


CITY COUNCIL		
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 Carla Madison..... District 8 Judy H. Montero..... District 9 Jeanne Robb..... District 10 Michael B. Hancock..... District 11 Lauri Dannemiller..... Director Kelly Velez..... Council Secretary ROOM 451 CITY & COUNTY BUILDING DENVER COLORADO 80202 720-865-9534 FAX: 720-865-9540 EMAIL: dencc@denvergov.org

WEB ACCESS Live broadcast and audio and video archives can be accessed at http://www.denvergov.org/citycouncil	**REMINDER** As a courtesy to those in attendance, please turn off your cell phones and pagers.
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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, September 27, 2010 5:30 PM

Pledge of Allegiance

Roll Call

Approval of Minutes of Monday, September 20, 2010

Council Announcements

Presentations

Communications

A letter dated September 27, 2010 from Claude Pumilia, Manager of Finance, regarding the Department of Finance's intent to advance refund three existing Certificates of Participation lease purchase transactions in an amount not to exceed \$40 million. (GOVERNMENT AFFAIRS & FINANCE)

Under RMC 20-93.1 this matter, "...shall be assigned to the appropriate council committee. The council may in its discretion, within fifteen (15) days of reading by the city clerk of the notification, introduce and act upon a resolution stating council's intent to approve the issuance..."

Proclamations

CP10-0839 A proclamation recognizing October as Breast Cancer Awareness Month and the Komen Denver Metropolitan Affiliate of Susan G. Komen for the Cure®.

Sponsored by Councilmembers Johnson, Lehmann, Madison, Boigon, Linkhart, Faatz, Montero, and López.

Resolutions

Land Use, Transportation & Infrastructure

CR10-0780 A resolution granting a revocable permit to Billy's Gourmet Hot Dogs to encroach into the right-of-way with various items at 2445 Larimer St. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Grants a revocable permit to Billy's Gourmet Hot Dogs to encroach into the public right-of-way with a fence, bollards and a building sign at 2445 Larimer in Council District 9. The Committee approved filing this resolution by consent on 9-16-10.

CR10-0822 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the sum of Sixty-Eight Thousand Five Hundred Dollars (\$68,500.00) payable to Joan Siudzinski and Clifford Beem & Associates, P.C., in full payment and satisfaction of all claims in Case No. 10 CV 1096. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Settles a claim involving the Department of Parks & Recreation. This resolution was approved for filing at the Mayor-Council meeting on 9-21-10.

Safety

CR10-0801 A resolution approving the Mayor's Appointments to the Crime Prevention and Control Commission. (HEALTH, SAFETY, EDUCATION & SERVICES)

Approves the following mayoral appointments to the Crime Prevention and Control Commission: Divenia "Nikki" Johnson and Lauren Croucher for terms effective immediately and expiring September 1, 2012 and Pastor Rodney Perry, for a term effective immediately and expiring September 1, 2011. The Committee approved filing this resolution on 9-16-10.

Bills for Introduction

Business, Workforce & Sustainability

CB10-0774 A bill for an ordinance approving a proposed Facilities and Ground Lease Agreement between Fox Rent A Car and the City and County of Denver, related to leased space at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Approves a Facilities and Ground Lease with FOX Rent A Car, Inc. to rent motor vehicles to the public at Denver International Airport for approximately \$209,900 in annual revenues through January 1, 2014. The last regularly scheduled Council meeting within the 30-day review period is on 10-18-10. The Committee approved filing this bill by consent on 9-6-10.

CB10-0775 A bill for an ordinance approving a proposed Concession Agreement and Terminal Building Premises Lease between Fox Rent A Car and the City and County of Denver, related to leased space at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Approves a Concessions Agreement and Terminal Building Premises Lease with FOX Rent A Car, Inc. to engage in the principal business of renting motor vehicles to the general public at Denver International Airport for approximately \$250,000 in annual revenue through January 1, 2014. The last regularly scheduled Council meeting within the 30-day review period is on 10-18-10. The Committee approved filing this bill by consent on 9-6-10.

CB10-0798 A bill for an ordinance approving a proposed Second Amendment and Modification Agreement between the City and County of Denver and Charles H. Woolley relating to a loan associated with the redevelopment of the Lowenstein Theater. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Amends the federally-funded CDBG City loan to Charles H. Woolley in the amount of \$475,000 which funded a portion of the initial acquisition cost of the Lowenstein Theater property to release office space collateral located at 730 17th Street and substitute the collateral for the borrower's personal vacation property located at 522 Darby Dr. in Silverthorne, Colorado. The last regularly scheduled Council meeting within the 30-day review period is on 10-18-10. The Committee approved filing this bill by consent on 9-16-10.

