and Way Out West, Inc., concerning a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Approves an amendment to Section 4.03 HOLDING OVER of the Agreement with Way Out West, Inc. doing business as Way Out West (C) to allow the Manager to waive additional rent equal to 150% of monthly rent, and to allow the concessionaire, upon expiration of its term, to continue providing service to the

public at 100% of the rental rate until a request for proposal is issued (AC37012 - 05). The last regularly scheduled Council meeting within the 30-day review period is on 5-23-11. The Committee approved filing this bill at its meeting on 4-27-11.

CB11-0298 A bill for an ordinance approving a proposed Seventh Amendment to Agreement between the City and County of Denver and Way Out West, Inc., concerning a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Approves an amendment to Section 4.03 HOLDING OVER of the agreement with Way Out West, Inc. doing business as Greetings from Colorado (A) to allow the Manager to waive additional rent equal to 150% of monthly rent, and to allow the concessionaire, upon the expiration of its term, to continue providing service to the public at 100% of rental rate until a request for proposal is issued (AC37013 - 07). The last regularly scheduled Council meeting within the 30-day review period is on 5-23-11. The Committee approved filing this bill by consent on 4-28-11.

CB11-0299 A bill for an ordinance approving a proposed Second Amendment to Agreement between the City and County of Denver and Way Out West, Inc., concerning a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Approves an amendment to Section 4.03 HOLDING OVER of the agreement with Way Out West, Inc. doing business as Earth Spirit (C) to allow the Manager to waive additional rent equal to 150% of monthly rent, and to allow the concessionaire, upon expiration of its term, to continue providing service to the public at 100% of the rental rate until a request for proposal is issued (AC 47001-02). The last regularly scheduled Council meeting within the 30-day review period is on 5-23-11. The Committee approved filing this bill by consent on 4-28-11.

General Government & Finance

CB11-0278 A bill for an ordinance approving an agreement between Tally, Sylvester d/b/a Coffee Etcetera, LLC and the City & County of Denver for a five [5] year lease agreement. (GENERAL GOVERNMENT & FINANCE)

Approves an income lease through December 31, 2015 with Coffee Etcetera LLC in the amount of \$54,000 to operate a food service area in the Justice Center (RC15001). The last regularly scheduled Council meeting within the 30-day review period is on 5-23 -11. The Committee approved filing this bill by consent on 4-21-11.

Health, Safety, Education & Services

CB11-0203 A bill for an ordinance approving a proposed Revival and Amendatory Agreement between the City and County of Denver and School District No. 1 in the City and County of Denver and the State of Colorado, to extend the term and increase funding for Head Start services. (HEALTH, SAFETY, EDUCATION & SERVICES)

Adds \$653,996 to and extends for six months the contract with Denver Public Schools for Head Start services to 255 children and families. The last regularly scheduled Council meeting within the 30-day period is on 5-23-11. The Committee approved filing this bill by consent on 3-24-11.

CB11-0266 A bill for an Ordinance approving a proposed Second Amendatory Agreement for recovering delinquent fines, costs, and fees owed to the Denver County Court between the City and County of Denver and Integral Recoveries, Inc. (HEALTH, SAFETY, EDUCATION & SERVICES)

Adds \$429,000 to and extends the contract term one year with Integral Recoveries, Inc., for collection of referred accounts from Denver County Court. The last regularly scheduled Council meeting within the 30-day period is on 5-23-11. The Committee approved filing this bill by consent on 4-21-11.

CB11-0289 A bill for an ordinance authorizing expenditures in the General Government Special Revenue Fund based on a letter of intent from United States of America to award funding for the "Head Start Grant FY 2011-12" program. (HEALTH, SAFETY, EDUCATION & SERVICES)

Approves half of the budget (\$4,079,358) for the Head Start grant for 7-1-11 through 6-30-12 to serve 1,083 children ages 3-5. The Committee approved filing this bill by consent on 4-28-11.

