

## **City Council Minutes**

Meeting Date: Monday, December 10, 2012 5:30 PM

### **Pledge of Allegiance**

Councilman Brown led the Pledge of Allegiance.

### **Roll Call**

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

Absent: None

Councilman López arrived late.

### **Approval of the Minutes**

The minutes of meeting date, Monday, December 3, 2012, were distributed to Council. Council President Susman ordered the minutes approved.

### **Council Announcements**

Councilmembers Ortega and Brooks offered announcements.

### **Presentations**

### **Communications**

### **Proclamations**

**CP12-0928 A proclamation celebrating the 113th Anniversary of the John S. Stewart Veterans of Foreign Wars - VFW Post 1 – and its long time service on behalf of our veterans.**

**Sponsored by Councilmembers Herndon, Montero, Faatz, Brown, Susman, López, Lehmann, and Brooks.**

A motion offered by Councilman Herndon, duly seconded by Councilman Brooks, that CP12-0928 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)

**CP12-0929 A proclamation honoring Charles “Chuck” Phillips and the Phillips Family for their dedication and long-standing services to the Cole neighborhood.  
Sponsored by Councilmembers Brooks, Susman, Montero, Herndon, Lehmann, López, and Brown.**

A motion offered by Councilman Brooks, duly seconded by Councilman Herndon, that CP12-0929 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**

**CR12-0906 A resolution granting a revocable permit to 16M, LLC to encroach into the right-of-way with an underground parking garage on Market Street between 15th Street and 16th Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CR12-0906, CR12-0907, CR12-0908, and CR12-0910 be adopted en bloc, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Brooks (1)  
Abstain: (None) (0)

**CR12-0907 A resolution accepting and approving a subdivision, Belcara Filing No. 2, a subdivision at 401 S. Garfield St., near Cherry Creek South Dr. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CR12-0906, CR12-0907, CR12-0908, and CR12-0910 be adopted en bloc,

carried by the following vote:

Passed

For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Brooks (1)

Abstain: (None) (0)

**CR12-0908 A resolution granting a revocable permit to Simpson Housing, LLC to encroach into the right-of-way with various items at 2749 Walnut Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CR12-0906, CR12-0907, CR12-0908, and CR12-0910 be adopted en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Brooks (1)

Abstain: (None) (0)

**CR12-0910 A resolution granting a revocable permit to 2131 Lawrence, LLC to encroach into the right-of-way with various items at 2131 Lawrence Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CR12-0906, CR12-0907, CR12-0908, and CR12-0910 be adopted en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Brooks (1)

Abstain: (None) (0)

## **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.

### **Government & Finance**

**CB12-0898 A bill or an ordinance modifying the Comcast cable franchise**

**agreement to extend the term of the franchise for an additional six months to July 1, 2013 (GOVERNMENT & FINANCE)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CR12-0898 be ordered published, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (11)  
Against: (None) (0)  
Absent: Brooks (1)  
Abstain: Lehmann (1)

**CB12-0903 A bill for an ordinance amending Ordinance No. 588, Series of 2012, concerning the appropriations to pay the expenses of conducting the public business for the year 2013 and for the purposes required by the Charter and by other law. (GOVERNMENT & FINANCE)**

A motion offered by Council President Susman, duly seconded by Councilman Brown, that CB12-0903, CB12-0817, and CB12-0841 be ordered published en bloc, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Brooks (1)  
Abstain: (None) (0)

**Land Use, Transportation & Infrastructure**

**CB12-0817 A bill for an ordinance approving a proposed Amendment to Agreement between the City and County of Denver and Urban Drainage and Flood Control District regarding final design, right-of-way acquisition and construction of drainage and flood control improvements along First Creek at East 56th Avenue, City and County of Denver. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Council President Susman, duly seconded by Councilman Brown, that CB12-0903, CB12-0817, and CB12-0841 be ordered published en bloc, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Brooks (1)

Abstain: (None) (0)

**CB12-0841 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and The Architerra Group, Inc. for on-call landscape architectural and technical services. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Council President Susman, duly seconded by Councilman Brown, that CB12-0903, CB12-0817, and CB12-0841 be ordered published en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Brooks (1)

Abstain: (None) (0)

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

### **Recess**

Council did not take a recess.

