

## **City Council Minutes**

Meeting Date: Monday, July 19, 2010 5:30 PM

### **Pledge of Allegiance**

Councilmember Johnson led the pledge of allegiance.

### **Roll Call**

Present: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Council President Robb arrived late.

### **Election of Council President and President Pro Tem**

A motion offered by Councilmember Robb, that Councilmember Nevitt be nominated for Council President carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Council President Robb announced that nominations were now in order for the Office of Council President for the Denver City Council.

Council President Robb nominated Councilmember Nevitt for President of the Denver City Council.

There being no further nominations, Council President Robb closed the nominations.

A motion offered by Councilmember Hancock, duly seconded by Councilmember Johnson, that Councilmember Lehmann be nominated for Council President Pro-Tem carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Council President Nevitt announced that nominations were now in order for the Office of Council President Pro-Tempore for the Denver City Council.

Councilmember Hancock nominated Councilmember Lehmann for President Pro-Tempore of the Denver City Council.

There being no further nominations, Council President Nevitt closed the nominations.

From Council Rules of Procedure (Rule 8)

- 8.1 Election of Officers. At the third meeting of the Council in the month of July of each year, except when a Council seat is vacant, the order of business shall be:
- (a) Election of a President as provided in section 3.3.1 of the Charter, who shall hold office until the third Monday of July of the ensuing year, or until a successor is duly elected, whichever is later.
  - (b) Election of a president pro tempore who shall serve without additional compensation and who shall hold office until the third Monday of July of the ensuing year, or until a successor is duly elected, whichever is later.
  - (c) The election of Council officers shall be conducted as follows:
    - 1. Candidates for the office of President of Council, and of President Pro Tempore, shall be nominated from the floor, separately, before the election for each office.
    - 2. No second to a nomination shall be required.
    - 3. The nominations shall be closed by a declaration by the presiding officer after the presiding officer asks for further nominations and receives no reply.
    - 4. The election for each office shall be in the form of a roll call election in which each member of Council, when called upon, declares his or her vote for a candidate.
    - 5. An eligible person receiving a vote for an office need not have been nominated.
    - 6. No nominee shall be removed from consideration unless he or she withdraws.
    - 7. The candidate receiving at least seven votes for each office will be declared elected to that office by the presiding officer, after the verification by the Council Secretary of the votes cast.
  - (d) If a Council seat is vacant at the time of the regularly scheduled election, the election for President and President Pro Tempore shall take place at the first regular Council meeting after every seat on the Council is filled.

## **Approval of Minutes of Monday, July 12, 2010**

The minutes of meeting date, Monday, July 12, 2010 were distributed to Council. Council President Nevitt ordered the minutes approved.

## **Council Announcements**

Councilmembers Hancock, Lehmann, Madison, and López offered announcements.

## **Presentations**

## **Communications**

## **Proclamations**

CP10-0592 A proclamation in recognition of the 10th Annual Colorado Dragon Boat Festival at Sloan's Lake Park.

Sponsored by Councilmembers Sandoval, Boigon, Hancock, Johnson, Lehmann, Linkhart, López, Robb, Madison, and Brown.

A motion offered by Councilmember Sandoval, duly seconded by Councilmember Lopez, that CP10-0592 be adopted carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CP10-0630 A proclamation to say NO to Proposition 101, Amendment 60, and Amendment 61 to protect education, economic development, infrastructure, and safety in the State of Colorado and in the Cities, Counties, School, Fire and other Special Districts of Colorado.

Sponsored by Councilmembers Boigon, Hancock, Johnson, Lehmann, Linkhart, López, Robb, Madison, and Brown.

A motion offered by Councilmember Boigon, duly seconded by Councilmember Lopez, that CP10-0630 be adopted carried by the following vote:

Passed

For: Boigon, Brown, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (12)

Against: Faatz (1)

Absent: (None) (0)

Abstain: (None) (0)

## **Resolutions**

The Council Secretary read the following resolutions by titles. The Council President referred the resolutions to the committees shown in parentheses after the resolution titles.

### Economic Development

CR10-0584 A resolution approving the Mayor's Reappointments to the Stapleton Development Corporation Board of Directors.

A motion offered by Councilmember Linkhart, duly seconded by Councilmember Lehmann, that CR10-0584, CR10-0595, CR10-0597, CR10-0596, and CR10-0585 be adopted en bloc carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

### Public Works

CR10-0595 A resolution accepting and approving the plat of Stapleton Filing No. 28.

A motion offered by Councilmember Linkhart, duly seconded by Councilmember Lehmann, that CR10-0584, CR10-0595, CR10-0597, CR10-0596, and CR10-0585 be adopted en bloc carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CR10-0597 A resolution granting a revocable permit to 910 Associates, Inc. to encroach into the right-of-way with basement vaults at 16th St. & Champa St.