CB10-0799 A bill for an ordinance approving a proposed Third Amendment and Modification Agreement among the City and County of Denver, St. Charles Town Company Theater LLC and Charles H. Woolley as Guarantor, relating to a loan associated with the redevelopment of the Lowenstein Theater. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Amends the federally-funded CDBG City loan to St. Charles Town Co. Theater in the amount of \$2,400,000 which funded a portion of the initial acquisition cost of the Lowenstein Theater property to release office space collateral located at 730 17th Street and substitute the collateral for the borrower's personal vacation property located at 522 Darby Dr. in Silverthorne, Colorado. The last regularly scheduled Council meeting within the 30-day review period is on 10-18-10. The Committee approved filing this bill by consent on 9-16-10.

CB10-0782 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and HGV Senior L.P. to modify the terms/conditions of the original loan agreement. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Approves an amendment to the loan agreement for Cottage Hill Senior Apts. located in District 1 to restructure the debt and refinance the primary lender note to reduce the interest rate from 6.3% to 4.3%. The last regularly scheduled Council meeting within the 30-day review period is on 10-18-10. The Committee approved filing this bill by consent on 9-16-10.

CB10-0792 A bill for an Ordinance authorizing the execution of a First Amendment to Tax Regulatory Agreement relating to Highlands Garden Village Senior Apartments. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Approves an amendment to the Tax Regulatory Agreement for Highland Gardens Village related to Private Activity Bonds issued by the City and County of Denver in 1999 for Cottage Hill Senior Apts. to modify the definition of mortgage loan and notice addresses are being updated. The Committee approved filing this bill by consent on 9-16-10.

Government Affairs & Finance

CB10-0796 A bill for an ordinance making rescissions of budget balances to close out grants, and transferring grant cash balances to the General Fund. (GOVERNMENT AFFAIRS & FINANCE)

Approves closing out various grant budgets (\$290,622.39) and cash balances (\$990.22) to be rescinded and cash transferred to the General Fund. The Committee approved filing this bill at its meeting on 9-15-10.

CB10-0745 A bill for an ordinance making rescissions of budget balances to close out grants, and transferring grant cash balances to the General Fund. (GOVERNMENT AFFAIRS & FINANCE)

Approves closing out various grant budgets (\$215,767.35) and cash balances (\$2,348.68) and rescinding and transferring to the General Fund. The Committee approved filing this bill at its meeting on 9-15-10.

CB10-0766 A bill for an ordinance making rescissions of budget balances to close out grants, and transferring grant cash balances to the General Fund. (GOVERNMENT AFFAIRS & FINANCE)

Approves closing out various grant budgets (\$1,728,018.99) and cash balances (\$20,863.04) to be rescinded and transferred to the General Fund. The Committee approved filing this bill at its meeting on 9-15-10.

CB10-0770 A bill for an ordinance authorizing the issuance of City and County of Denver, Colorado, General Obligation Better Denver Bonds, Series 2010D, for the purpose of financing and/or refinancing and defraying the cost of acquiring, constructing, installing and improving various civic facilities, together with all necessary, incidental or appurtenant properties, facilities, equipment and costs; providing for the levy of general ad valorem taxes to pay the principal of and interest on the Series 2010D Bonds; authorizing the execution of certain agreements and providing other details in connection therewith; ratifying action previously taken relating thereto; providing other matters relating thereto; and making other provisions relating thereto. (GOVERNMENT AFFAIRS & FINANCE)

Authorizes the Manager of Finance, Chief Financial Officer to issue up to \$50,000,000 of City and County of Denver, General Obligation Bonds, Series 2010D for the Better Denver Bond Program. The Committee approved filing this bill by consent on 9-16-10.

Land Use, Transportation & Infrastructure

CB10-0759 A bill for an ordinance approving a Park Use Agreement with Downtown Denver Events, Inc., to install, operate and maintain an ice skating rink in Skyline Park for the winter season 2010-2011. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves a Parks Use Agreement allowing Downtown Denver Events to install, operate and maintain a free public ice skating rink and skate rentals in SkyLine Park from approximately Thanksgiving 2010 to early February 2011 on behalf of Denver Parks & Recreation. The last regularly scheduled Council meeting within the 30-day review period is on 10-18-10. The Committee approved filing this bill at its meeting on 9-14-10.

CB10-0783 A bill for an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the 15th Street Pedestrian Mall Local Maintenance District upon the real property, exclusive of improvements thereon, benefited. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves the 2011 assessments of the 15th Street local maintenance district in Council District 9. The Committee approved filing this bill at its meeting on 9-14-10.

CB10-0784 A bill for an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the 20th Street Pedestrian Mall Local Maintenance District upon the real property, exclusive of improvements thereon, benefited. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves the 2011 assessments of the 20th Street local maintenance district in Council District 9. The Committee approved filing this bill at its meeting on 9-14-10.

