

City Council Minutes
Meeting Date: Monday, May 14, 2012 5:30 PM

Pledge of Allegiance

Councilmember Shepherd 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, May 7, 2012

The minutes of meeting date, Monday, May 7, 2012, were distributed to Council. Council President Nevitt ordered the minutes approved.

Council Announcements

Councilmembers Herndon, Kniech, Shepherd, López, Brooks, Robb, and Nevitt offered announcements.

Presentations

Communications

Proclamations

CP12-0344 A proclamation recognizing Saturday, May 19, 2012, as Hepatitis Testing Day in Denver. Sponsored by Councilmembers López, Brooks, Montero, Robb, Lehmann, and Brown.

A motion offered by Councilmember López, duly seconded by Councilmember Shepherd, that CP12-0344 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)

CP12-0387 A proclamation in recognition of the vital role of reusable bags in contributing to the sustainability of our environment and naming May 14, 2012 Denver Reusable Bag Day.

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

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Susman, that CP12-0387 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.

Land Use, Transportation & Infrastructure

CR12-0333 A resolution accepting and approving the plat of Stapleton Filing No. 35. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Brooks, that CR12-0333, CR12-0334, CR12-0335, CR12-0336, and CR12-0337 be adopted 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)

CR12-0334 A resolution laying out, opening and establishing as part of the city street system certain parcels of land as W. Colfax Avenue between Quitman Street and Perry Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Brooks, that CR12-0333, CR12-0334, CR12-0335, CR12-0336, and CR12-0337 be adopted 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)

CR12-0335 A resolution laying out, opening and establishing as part of the city street system a parcel of land as S. Federal Boulevard between W. Asbury Avenue and E. Evans Avenue. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Brooks, that CR12-0333, CR12-0334, CR12-0335, CR12-0336, and CR12-0337 be adopted 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)

CR12-0336 A resolution granting a revocable permit to Three Chalets, LLC, to encroach into the right-of-way with a 700 ft. retaining stonewall at 1336 E. 17th Avenue. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Brooks, that CR12-0333, CR12-0334, CR12-0335, CR12-0336, and CR12-0337 be adopted 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)

CR12-0337 A resolution accepting and approving the plat of Green Valley Ranch Filing No. 67. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Brooks, that CR12-0333, CR12-0334, CR12-0335, CR12-0336, and CR12-0337 be adopted 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)

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

CB12-0341 A bill for an ordinance approving a proposed 2012 Lease Amendment to the Airport Use and Facilities Lease Agreement between the City and County of Denver and United Airlines, Inc., related to leased space at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CB12-0341, CB12-0316, and CB12-0328 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

CB12-0316 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Clayton Family Futures, to provide comprehensive Head Start services. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CB12-0341, CB12-0316, and CB12-0328 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)

CB12-0328 A bill for an ordinance approving an agreement with Integral Recoveries, Inc. to assist Denver County Court with collection of delinquent court-ordered fines, costs, and fees. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Shepherd, that CB12-0341, CB12-0316, and CB12-0328 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 CB12-0249 changing the zoning classification for 4100 Federal Boulevard.

Tonight there will be a public hearing on CB12-0249 changing the zoning classification for 4100 Federal Boulevard. Anyone wishing to speak on this matter must see the Council Secretary to sign up during the recess of Council.

Recess

Council took a recess.

Council Reconvenes and Resumes its Regular Session

Bills for Final Consideration - Public Hearings

CB12-0249 A bill for an ordinance changing the zoning classification for 4100 Federal Boulevard. (LAND USE, TRANSPORTATION & INFRASTRUCTURE) LAND USE, TRANSPORTATION & INFRASTRUCTURE

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Susman, that CB12-0249 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, Susman (12)

Against: (None) (0)

Absent: Shepherd (1)

Abstain: (None) (0)

Council sat as the Committee of the Whole commencing at 8:07 PM, Council President Nevitt presiding, to hear speakers either for or against CB12-0249. Vanessa Guzman and Seku signed up to address the bill. Teresa Lucero of Community Planning and Development delivered the Staff Report with an overview and recommendation for approval.