CB11-0290 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 "Shelter Plus Care Women's FY11-12" program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)

Accepts a \$391,632 U.S. Department of Housing and Urban Development Grant for 2011-2012 funding for Shelter Plus Care - Women to provide rental assistance for chronically homeless individuals with mental illnesses. The Committee approved filing this bill by consent on 4-28-11.

CB11-0291 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 "Shelter Plus Care Xenia FY11-12" program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)

Accepts a \$358,560 U.S. Department of Housing and Urban Development grant for 2011-2012 funding for Shelter Plus Care - Xenia Project for rental assistance to chronically homeless individuals with mental illnesses. The Committee approved filing this bill by consent on 4-28-11.

CB11-0292 A bill for an Ordinance approving a proposed purchase order by the City and County of Denver and Pierce Manufacturing, Inc., for the purchase of four velocity pumpers and one ladder truck for the Denver Fire Department. (HEALTH, SAFETY, EDUCATION & SERVICES)

Approves a \$2,595,281 purchase of four velocity pumpers and one ladder truck for the Denver Fire Department as part of the Planned Fleet Replacement Fund. The

last regularly scheduled Council meeting within the 30-day period is on 5-23-11. The Committee approved filing this bill by consent on 4-28-11.

CB11-0301 A bill for an ordinance approving a proposed Revival and Amendatory Agreement between the City and County of Denver and The Coffee Mug, LLC, for the lease of 700 square feet in the southeast corner of the Central Library. (HEALTH, SAFETY, EDUCATION & SERVICES)

Extends the contract with The Coffee Mug at the Denver Public Library for two years to Dec. 31, 2012. The last regularly scheduled Council meeting within the 30-day period is on 5-23-11. The Committee approved filing this bill by consent on 4-28-11.

Land Use, Transportation & Infrastructure

CB11-0258 A bill for an ordinance relating to the Denver Zoning Code, to: improve usability and organization; make clarifying changes and substantive changes based on experience with the Code over the previous eight months. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Makes various text revisions in all code articles to correct errors, add clarity, and make limited substantive changes to rules of measurement, encroachments and exceptions, and allowed uses and use limitations, all based on practical experience with the Code in its first 8 months of implementation. PUBLIC HEARING AT LEAST FOUR WEEKS FOLLOWING PUBLICATION. The Committee approved filing this bill at its meeting on 4-19-11.

CB11-0294 A bill for an ordinance amending Divisions 1, 3 and 4 of Article III of Chapter 56 of the Revised Municipal Code of the City and County of Denver updating sanitary and storm sewer provisions. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Amends parts of Chapter 56, Utilities, of the Denver Revised Municipal Code to update sanitary and storm sewer provisions. The Committee approved filing this bill at its meeting on 4-26-11.

Recap of Bills to be Called Out

Recess

Council Reconvenes and Resumes its Regular Session

Bills for Final Consideration

Business, Workforce & Sustainability

CB11-0273 A bill for an ordinance approving a proposed Fourth

Amendment to Agreement between the City and County of Denver and Way Out West, Inc., concerning a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Approves a fourth amendment to the agreement with Way Out West, Inc. to extend the term through December 31, 2013; reduce the maximum annual guarantee; reduce the percent compensation to a sliding scale; begin paying 1% into the Joint Marketing Fund; and require renovations in the amount of \$28,000 (AC68001). The last regularly scheduled Council meeting within the 30-day review period is on 5-23-11. The Committee approved filing this bill by consent on 4-21-11.

CB11-0274 A bill for an ordinance approving a proposed Third Amendment to Airport Use and Facilities Lease Agreement between the City and County of Denver and Frontier Airlines, Inc., related to leased space at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Approves a third amendment to the Frontier Airlines, Inc. contract to extend the term through December 31, 2011, and document changes in gates and operations space on Concourse A (AC0Y009-3).The last regularly scheduled Council meeting within the 30-day review period is on 5-23-11. The Committee approved filing this bill by consent on 4-21-11.