CB10-0785 A bill for an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the Consolidated Larimer Street Pedestrian Mall Local Maintenance District upon the real property, exclusive of improvements thereon, benefited. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves the 2011 assessments of the Consolidated Larimer Street local maintenance district in Council District 9. The Committee approved filing this bill at its meeting on 9-14-10.

CB10-0786 A bill for an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the Santa Fe Drive Pedestrian Mall A Local Maintenance District upon the real property, exclusive of improvements thereon, benefited. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves the 2011 assessments of the Santa Fe A local maintenance district in Council District 9. The Committee approved filing this bill at its meeting on 9-14-10.

CB10-0787 A bill for an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the Santa Fe Drive Pedestrian Mall B Local Maintenance District upon the real property, exclusive of improvements thereon, benefited. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves the 2011 assessments for the Santa Fe B local maintenance district in Council District 9. The Committee approved filing this bill at its meeting on 9-14-10.

CB10-0788 A bill for an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the Santa Fe Drive Pedestrian Mall C Local Maintenance District upon the real property, exclusive of improvements thereon, benefited. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves the 2011 assessments of the Santa Fe C local maintenance district in Council District 9. The Committee approved filing this bill at its meeting on 9-14-10.

CB10-0789 A bill for an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the Welton Street Pedestrian Mall Local Maintenance District upon the real property, exclusive of improvements thereon, benefited. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves the 2011 assessments of the Welton Street local maintenance district in Council District 8. The Committee approved filing this bill at its meeting on 9-14-10.

CB10-0790 Approves the 2011 assessments of the South Downing Street local maintenance district. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves the 2011 assessments of the South Downing Street local maintenance district in Council District 7. The Committee approved filing this bill at its meeting on 9-14-10.

CB10-0791 A bill for an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the West 38th Avenue I Pedestrian Mall Local Maintenance District upon the real property, exclusive of improvements thereon, benefited. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves the 2011 assessments of the West 38th Avenue Phase I local maintenance district in Council District 9. The Committee approved filing this bill at its meeting on 9-14-10.

Recess

Council Reconvenes and Resumes its Regular Session

Bills for Final Consideration

Business, Workforce & Sustainability

CB10-0776 A bill for an ordinance approving a proposed Second Amendment to an Airport Use and Facilities Lease Agreement between US Airways, Inc. and the City and County of Denver, related to leased space at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Approves a second amendment to an Airport Use and Facilities Lease Agreement between US Airways and the City and County of Denver to document space and gate changes. The last regularly scheduled Council meeting within the 30-day review period is on 10-11-10. The Committee approved filing this bill by consent on 9-9-10.

CB10-0777 A bill for an ordinance approving a proposed Purchase Order between the City and County of Denver and Oshkosh Truck Corporation concerning the purchase of two Oshkosh Striker Aircraft Rescue and Firefighting vehicles for Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Approves a purchase order in excess of \$500,000 to procure two major Class 5 eight wheel drive Aircraft Rescue and Firefighting Vehicles (ARFF) for Denver International Airport. This procurement is partially funded through a federal grant. The last regularly scheduled Council meeting within the 30-day review period is on 10-11-10. The Committee approved filing this bill by consent on 9-9-10.

CB10-0795 A bill for an ordinance approving a proposed Loan Agreement between the City and County of Denver and Yale Station Apartments, LLC for loan funds to finance hard construction costs associated with the Yale Station project. (BUSINESS, WORKFORCE & SUSTAINABILITY)

Approves an agreement between the City & County of Denver and Yale Station Apartments, LLC to provide a \$600,000 HOME loan to construct a 50-unit affordable/senior rental property in Council District 4. The last regularly scheduled Council meeting within the 30-day review period is on 10-11-10. The Committee approved filing this bill at its meeting on 9-15-10.

Government Affairs & Finance

CB10-0691 A bill for an ordinance approving an agreement between the City and County of Denver and Hagens Berman Sobol Shapiro LLP, for contingency fee special counsel, legal advice, and representation related to lodgers and sales tax assessments, collections, protests, and litigation related to online travel companies. (GOVERNMENT AFFAIRS & FINANCE)

Approves an agreement for contingency fee special counsel with Hagens Berman Sobol Shapiro LLP, for legal advice and representation related to lodgers and sales tax assessments, collections, protests, and litigation related to online travel companies. The last regularly scheduled Council meeting within the 30-day review period is on 10-11-10. The Committee approved this bill at its meeting on 9-1-10.

Health, Safety, Education & Services

CB10-0771 A bill for an ordinance making a rescission of cash and budget balance to close out the "Emergency Management Performance FY09" grant in the General Government Special Revenue Fund, and a transfer of cash from the General Government Special Revenue Fund to the "Emergency Management Project Fund" in the Public Safety Special Revenue Fund. (HEALTH, SAFETY, EDUCATION & SERVICES)

Closes the Emergency Management Performance Grant and transfers the balance (\$17,210.31) to a Special Revenue Fund entitled "Emergency Management Project Fund" for expenditures related to preparedness, mitigation, response, or recovery activities. The Committee approved filing this bill by consent on 9-9-10.