A motion offered by Councilmember Linkhart, duly seconded by Councilmember Lehmann, that CR10-0584, CR10-0595, CR10-0597, CR10-0596, and CR10-0585 be adopted en bloc carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CR10-0596 A resolution granting a revocable permit to Focus Property Group, LLC to encroach into the right-of-way with a 2,500 gallon grease trap in the Northeast corner of the alley behind 2148 Larimer Street.

A motion offered by Councilmember Linkhart, duly seconded by Councilmember Lehmann, that CR10-0584, CR10-0595, CR10-0597, CR10-0596, and CR10-0585 be adopted en bloc carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Safety

CR10-0585 A resolution approving the Mayor's Reappointments and Appointments to the Community Corrections Board of Directors.

A motion offered by Councilmember Linkhart, duly seconded by Councilmember Lehmann that CR10-0584, CR10-0595, CR10-0597, CR10-0596, and CR10-0585 be adopted en bloc carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**Bills for Introduction**

The Council Secretary read the following bills by titles. The Council President referred the bills to the committees shown in parentheses after the bill titles.

Council President Nevitt announced that all other bills on introduction are ordered published.

Finance

CB10-0582 A bill for an ordinance approving a proposed Lease Agreement between the City and County of Denver and GE Johnson Construction Company.

Public Amenities

CB10-0583 A bill for an ordinance approving an Agreement between the City and County of Denver and Bridgeman Art Library International to allow the sale of certain copies of art work owned by the Denver Public Library.

CB10-0542 A bill for an Ordinance approving a Development Agreement with LNR CPI High Point, LLC.

#### Safety

CB10-0589 A bill for an ordinance approving and providing for the execution of a proposed contract between the City and County of Denver and the State of Colorado concerning the "Community Corrections FY10-11" program and the funding therefor.

CB10-0576 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and RRK Enterprises d/b/a Independence House for residential and non-residential community corrections services.

CB10-0575 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Correctional Management, Inc. for residential and non-residential community corrections services.

### **Recess**

Council did not take a recess.

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

### **Bills for Final Consideration**

CB10-0572 A bill for an ordinance approving a proposed Airport Use and Facilities Lease Agreement between the City and County of Denver and American Eagle Airlines, Inc., related to leased space at Denver International Airport. (ECONOMIC DEVELOPMENT)

A motion offered by Councilmember Linkhart, duly seconded by Councilmember Boigon, that CB10-0572, CB10-0566, CB10-0534, CB10-0398, CB10-0352, CB10-0363, CB10-0546, CB10-0481, CB10-0484, CB10-0496, CB10-0538, CB10-0543, CB10-0544, and CB10-0559 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB10-0566 A bill for an ordinance making rescissions of budget balances to close out grants, and transferring grant cash balances to the General Fund. (FINANCE)

A motion offered by Councilmember Linkhart, duly seconded by Councilmember Boigon, that CB10-0572, CB10-0566, CB10-0534, CB10-0398, CB10-0352, CB10-0363, CB10-0546, CB10-0481, CB10-0484, CB10-0496, CB10-0538, CB10-0543, CB10-0544, and CB10-0559 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB10-0534 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Mi Casa Resource Center, to provide TANF employment and training services. (NEIGHBORHOOD COMMUNITY & BUSINESS REVITALIZATION)

A motion offered by Councilmember Linkhart, duly seconded by Councilmember Boigon, that CB10-0572, CB10-0566, CB10-0534, CB10-0398, CB10-0352, CB10-0363, CB10-0546, CB10-0481, CB10-0484, CB10-0496, CB10-0538, CB10-0543, CB10-0544, and CB10-0559 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB10-0539 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Denver Options, Inc., to provide TANF employment and training services. (NEIGHBORHOOD COMMUNITY & BUSINESS REVITALIZATION)

A motion offered by Councilmember Linkhart, duly seconded by Councilmember Brown, that Council adjourn carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Nevitt, Robb, Sandoval (12)

Against: (None) (0)

Absent: (None) (0)

Abstain: Montero (1)

CB10-0398 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 "Workforce Investment Act and Wagner-Peyser PY10/FY11" programs and the funding therefor. (NEIGHBORHOOD COMMUNITY & BUSINESS REVITALIZATION)

A motion offered by Councilmember Linkhart, duly seconded by Councilmember Boigon, that CB10-0572, CB10-0566, CB10-0534, CB10-0398, CB10-0352, CB10-0363, CB10-0546, CB10-0481, CB10-0484, CB10-0496, CB10-0538, CB10-0543, CB10-0544, and CB10-0559 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB10-0352 A bill for an ordinance approving the third amendatory on-call agreement between American Civil Constructors and the City & County of Denver for Washington Park irrigation renovation. (PUBLIC AMENITIES)

A motion offered by Councilmember Linkhart, duly seconded by Councilmember Boigon, that CB10-0572, CB10-0566, CB10-0534, CB10-0398, CB10-0352, CB10-0363, CB10-0546, CB10-0481, CB10-0484, CB10-0496, CB10-0538, CB10-0543, CB10-0544, and CB10-0559 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB10-0363 A bill for an ordinance approving a non-financial agreement between the Colorado Miners, Inc., and the City & County of Denver to occupy and administer community programs at the Johnson Recreation Center. (PUBLIC AMENITIES)