CB11-0275 A bill for an ordinance approving a proposed First Amendment to Agreement between the City and County of Denver and FCI Constructors, Inc., concerning an on-call construction services at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Approves an amendment to the \$15 million on-call contract with FCI Constructors, Inc. to extend the term two years through July 31, 2013 for various construction projects at the airport, at no additional cost (CE03017). The last regularly scheduled Council meeting within the 30-day review period is on 5-23-11. The Committee approved filing this bill by consent on 4-21-11.

CB11-0276 A bill for an ordinance approving a proposed Fifth Amendment to Agreement between the City and County of Denver and Yaz Jewelry & Gifts Inc., concerning a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Approves a fifth amendment to Concession Agreement with YAZ Jewelry and Gifts to add alternative surety language to the agreement that provides an alternative method to provide a performance bond to the City rather than through a bonding company (AC68002-05). The last regularly scheduled Council meeting within the 30-day review period is on 5-23-11. The Committee approved filing this bill by consent on 4-21-11.

CB11-0277 A bill for an ordinance approving a proposed Sixth Amendment to Agreement between the City and County of Denver and First Class Baggage Co., concerning a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Approves a sixth amendment to Concession Agreement with First Class Baggage Company to add alternative surety language to the agreement that provides an alternative method to provide a performance bond to the City rather than through a

bonding company (AC37001-06). The last regularly scheduled Council meeting within the 30-day review period is on 5-23-11. The Committee approved filing this bill by consent on 4-21-11.

General Government & Finance

CB11-0271 A bill for an ordinance amending the classification and pay plan for employees in the Career Service and for certain employees not in the Career Service. (GENERAL GOVERNMENT & FINANCE)

Approves classification notice numbers 1338, 1339 & 1341 for title and pay grade changes to Personal Property Analyst, Closed Circuit Television Technician Class Series, and 311 Customer Service Class Series. The Committee approved filing this bill by consent on 4-21-11.

CB11-0279 A bill for an ordinance authorizing the City and County of Denver to convey to BRCM, LLC its interest in a parcel of real estate located at approximately vacated Sherman Street and 48th Avenue. (GENERAL GOVERNMENT & FINANCE)

Approves the sale of surplus land located at approximately 48th and Sherman St., to BRCM, LLC in the amount of \$1,000. The last regularly scheduled Council meeting within the 30-day review period is on 5-23-11. The Committee approved filing this bill by consent on 4-21-11.

Health, Safety, Education & Services

CB11-0170 A bill for an ordinance approving a third amendatory agreement between ACS State & Local Solutions, Inc. and the City and County of Denver for funding of the Photo Traffic Management Program. (HEALTH, SAFETY, EDUCATION & SERVICES)

Adds \$1,340,700 to the contract with ACS State and Local Solutions, Inc. to extend the term one year for Photo Radar Services. The last regularly Council meeting within the 30-day review period is on 5-23-11. The Committee approved filing this bill by consent on 3-10-11.

CB11-0253 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and VendOne, Inc., to provide token vending machines at the Denver County Jail and Downtown Detention Center. (HEALTH, SAFETY, EDUCATION & SERVICES)

Extends the contract with Vend One for one year to provide token vending machines at the Denver County Jail and the Downtown Detention Center with a revenue sharing agreement whereby a 20% commission is deposited into the Inmate Welfare Fund. The last regularly scheduled Council meeting within the 30-day review period is on 5-23-11. The Committee approved filing this bill by consent on 4-14-11.

CB11-0267 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 "Shelter Plus Care—Durkin Project FY11-12" program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)

Accepts \$341,520 in federal Shelter Plus Care-Durkin funds to provide 49 units of sponsor based rental assistance for chronically homeless individuals with mental illnesses. The Committee approved filing this bill by consent on 4-21-11.

