

## City Council Minutes

Meeting Date: Monday, August 29, 2011 5:30 PM

### Pledge of Allegiance

Councilmember Herndon led the Pledge of Allegiance.

### Roll Call

Present: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Robb, Susman (10)

Absent: Lopez, Ortega, Shepherd (3)

### Approval of Minutes of Monday, August 22, 2011

The minutes of meeting date, Monday, August 22, 2011, were distributed to Council. Council President Nevitt ordered the minutes approved.

### Council Announcements

No members of Council offered announcements.

### Presentations

### Communications

A letter dated August 29, 2011, from Cary Kennedy, Chief Financial Officer, Manager of Finance, in keeping with the provisions of Section 20-93 of the Denver Revised Municipal Code, notifying of the Department of Finance's intent to issue Airport System Revenue Refunding Bonds, Series 2011B-D in an amount not to exceed \$650 million was read in its entirety to Council.

### Proclamations

### Resolutions

#### Land Use, Transportation & Infrastructure

**CR11-0638 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the sum of Forty-Three Thousand Five Hundred Dollars (\$43,500.00), payable to the law offices of Darrell S. Elliott, P.C., in full payment and satisfaction of all claims by Marlana Ragsdale in Case No. 11-CV-1417. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Susman, that CR11-0638 and CR11-0586 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Robb, Susman (10)

Against: (None) (0)

Absent: Lopez, Ortega, Shepherd (3)

Abstain: (None) (0)

**CR11-0586 A resolution granting a revocable permit to COJOYO, LLC to encroach into the right-of-way with an entry way with steps at 1514 York Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Susman, that CR11-0638 and CR11-0586 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Robb, Susman (10)

Against: (None) (0)

Absent: Lopez, Ortega, Shepherd (3)

Abstain: (None) (0)

## **Bills for Introduction**

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

**CB11-0581 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Denver Options, Inc., to provide employment and training services for an estimated 945 TANF participants. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Susman, that CB11-0581 be ordered published, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Nevitt, Robb, Susman (9)

Against: (None) (0)

Absent: Lopez, Ortega, Shepherd (3)

Abstain: Montero (1)

**CB11-0596 A bill for an ordinance amending Article I and Article II of Chapter 32, sections 32-5, 32-7 and 32-93, Denver Revised Municipal Code concerning licensing fees for medical marijuana businesses. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Herndon, that CB11-0596, CB11-0543, CB11-0377, CB11-0583, and CB11-0599 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Robb, Susman (10)

Against: (None) (0)

Absent: Lopez, Ortega, Shepherd (3)

Abstain: (None) (0)

### **Government & Finance**

**CB11-0543 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. (GOVERNMENT & FINANCE)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Herndon, that CB11-0596, CB11-0543, CB11-0377, CB11-0583, and CB11-0599 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Robb, Susman (10)

Against: (None) (0)

Absent: Lopez, Ortega, Shepherd (3)

Abstain: (None) (0)

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

### **CB11-0377 A bill for an ordinance approving a three (3) year lease of city-owned land to Running Creek Ranch for grazing livestock. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Herndon, that CB11-0596, CB11-0543, CB11-0377, CB11-0583, and CB11-0599 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Robb, Susman (10)

Against: (None) (0)

Absent: Lopez, Ortega, Shepherd (3)

Abstain: (None) (0)

### **CB11-0583 A bill for an ordinance approving a proposed Lease Agreement between the City and County of Denver and ICLEI Local Governments for Sustainability, USA, Inc. for 80 square feet of office space in lieu of membership fees and benefits. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Herndon, that CB11-0596, CB11-0543, CB11-0377, CB11-0583, and CB11-0599 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Robb, Susman (10)

Against: (None) (0)

Absent: Lopez, Ortega, Shepherd (3)

Abstain: (None) (0)

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

### **CB11-0599 A bill for an ordinance approving a proposed agreement between the City and County of Denver and T2 Construction, Inc. for master plan and irrigation improvements at Swansea Park. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Herndon, that CB11-0596, CB11-0543, CB11-0377, CB11-0583, and CB11-0599 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Robb, Susman (10)

Against: (None) (0)

Absent: Lopez, Ortega, Shepherd (3)

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 Council Bill 565, relating to the Denver Zoning Code correcting an error in the plant husbandry use in the I-MX and I-A zone districts. 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.

Also, tonight Council is not required to sit as the Board of Equalization since the protest period ended and no protests were filed there will not be any hearings for the following maintenance districts: 15th Street Pedestrian Mall, 20th Street

Pedestrian Mall, Consolidated Larimer Street Pedestrian Mall, Santa Fe Drive Pedestrian Mall A, Santa Fe Drive Pedestrian Mall B, Santa Fe Drive Pedestrian Mall C, Welton Street Pedestrian Mall, South Downing Street Pedestrian Mall, West 38th Avenue I Pedestrian Mall, West 32nd Avenue Pedestrian Mall, and the 44th Avenue and Eliot Street Pedestrian Mall.

**Recess**

Council took a brief recess.

