

## **City Council Minutes**

Meeting Date: Monday, July 23, 2012 5:30 PM

### **Pledge of Allegiance**

Councilmember Faatz led the Pledge of Allegiance.

### **Roll Call**

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

Absent: Herndon, Nevitt

Councilmember López arrived late.

### **Approval of the Minutes**

The minutes of meeting date, Monday, July 16, 2012, were distributed to Council. Council President Susman ordered the minutes approved.

### **Council Announcements**

Councilmembers Lehmann, Ortega, Robb, and Brooks offered announcements.

### **Presentations**

### **Communications**

### **Proclamations**

### **Bills for Introduction**

The Council Secretary read the following bills by titles. Council President Susman announced that all other bills on introduction are ordered published.

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

**CB12-0516 A bill for an ordinance approving a proposed Lease Agreement between the City and County of Denver and U.S. Government General Services Administration for office space for the Transportation Securities Administration at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Faatz, that CB12-0516, CB12-0469, CB12-0470, CB12-0520, CB12-0519, and CB12-0512 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Herndon, Nevitt (2)

Abstain: (None) (0)

**Government & Finance**

**CB12-0469 A bill for an Ordinance amending Section 20-76(b) of Division 3 of Article IV of Chapter 20, Treatment of Employees Associated with City Contracts. (GOVERNMENT & FINANCE)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Faatz, that CB12-0516, CB12-0469, CB12-0470, CB12-0520, CB12-0519, and CB12-0512 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Herndon, Nevitt (2)

Abstain: (None) (0)

**CB12-0470 A bill for an Ordinance amending Section 20-84(b) of Division 3.5 of Article IV of Chapter 20, Treatment of Employees Associated with City Contracts. (GOVERNMENT & FINANCE)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Faatz, that CB12-0516, CB12-0469, CB12-0470, CB12-0520, CB12-0519, and CB12-0512 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Herndon, Nevitt (2)

Abstain: (None) (0)

**CB12-0520 A bill for an ordinance approving a proposed Purchase Order between the City and County of Denver and Insight Public Sector, Inc., as Oracle’s reseller for database software maintenance. (GOVERNMENT &**

## **FINANCE)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Faatz, that CB12-0516, CB12-0469, CB12-0470, CB12-0520, CB12-0519, and CB12-0512 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Herndon, Nevitt (2)

Abstain: (None) (0)

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

**CB12-0519 A bill for an ordinance approving a proposed Assignment and Amendatory Agreement between the City and County of Denver and Clayton Early Learning, Trustee, George W. Clayton Trust f/k/a Clayton Family Futures, dba Clayton Educare to acknowledge the transfer of operations from Clayton Family Futures to Clayton Early Learning, Trustee, George W. Clayton Trust, and to assign the Agreement to George W. Clayton Trust. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Faatz, that CB12-0516, CB12-0469, CB12-0470, CB12-0520, CB12-0519, and CB12-0512 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Herndon, Nevitt (2)

Abstain: (None) (0)

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

**CB12-0512 A bill for an ordinance approving an agreement between ASH and WHITE CONSTRUCTION CO. and the City & County of Denver for the West Denver New Branch Library. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Faatz, that CB12-0516, CB12-0469, CB12-0470, CB12-0520, CB12-0519, and CB12-0512 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Robb,

Shepherd, Susman (11)  
Against: (None) (0)  
Absent: Herndon, Nevitt (2)  
Abstain: (None) (0)

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

### **Pre-Recess Announcement**

Tonight Council’s agenda includes two required public hearings on zoning map amendments. These are CB12-0462 for 4800 Verbena Street and 4801 Willow Street, and on CB12-0463 for 5001 Willow Street. However, due to technical issues, it is Council’s intent to continue these public hearings to Monday, August 13.

**Tonight Council’s agenda includes two required public hearings on zoning map amendments. These are CB12-0462 for 4800 Verbena Street and 4801 Willow Street, and on CB12-0463 for 5001 Willow Street. However, due to technical issues, it is Council’s intent to continue these public hearings to Monday, August 13. If you are here to speak on either matter, Council asks that you hold your comments until this date.**

### **Recess**

Council did not take a recess.