CB10-0773 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 Colorado Division of Criminal Justice concerning the "Federal Crime Victim Compensation FY10" program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)

Accepts \$1.5 million from the Colorado Division of Criminal Justice for the annual grant to augment the District Attorney's Crime Victim Compensation Program. The Committee approved filing this bill by consent on 9-9-10.

Land Use, Transportation & Infrastructure

CB10-0662 A bill for an ordinance approving the fourth amendatory on-call agreement between Matrix Design Group, Inc. and the City & County of Denver to extend the contract term. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves a no-cost extension of the on-call Planning and Related Consulting Services contract with Matrix Design Group to December 31, 2010, for completion of the Glenbrook drainage project in Council District 2. The last regularly scheduled Council meeting within the 30-day review period is on 10-11-10. The Committee approved filing this bill by consent on 8-5-10.

CB10-0666 A bill for an ordinance approving the fourth amendatory on-call agreement between URS Corporation and the City & County of Denver to extend the contract term. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves a no-cost extension of the on-call Landscape Architectural and Technical Services contract with URS Corporation to June 30, 2011, for completion of the Sloan's Lake Park marina improvements in Council District 1. The last regularly scheduled Council meeting within the 30-day review period is on 10-11-10. The Committee approved filing this bill by consent on 8-5-10.

CB10-0750 A bill for an ordinance approving a proposed Master Purchase Order between the City and County of Denver and A & E Tire, Incorporated for reuse, repairs and re-treads for City fleet tires. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves a Master Purchase Order for A & E Tire for reuse, repairs and re-treads for City fleet tires, specifically refuse trucks and fire trucks. The last regularly scheduled Council meeting within the 30-day review period is on 10-11-10. The Committee approved filing this bill by consent on 9-2-10.

CB10-0760 A bill for an ordinance approving the second amendatory agreement between Wenk Associates and the City & County of Denver to increase compensation and extend the contract term. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Amends the contract with Wenk Associates for multi-purpose field redesign to increase the amount by \$23,050 and extend the term through Dec. 31, 2011. The last regularly scheduled Council meeting within the 30-day review period is on 10-11-10. The Committee approved filing this bill by consent on 9-9-10.

CB10-0761 A bill for an ordinance approving an agreement between the City and County of Denver and Keene Concrete, Inc. for the Yale and Syracuse Intersection Improvements Project. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves a \$743,329.05 construction contract with Keene Concrete for improvements at the intersection of Yale and Syracuse in Council District 4. The last regularly scheduled Council meeting within the 30-day review period is on 10-11-10. The Committee approved filing this bill by consent on 9-9-10.

CB10-0767 A bill for an ordinance approving a proposed Equipment Lease Purchase Agreement between the City and County of Denver and Chase Equipment Finance, Inc., to acquire 908 parking meters and associated equipment. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Authorizes the Manager of Finance to provide financing through a capital lease purchase transaction on behalf of Public Works to acquire 908 parking meters and associated equipment totaling \$580,116. The last regularly scheduled Council meeting within the 30-day review period is on 10-11-10. The Committee approved filing this bill by consent on 9-9-10.

CB10-0768 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and IPS Group, Inc., for the capital procurement of 908 single space smart parking meters to be installed in Cherry Creek North and along Colfax Avenue. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

Approves a capital procurement of 908 single space "smart" parking meters to be installed in Cherry Creek North and along Colfax through IPS Group, Inc. The last regularly scheduled Council meeting within the 30-day review period is on 10-11-10. The Committee approved filing this bill by consent on 9-9-10.

Announcement

On Monday, October 4, 2010, Council will sit as the Board of Equalization and if necessary will hold public hearings for the assessments for the following Local Maintenance Districts: East 13th Ave., Tennyson St., 44th Ave. and Eliot St., Expanded Greektown, Golden Triangle, West 38th Ave. Phase II, and West 32nd Ave.

Adjourn

Bills Pending 10/25/2010					
CB #	Committee	Status	Description	Continued From	Hearing
CB10-0607	SPECIAL ISSUES	Final Consid.	A bill for an ordinance relating to the Denver Zoning Code, restricting growing of medical marijuana in residential districts and uses.	8/23/2010 8/30/2010	YES
CB10-0724	HEALTH, SAFETY, EDUCATION & SERVICES	Re- Referred to Committee 1 st Reading	A bill for an ordinance amending section 55 of Chapter 8 of the Revised Municipal Code to allow for the affirmative defense that a pit bull is a service animal within the Americans with Disabilities Act and deleting obsolete language.	9/13/2010	NO