**Council Reconvenes and Resumes its Regular Session**

**Bills for Final Consideration - Public Hearings**

**CB11-0565 A bill for an ordinance relating to the Denver Zoning Code correcting an error in the plant husbandry use in the I-MX and I-A zone districts. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Corrects a typographical error in the I-MX and I-A districts use table regarding the plant husbandry use. The Committee approved filing this bill by consent on 7-28-11.

A motion offered by Councilmember Herndon, duly seconded by Councilmember Brown, that CB11-0565 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Robb (9)

Against: (None) (0)

Absent: Lopez, Ortega, Shepherd (3)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 6:13 PM, Council President Nevitt presiding, to hear speakers either for or against CB11-0565. Seku signed up to address the bill. Tina Axelrad of Community Planning and Development delivered the Staff Report with an overview and recommendation for approval.

**Bills for Final Consideration**

**Business, Workforce & Sustainability**

**CB11-0456 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Sotheby's, Inc., for sale of four Clyfford Still works and authorizing officials of the City and County of Denver to take all action necessary to carry out the transactions contemplated hereby. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Montero, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Robb, Susman (10)

Against: (None) (0)

Absent: Lopez, Ortega, Shepherd (3)

Abstain: (None) (0)

## **Government & Finance**

### **CB11-0566 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. (GOVERNMENT & FINANCE)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Montero, that CB11-0566, be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Brooks, Brown, Herndon, Kniech, Lehmann, Montero, Nevitt, Susman (8)

Against: Faatz, Robb (2)

Absent: Lopez, Ortega, Shepherd (3)

Abstain: (None) (0)

### **CB11-0576 A bill for an ordinance approving a proposed purchase by the City & County of Denver for insurance renewals through Marsh USA, Inc. (GOVERNMENT & FINANCE)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Montero, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Robb, Susman (10)

Against: (None) (0)

Absent: Lopez, Ortega, Shepherd (3)

Abstain: (None) (0)

### **CB11-0579 A bill for an ordinance approving a proposed Third Amendatory Agreement between the City and County of Denver and Kone, Inc., related to City-owned elevator preventative maintenance and emergency services. (GOVERNMENT & FINANCE)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Montero, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Robb, Susman (10)

Against: (None) (0)

Absent: Lopez, Ortega, Shepherd (3)

Abstain: (None) (0)

### **CB11-0600 A bill for an ordinance submitting to a vote of the qualified and registered electors of the City and County of Denver at a special municipal election to be held in conjunction with the regular biennial school board election of November 1, 2011, a proposed amendment to the Charter of the City and County of Denver. (GOVERNMENT & FINANCE)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Montero, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Robb, Susman (10)

Against: (None) (0)

Absent: Lopez, Ortega, Shepherd (3)

Abstain: (None) (0)

## Health, Safety, Education & Services

### **CB11-0487 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Community Education Centers for residential and non-residential community corrections services. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Montero, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Robb, Susman (10)

Against: (None) (0)

Absent: Lopez, Ortega, Shepherd (3)

Abstain: (None) (0)

### **CB11-0534 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Community Education Centers for residential and non-residential community corrections services. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Montero, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Robb, Susman (10)

Against: (None) (0)

Absent: Lopez, Ortega, Shepherd (3)

Abstain: (None) (0)

### **CB11-0578 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) FY11-12" program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Montero, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Robb, Susman (10)

Against: (None) (0)

Absent: Lopez, Ortega, Shepherd (3)

Abstain: (None) (0)

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

### **CB11-0527 A bill for an ordinance approving an amendatory agreement between Brodart Co. and the City & County of Denver to provide cost effective and timely provisions of library collections and vendor services. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Montero, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Robb, Susman (10)

Against: (None) (0)

Absent: Lopez, Ortega, Shepherd (3)

Abstain: (None) (0)

### **CB11-0528 A bill for an ordinance approving an amendatory agreement between Midwest Tape, LLC and the City & County of Denver to provide cost effective and timely provisions of library collections and vendor services. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Montero, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Robb, Susman (10)

Against: (None) (0)

Absent: Lopez, Ortega, Shepherd (3)

Abstain: (None) (0)

### **CB11-0574 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 "Colorado Center Bike/Pedestrian Bridge" project and the funding therefor. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Montero, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Robb, Susman (10)

Against: (None) (0)

Absent: Lopez, Ortega, Shepherd (3)

Abstain: (None) (0)

**CB11-0575 A bill for an ordinance creating a Fund Number in the Grant/Other Capital Projects Fund for the "Broadway, Asbury to Iowa" project, and the funding therefor. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Herndon, duly seconded by Councilmember Montero, that CB11-0456, CB11-0576, CB11-0579, CB11-0600, CB11-0487, CB11-0534, CB11-0578, CB11-0527, CB11-0528, CB11-0574, and CB11-0575 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Montero, Nevitt, Robb, Susman (10)

Against: (None) (0)

Absent: Lopez, Ortega, Shepherd (3)

Abstain: (None) (0)

## **Adjourn**

There being no further business before City Council, Council President Nevitt adjourned the meeting at 6:22 PM.

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President

Attested by me with the Corporate Seal  
of the City and County of Denver

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Clerk and Recorder, Ex-Officio Clerk  
of the City and County of Denver

City Council public documents are available upon request in alternate formats.  
Prepared by Kelly Velez