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

### **Public Hearings - Bills for Final Consideration**

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

**CB12-0462 A bill for an ordinance changing the zoning classification for property located at approximately 4800 Verbena Street and 4801 Willow Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Faatz, duly seconded by Councilmember Lehmann, that CB12-0462 be placed upon final consideration and do pass was followed by a motion offered by Councilmember Robb, duly seconded by Councilmember Brooks, that final consideration of CB12-0462 be postponed and the public hearing continued to Monday, August 13, which motion carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Robb,

Shepherd, Susman (11)  
Against: (None) (0)  
Absent: Herndon, Nevitt (2)  
Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 6:02 PM with Council President Susman presiding.

**CB12-0463 A bill for an ordinance changing the zoning classification for property located at approximately 5001 Willow Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Faatz, duly seconded by Councilmember Shepherd, that CB12-0463 be placed upon final consideration and do pass was followed by a motion offered by Councilmember Robb, duly seconded by Councilmember Brooks, that final consideration of CB12-0463 be postponed and the public hearing continued to Monday, August 13, which motion carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd, Susman (11)  
Against: (None) (0)  
Absent: Herndon, Nevitt (2)  
Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 6:04 PM with Council President Susman presiding.

**Bills for Final Consideration**

**Business, Workforce & Sustainability**

**CB12-0502 A bill for an ordinance approving a proposed Eighth Amendment to Agreement between the City and County of Denver and Quiz-DIA for the operation of a concession at Denver International Airport. (BUSINESS, WORKFORCE AND SUSTAINABILITY)**

A motion offered by Councilmember Faatz, duly seconded by Councilmember Lehmann, that CB12-0502, CB12-0503, CB12-0507, CB12-0386, CB12-0455, CB12-0504, and CB12-0506 be placed upon final consideration and do pass en bloc, carried by the following vote

Passed  
For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd, Susman (11)  
Against: (None) (0)

Absent: Herndon, Nevitt (2)  
Abstain: (None) (0)

**CB12-0503 A bill for an ordinance amending section 24-510 of the Denver Medical Marijuana Code concerning the issuance of optional premises cultivation licenses in locations where cultivation is occurring as a compliant or non-conforming use under the zoning code. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilmember Faatz, duly seconded by Councilmember Lehmann, that CB12-0502, CB12-0503, CB12-0507, CB12-0386, CB12-0455, CB12-0504, and CB12-0506 be placed upon final consideration and do pass en bloc, carried by the following vote

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd, Susman (11)  
Against: (None) (0)  
Absent: Herndon, Nevitt (2)  
Abstain: (None) (0)

**Government & Finance**

**CB12-0507 A bill for an ordinance approving a proposed Purchase Order between the City and County of Denver and Muzak LLC, to procure a performance audio system for the Boettcher Concert Hall. (GOVERNMENT & FINANCE)**

A motion offered by Councilmember Faatz, duly seconded by Councilmember Lehmann, that CB12-0502, CB12-0503, CB12-0507, CB12-0386, CB12-0455, CB12-0504, and CB12-0506 be placed upon final consideration and do pass en bloc, carried by the following vote

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd, Susman (11)  
Against: (None) (0)  
Absent: Herndon, Nevitt (2)  
Abstain: (None) (0)

**Health, Safety, Education & Services**

**CB12-0386 A bill for an ordinance approving a proposed Fourth Amendatory Agreement by and between the City and County of Denver and Xerox State & Local Solutions, Inc. f/k/a ACS State & Local Solutions, Inc., to extend the term of the agreement and to appropriate additional funds. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilmember Faatz, duly seconded by Councilmember Lehmann, that CB12-0502, CB12-0503, CB12-0507, CB12-0386, CB12-0455, CB12-0504, and CB12-0506 be placed upon final consideration and do pass en bloc, carried by the following vote