Land Use, Transportation & Infrastructure

CB11-0265 A bill for an ordinance approving a proposed Purchase Order between the City and County of Denver and Suncor Energy USA, Inc., for asphalt cement used at the Asphalt Plant and by Street Maintenance. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves a \$4,000,000 purchase order with Suncor Energy for asphalt cement used at the asphalt plant and by Street Maintenance. The last regularly scheduled Council meeting within the 30-day review period is on 5-23-11. The Committee approved filing this bill by consent on 4-21-11.

CB11-0280 A bill for an ordinance approving an Intergovernmental Agreement Regarding Design and Planning Work Relating to the South Broadway Montgomery Ward Urban Renewal Area between the City and County of Denver and the Denver Urban Renewal Authority. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves an Intergovernmental Agreement with Denver Urban Renewal Authority obligating DURA to commit \$1 million of tax increment financing, creating a City fund and providing for expenditures for planning and design of storm sewer improvements benefiting the South Broadway Montgomery Ward Urban Renewal Area and its environs in Council District 7. The last regularly scheduled Council meeting within the 30-day review period is on 5-23-11. The Committee approved filing this bill at its meeting on 4-19-11.

CB11-0284 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 "Denver TSSIP-1" project and the funding therefor. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Accepts an \$867,000 grant through the Colorado Department of Transportation, establishes a City fund and approves expenditures for the continued implementation of signal system improvements on Speer, Yale and Mississippi in Council Districts 1, 3, 4, 6, 7, 8, 9 & 10. The last regularly scheduled Council meeting within the 30-day review period is on 5-23-11. The Committee approved filing this bill by consent on 4-21-11.

CB11-0295 A bill for an Ordinance amending Ordinance Number 426, Series of 2007, as amended by Ordinance Number 335, Series of 2009, Ordinance Number 148, Series of 2010, and Ordinance Number 11, Series

of 2011 designating the project to be undertaken and funded with the proceeds of the Better Denver bonds. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Amends the Better Denver Bond companion ordinance to update and clarify projects and allocations and add five projects. The Committee approved filing this bill at its meeting on 4-26-11.

Announcement

Dependent upon publication there will be a public hearing on CB11-0258, relating to the Denver Zoning Code, to: improve usability and organization; make clarifying changes and substantive changes based on experience with the Code over the previous eight months, on Monday, June 6, 2011.

Adjourn

Pending

CB11-0151 A bill for an ordinance relating to the Chapters 8 (Animals) and 36 (Noise Control) of the Denver Revised Municipal Code and the Denver Zoning Code authorizing the keeping of certain food producing animals.

CB11-0261 A bill for an ordinance changing the zoning classification of 1545 Julian Street.

CB11-0268 A bill for an ordinance changing the zoning classification of 1042 S. Parker Road.

Bills Pending 5/16/2011					
CB #	Committee	Status	Description	Continued From	Hearing
CB11-0151	LAND USE, TRANSPORTATION & INFRASTRUCTURE	Held 1st Reading	A bill for an ordinance relating to the Chapters 8 (Animals) and 36 (Noise Control) of the Denver Revised Municipal Code and the Denver Zoning Code authorizing the keeping of certain food producing	3/22/2011 4/5/2011 4/12/2011 4/18/2011 5/9/2011 5/6/2011	YES

			animals.		
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Bills Pending 6/6/2011					
CB #	Committee	Status	Description	Continued From	Hearing
CB11-0261	LAND USE, TRANSPORTATION & INFRASTRUCTURE	Final Consid.	A bill for an ordinance changing the zoning classification of 1545 Julian Street.	4/26/2011 5/2/2011	YES
CB11-0268	LAND USE, TRANSPORTATION & INFRASTRUCTURE	Final Consid.	A bill for an ordinance changing the zoning classification of 1042 S. Parker Road.	4/26/2011 5/2/2011	YES