A motion offered by Councilmember Linkhart, duly seconded by Councilmember Boigon, that CB10-0572, CB10-0566, CB10-0534, CB10-0398, CB10-0352, CB10-0363, CB10-0546, CB10-0481, CB10-0484, CB10-0496, CB10-0538, CB10-0543, CB10-0544, and CB10-0559 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB10-0546 A bill for an ordinance approving a proposed donation by the Girl Scouts of America, Mile High Council, of a mobile home to the City and County of Denver, in accordance with City Charter section 2.4.4(E). (PUBLIC AMENITIES)

A motion offered by Councilmember Linkhart, duly seconded by Councilmember Boigon, that CB10-0572, CB10-0566, CB10-0534, CB10-0398, CB10-0352, CB10-0363, CB10-0546, CB10-0481, CB10-0484, CB10-0496, CB10-0538, CB10-0543, CB10-0544, and CB10-0559 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB10-0481 A bill for an ordinance approving an amendatory on-call agreement between Turner Construction Company and the City & County of Denver that will provide general construction services. (PUBLIC WORKS)

A motion offered by Councilmember Linkhart, duly seconded by Councilmember Boigon, that CB10-0572, CB10-0566, CB10-0534, CB10-0398, CB10-0352, CB10-0363, CB10-0546, CB10-0481, CB10-0484, CB10-0496, CB10-0538, CB10-0543, CB10-0544, and CB10-0559 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB10-0484 A bill for an ordinance approving a revived and amendatory on-call agreement between Architectural Energy Corporation and the City & County of Denver that will provide general construction services. (PUBLIC WORKS)

A motion offered by Councilmember Linkhart, duly seconded by Councilmember Boigon, that CB10-0572, CB10-0566, CB10-0534, CB10-0398, CB10-0352, CB10-0363, CB10-0546, CB10-0481, CB10-0484, CB10-0496, CB10-0538, CB10-0543, CB10-0544, and CB10-0559 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB10-0496 A bill for an Ordinance designating certain properties in the vicinity of South Broadway between Wesley Avenue and Iowa Avenue as being required for public use and authorizing use and acquisition thereof by negotiation or through condemnation proceedings including all improvements, fixtures, licenses, permits, access points and any other rights and interests related or appurtenant to properties so designated. (PUBLIC WORKS)

A motion offered by Councilmember Linkhart, duly seconded by Councilmember Boigon, that CB10-0572, CB10-0566, CB10-0534, CB10-0398, CB10-0352, CB10-0363, CB10-0546, CB10-0481, CB10-0484, CB10-0496, CB10-0538, CB10-0543, CB10-0544, and CB10-0559 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB10-0538 A bill for an ordinance approving an intergovernmental agreement between the State of Colorado, Department of Transportation, and The City and County of Denver for the Federal Boulevard, Alameda Avenue to 5th Avenue, Improvement Project. (PUBLIC WORKS)

A motion offered by Councilmember Linkhart, duly seconded by Councilmember Boigon, that CB10-0572, CB10-0566, CB10-0534, CB10-0398, CB10-0352, CB10-0363, CB10-0546, CB10-0481, CB10-0484, CB10-0496, CB10-0538, CB10-0543, CB10-0544, and CB10-0559 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)



CB10-0543 A bill for an ordinance approving an amendatory intergovernmental agreement between the State of Colorado, Department of Transportation, Region 6 and the City & County of Denver for the North Denver Metro ITS Improvement Program. (PUBLIC WORKS)

A motion offered by Councilmember Linkhart, duly seconded by Councilmember Boigon, that CB10-0572, CB10-0566, CB10-0534, CB10-0398, CB10-0352, CB10-0363, CB10-0546, CB10-0481, CB10-0484, CB10-0496, CB10-0538, CB10-0543, CB10-0544, and CB10-0559 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB10-0544 A bill for an ordinance approving an on-call agreement between Roadsafe Traffic Systems, Inc. and the City & County of Denver for the 2010 Pavement Marking Project. (PUBLIC WORKS)

A motion offered by Councilmember Linkhart, duly seconded by Councilmember Boigon, that CB10-0572, CB10-0566, CB10-0534, CB10-0398, CB10-0352, CB10-0363, CB10-0546, CB10-0481, CB10-0484, CB10-0496, CB10-0538, CB10-0543, CB10-0544, and CB10-0559 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

CB10-0559 A bill for an ordinance approving a proposed contract between the City and County of Denver and Keene Concrete, Inc. for the 2010 Citywide Curb, Gutter and Crossspan Project, Phase III. (PUBLIC WORKS)

A motion offered by Councilmember Linkhart, duly seconded by Councilmember Boigon, that CB10-0572, CB10-0566, CB10-0534, CB10-0398, CB10-0352, CB10-0363, CB10-0546, CB10-0481, CB10-0484, CB10-0496, CB10-0538, CB10-0543, CB10-0544, and CB10-0559 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (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 6:50 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