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Herndon, Nevitt (2)

Abstain: (None) (0)

**CB12-0455 A bill for an ordinance approving a proposed Amendatory Agreement by and between the City and County of Denver and Qwest Communications Company, LLC dba CenturyLink QCC to provide maintenance service changes for the City’s 911 phone switches, to extend the term of the agreement and to add additional funds. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilmember Faatz, duly seconded by Councilmember Lehmann, that CB12-0502, CB12-0503, CB12-0507, CB12-0386, CB12-0455, CB12-0504, and CB12-0506 be placed upon final consideration and do pass en bloc, carried by the following vote

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Herndon, Nevitt (2)

Abstain: (None) (0)

**CB12-0504 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 concerning the "Emergency Solutions Grant (ESG) FY12" program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilmember Faatz, duly seconded by Councilmember Lehmann, that CB12-0502, CB12-0503, CB12-0507, CB12-0386, CB12-0455, CB12-0504, and CB12-0506 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd, Susman (11)

Against: (None) (0)

Absent: Herndon, Nevitt (2)  
Abstain: (None) (0)

**CB12-0505 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 State of Colorado concerning the "Community Services Block Grant (CSBG) FY12-13" program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilmember Faatz, duly seconded by Councilmember Lehmann, that CB12-0505 be placed upon final consideration and do pass was followed by a motion offered by Councilmember López, duly seconded by Councilmember Lehmann, that CB12-0505 be amended in the following particulars: on page 1, line 26, strike City Clerk, Filing No. 12-0480 and insert City Clerk, Filing No. 12-0480-A which motion to amend, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd, Susman (11)  
Against: (None) (0)  
Absent: Herndon, Nevitt (2)  
Abstain: (None) (0)

A motion offered by Councilmember Faatz, duly seconded by Councilmember Shepherd, that CB12-0505 be placed upon final consideration and do pass as amended, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd, Susman (11)  
Against: (None) (0)  
Absent: Herndon, Nevitt (2)  
Abstain: (None) (0)

**CB12-0506 A bill for an ordinance approving a proposed Agreement by and between the City and County of Denver and Sierra Detention Systems, Inc., to provide warranty and maintenance for the Sierra Security System installed in the Denver Detention Center and Lindsay Flannigan Courthouse. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilmember Faatz, duly seconded by Councilmember Lehmann, that CB12-0502, CB12-0503, CB12-0507, CB12-0386, CB12-0455, CB12-0504, and CB12-0506 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Kniech, Lehmann, Lopez, Montero, Ortega, Robb,



Shepherd, Susman (11)  
Against: (None) (0)  
Absent: Herndon, Nevitt (2)  
Abstain: (None) (0)

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

**CB12-0511 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 "38th and Blake Pedestrian Improvements" project and the funding therefor. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Faatz, duly seconded by Councilmember Lehmann, that CB12-0511 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd, Susman (10)

Against: (None) (0)

Absent: Herndon, Nevitt (2)

Abstain: Kniech (1)

## **Adjourn**

There being no further business before the City Council, Council President Susman adjourned the meeting at 6:06 PM.

## **Pending**

**From 8-6-12**

**CR12-0533 A resolution to set a public hearing relating to the creation of the Federal Boulevard Business Improvement District and approval of the District's 2013 Operating Plan and 2013 Budget.**

**Required Public Hearing**

**Final Consideration (BUSINESS, WORKFORCE & SUSTAINABILITY)**

**For 8-13-12**

**CR12-0471 A resolution to set a public hearing relating to the approval of the Ironworks Foundry Urban Redevelopment Plan for August 13, 2012.**

**Required Public Hearing**

**Final Consideration (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

**For 8-20-12**

**CB12-0365 A bill for an ordinance prohibiting the advertising of medical marijuana in proximity to schools, child care centers, and parks.**

**No Public Hearing**

**Final Consideration (BUSINESS, WORKFORCE & SUSTAINABILITY)**