Bills for Final Consideration

Business, Workforce & Sustainability

CB12-0305 A bill for an ordinance approving a proposed First Amendment to Intergovernmental License and Easement Agreement between the City and County of Denver, Sand Creek Metropolitan District, the City of Aurora and Gateway Land, LLC related to the construction and maintenance of a drainage channel and snow ramps on property adjacent to the intersection of Peña Boulevard and 40th Avenue and the Interstate 70/Peña Interchange. (BUSINESS, WORKFORCE, & SUSTAINABILITY)

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Lehmann, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 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)

CB12-0307 A bill for an ordinance approving a proposed Denver International Airport Agreement for Operation and Maintenance Services for the Terminal Baggage Handling System, between the City and County of Denver and Vanderlande Industries Inc. related to the airport terminal baggage handling system at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Lehmann, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288,

CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 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)

CB12-0308 A bill for an ordinance approving a proposed Airport Use and Lease Agreement between the City and County of Denver and Icelandair EHF, related to operations and leased space at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Lehmann, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 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)

Government & Finance

CB12-0287 A bill for an ordinance regarding policy, fees and license requirements for electronic records services provided to the public by the office of the clerk and recorder. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Lehmann, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 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)

CB12-0288 A bill for an ordinance approving a Second Amendment to Professional Services Agreement with Imagebase, LLC, for the records

digitization project. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Lehmann, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 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)

CB12-0291 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 Shepherd, duly seconded by Councilmember Lehmann, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 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)

CB12-0312 A bill for an ordinance approving a proposed Amendatory Lease Agreement between the City and County of Denver and KEW Realty Corporation, to extend the term of the lease and add additional funds. (GOVERNMENT & FINANCE)

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Lehmann, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 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

CB12-0217 A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and Harris Kocher Engineering Group, Inc., d/b/a Harris Kocher Smith, to increase the total compensation to be paid under the Agreement. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Lehmann, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 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)

CB12-0241 A bill for an ordinance prohibiting unauthorized camping on public or private property. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Brooks, duly seconded by Councilmember Lehmann, that CB12-0241 be placed upon final consideration and do pass was followed by a motion offered by Councilmember Brooks, duly seconded by Councilmember Susman, that CB12-0241 be amended in the following particulars: on page 2, line 28, delete lines 28 through 32 and insert the following language: (1) "Camp" means to reside or dwell temporarily in a place, with shelter. The term "shelter" includes, without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing. The term "reside or dwell" includes, without limitation, conducting such activities as eating, sleeping, or the storage of personal possessions, which motion to amend 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)

A motion offered by Councilmember Brooks, duly seconded by Councilmember Herndon, that CB12-0241 be placed upon final consideration and do pass as amended, carried by the following vote:

Passed

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

Against: Kniech, Lopez, Ortega, Shepherd (4)
Absent: (None) (0)
Abstain: (None) (0)

CB12-0266 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Steer Davies & Gleave Inc., to prepare and provide an alternatives analysis for meeting the expected future increase in person-trip demand of the East Colfax corridor. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Lehmann, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 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)

CB12-0310 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and T2 Construction, Inc., for landscape improvement and irrigation construction. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Lehmann, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 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)

CB12-0321 A bill for an ordinance approving a proposed Purchase Order between the City and County of Denver and Suncor Energy USA, Inc., to procure liquid asphalt used to make asphalt. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Shepherd, duly seconded by Councilmember Lehmann, that CB12-0305, CB12-0307, CB12-0308, CB12-0287, CB12-0288, CB12-0291, CB12-0312, CB12-0217, CB12-0266, CB12-0310, and CB12-0321 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)

Adjourn

There being no further business before the City Council, Council President Nevitt adjourned the meeting at 8:31 PM.

Pending

**CB12-0261 A bill for an ordinance changing the zoning classification for 3901 Fox Street and 3965 Fox Street.
(LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

**CB12-0264 A bill for an ordinance changing the zoning classification for 1804 South Pearl Street.
(LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

**CB12-0265 A bill for an ordinance changing the zoning classification of 8th Avenue and Colorado Boulevard to a Planned Unit Development District.
(LAND USE, TRANSPORTATION & INFRASTRUCTURE)**