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

### **Bills for Final Consideration**

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

**CB12-0727 A bill for an ordinance approving a proposed Third Amendment and Modification Agreement between the City and County of Denver and Glenarm Residences, LLC, to modify the terms and conditions of the Loan Agreement. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CB12-0727, CB12-0871, CB12-0838, CB12-0839, CB12-0862, CB12-0863, CB12-0873, CB12-0892, CB12-0893, CB12-0894, CB12-0874, CB12-0875, CB12-0877, CB12-0895, CB12-0896, and CB12-0897 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Brooks (1)  
Abstain: (None) (0)

**CB12-0871 A bill for an ordinance approving a proposed Loan Agreement between the City and County of Denver and Renaissance Housing Development Corporation, to receive HOME Program funds for the development of the Renaissance Stout Street Lofts. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CB12-0727, CB12-0871, CB12-0838, CB12-0839, CB12-0862, CB12-0863, CB12-0873, CB12-0892, CB12-0893, CB12-0894, CB12-0874, CB12-0875, CB12-0877, CB12-0895, CB12-0896, and CB12-0897 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Brooks (1)

Abstain: (None) (0)

**Government & Finance**

**CB12-0838 A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and JAMSAB Realty Corp. d/b/a Capital One Public Funding, LLC. (GOVERNMENT & FINANCE)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CB12-0727, CB12-0871, CB12-0838, CB12-0839, CB12-0862, CB12-0863, CB12-0873, CB12-0892, CB12-0893, CB12-0894, CB12-0874, CB12-0875, CB12-0877, CB12-0895, CB12-0896, and CB12-0897 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Brooks (1)

Abstain: (None) (0)

**CB12-0839 A bill for an ordinance authorizing the City and County of Denver to convey to Joseph M. Archambault and Courtney Archambault its interest in a parcel of real estate located at approximately 1301 Holly Street. (GOVERNMENT & FINANCE)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CB12-0727, CB12-0871, CB12-0838, CB12-0839, CB12-0862, CB12-0863, CB12-0873, CB12-0892, CB12-0893, CB12-0894, CB12-0874, CB12-0875, CB12-0877, CB12-0895, CB12-0896, and CB12-0897 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Brooks (1)

Abstain: (None) (0)

**CB12-0862 A bill for an ordinance approving a proposed Ninth Amendatory Agreement between the City and County of Denver and Tyler Technologies, Inc., to extend the term to December 31, 2013, and increase the total amount of compensation for software maintenance costs for property application software. (GOVERNMENT & FINANCE)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CB12-0727, CB12-0871, CB12-0838, CB12-0839, CB12-0862, CB12-0863, CB12-0873, CB12-0892, CB12-0893, CB12-0894, CB12-0874, CB12-0875, CB12-0877, CB12-0895, CB12-0896, and CB12-0897 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Brooks (1)

Abstain: (None) (0)

**CB12-0863 A bill for an ordinance approving a proposed Fourth Amendatory Agreement between the City and County of Denver and Tyler Technologies, Inc., to extend the term to December 31, 2013, and increase the total amount of compensation. (GOVERNMENT & FINANCE)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CB12-0727, CB12-0871, CB12-0838, CB12-0839, CB12-0862, CB12-0863, CB12-0873, CB12-0892, CB12-0893, CB12-0894, CB12-0874, CB12-0875, CB12-0877, CB12-0895, CB12-0896, and CB12-0897 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Brooks (1)  
Abstain: (None) (0)

**CB12-0873 A bill for an ordinance approving a proposed Fifth Amendatory Lease Agreement between the City and County of Denver and GRE Bear Valley LLC, to extend the term of the existing lease and to provide for the payment of further rentals to Lessor. (GOVERNMENT & FINANCE)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CB12-0727, CB12-0871, CB12-0838, CB12-0839, CB12-0862, CB12-0863, CB12-0873, CB12-0892, CB12-0893, CB12-0894, CB12-0874, CB12-0875, CB12-0877, CB12-0895, CB12-0896, and CB12-0897 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Brooks (1)  
Abstain: (None) (0)

**CB12-0892 A bill for an ordinance authorizing expenditures from the Dental Self-Insurance Fund. (GOVERNMENT & FINANCE)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CB12-0727, CB12-0871, CB12-0838, CB12-0839, CB12-0862, CB12-0863, CB12-0873, CB12-0892, CB12-0893, CB12-0894, CB12-0874, CB12-0875, CB12-0877, CB12-0895, CB12-0896, and CB12-0897 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Brooks (1)  
Abstain: (None) (0)

**CB12-0893 A bill for an ordinance authorizing expenditures in the Employees Voluntary Salary Redirection Plan Special Trust Fund for Uninsured Medical Expense, Dependent Care Expense, and Qualified Parking Expense. (GOVERNMENT & FINANCE)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CB12-0727, CB12-0871, CB12-0838, CB12-0839, CB12-0862, CB12-0863, CB12-0873, CB12-0892, CB12-0893, CB12-0894, CB12-0874, CB12-0875, CB12-0877, CB12-0895, CB12-0896, and CB12-0897 be placed upon final consideration and do pass en bloc, carried by the following vote:



Passed

For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Brooks (1)

Abstain: (None) (0)

**CB12-0894 A bill for an ordinance making an appropriation from the Arts and Venues Denver Special Revenue Fund. (GOVERNMENT & FINANCE)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CB12-0727, CB12-0871, CB12-0838, CB12-0839, CB12-0862, CB12-0863, CB12-0873, CB12-0892, CB12-0893, CB12-0894, CB12-0874, CB12-0875, CB12-0877, CB12-0895, CB12-0896, and CB12-0897 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Brooks (1)

Abstain: (None) (0)

**Health, Safety, Education & Services**

**CB12-0874 A bill for an ordinance approving a proposed second 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 extend the term to June 30, 2013 and increase the total amount of compensation. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CB12-0727, CB12-0871, CB12-0838, CB12-0839, CB12-0862, CB12-0863, CB12-0873, CB12-0892, CB12-0893, CB12-0894, CB12-0874, CB12-0875, CB12-0877, CB12-0895, CB12-0896, and CB12-0897 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)

Against: (None) (0)

Absent: Brooks (1)

Abstain: (None) (0)

**CB12-0875 A bill for an ordinance approving a proposed amendatory**

**agreement between the City and County of Denver and Catholic Charities and Community Services of the Archdiocese of Denver to extend the term to June 30, 2013 and increase the total compensation. (Health, Safety, Education & Services)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CB12-0727, CB12-0871, CB12-0838, CB12-0839, CB12-0862, CB12-0863, CB12-0873, CB12-0892, CB12-0893, CB12-0894, CB12-0874, CB12-0875, CB12-0877, CB12-0895, CB12-0896, and CB12-0897 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Brooks (1)  
Abstain: (None) (0)

**CB12-0877 A bill for an ordinance approving a proposed amendatory agreement between the City and County of Denver and School District No. 1 in the City and County of Denver and the State of Colorado to extend the term to June 30, 2013 and increase the total compensation for Head Start programs and services. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CB12-0727, CB12-0871, CB12-0838, CB12-0839, CB12-0862, CB12-0863, CB12-0873, CB12-0892, CB12-0893, CB12-0894, CB12-0874, CB12-0875, CB12-0877, CB12-0895, CB12-0896, and CB12-0897 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Brooks (1)  
Abstain: (None) (0)

**CB12-0895 A bill for an ordinance approving the amendment of a grant agreement between the City and County of Denver and United States Department of Housing and Urban Development (HUD) concerning the "Emergency Solutions Grant FY11" program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CB12-0727, CB12-0871, CB12-0838, CB12-0839, CB12-0862, CB12-0863, CB12-0873, CB12-0892, CB12-0893, CB12-0894, CB12-0874, CB12-0875, CB12-0877, CB12-0895, CB12-0896, and CB12-0897 be placed upon final consideration

and do pass en bloc, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Brooks (1)  
Abstain: (None) (0)

**Land Use, Transportation & Infrastructure**

**CB12-0896 A bill for an ordinance relinquishing easements established in Reception Number 2007027330 at 2907 Huron Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CB12-0727, CB12-0871, CB12-0838, CB12-0839, CB12-0862, CB12-0863, CB12-0873, CB12-0892, CB12-0893, CB12-0894, CB12-0874, CB12-0875, CB12-0877, CB12-0895, CB12-0896, and CB12-0897 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Brooks (1)  
Abstain: (None) (0)

**CB12-0897 A bill for an ordinance vacating a portion of Wewatta Street at 21st Street adjacent to 2100 Delgany Street, without reservations. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilman Brown, duly seconded by Councilman Herndon, that CB12-0727, CB12-0871, CB12-0838, CB12-0839, CB12-0862, CB12-0863, CB12-0873, CB12-0892, CB12-0893, CB12-0894, CB12-0874, CB12-0875, CB12-0877, CB12-0895, CB12-0896, and CB12-0897 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed  
For: Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: (None) (0)  
Absent: Brooks (1)  
Abstain: (None) (0)

**Adjourn**

There being no further business before the City Council, Council President Susman adjourned the meeting at 6:02 PM.

## **Pending**

**For 01-07-13**

**CB12-0879 A bill for an ordinance amending the Denver Zoning Code to amend the definition of Sign and amend the treatment and definition of noncommercial signs.**

**Required Public Hearing**

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