

## **City Council Minutes**

Meeting Date: Monday, January 07, 2013 5:30 PM

### **Pledge of Allegiance**

Councilwoman Ortega led the Pledge of Allegiance.

### **Roll Call**

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

Absent: Nevitt, Susman

### **Approval of the Minutes**

The minutes of meeting date, Wednesday, December 26, 2012, were distributed to Council. Council President Pro-Tem Herndon ordered the minutes approved.

### **Council Announcements**

Councilmembers Brooks, Shepherd, López, and Montero offered announcements.

### **Presentations**

### **Communications**

### **Proclamations**

**CP13-0006 A proclamation welcoming the 107th National Western Stock Show, Rodeo and Horse Show to Denver.**

**Councilmembers Montero, Faatz, Robb, Lehmann, Brown, Susman, Brooks, Ortega, Kniech, and Herndon.**

A motion offered by Councilwoman Montero, duly seconded by Councilman Brooks, that CP13-0006 be adopted, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd (11)

Against: (None) (0)

Absent: Nevitt, Susman (2)

Abstain: (None) (0)

## Resolutions

The Council Secretary read the following resolutions by titles.

### Land Use, Transportation & Infrastructure

**CR12-0954 A resolution directing the Department of Community Planning & Development to prepare a zoning map amendment to expand the Curtis Park Conservation Overlay District to all Row House (RH) Zone Districts within the Curtis Park H Historic District. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Lehmann, that CR12-0954, CR12-0972, CR12-0974, and CR12-0975 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd (11)

Against: (None) (0)

Absent: Nevitt, Susman (2)

Abstain: (None) (0)

**CR12-0972 A resolution granting a revocable permit to Friedman Kentro, LLC, to encroach into the right-of-way with various items at 750 Colorado Boulevard. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Lehmann, that CR12-0954, CR12-0972, CR12-0974, and CR12-0975 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd (11)

Against: (None) (0)

Absent: Nevitt, Susman (2)

Abstain: (None) (0)

**CR12-0973 A resolution granting a revocable permit to Coughlin and Company, Inc. to encroach into the right-of-way at with various items at 1550 Wynkoop Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Lehmann, that CR12-0973 be adopted, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Robb, Shepherd (10)  
Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: Ortega (1)

**CR12-0974 A resolution granting a revocable permit to Greenbox II, LLC to encroach into the right-of-way with various items at 2424 Delgany Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Lehmann, that CR12-0954, CR12-0972, CR12-0974, and CR12-0975 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd (11)  
Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

**CR12-0975 A resolution granting a revocable permit to The Colorado Coalition for the Homeless to encroach into the right-of-way with various items at 22nd Street and Stout Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Lehmann, that CR12-0954, CR12-0972, CR12-0974, and CR12-0975 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd (11)  
Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

## **Bills for Introduction**

The Council Secretary read the following bills by titles. Council President Pro-Tem Herndon announced that all other bills on introduction are ordered published.

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

**CB12-0944 A bill for an ordinance approving a proposed Standard Agreement between the City and County of Denver and Alclear, LLC for queue and line management services at the security screening checkpoints**

**at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Council President Pro-Tem Herndon, duly seconded by Councilwoman Ortega, that CB12-0944, CB12-0946, CB12-0956, CB12-0958, CB12-0943, CB12-0950, CB12-0952, CB12-0953, and CB12-0971 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd (11)  
Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

**CB12-0946 A bill for an ordinance approving a proposed Third Amendment to Agreement between the City and County of Denver and RMES Communications, Inc. for the termination and surrender of concession space at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Council President Pro-Tem Herndon, duly seconded by Councilwoman Ortega, that CB12-0944, CB12-0946, CB12-0956, CB12-0958, CB12-0943, CB12-0950, CB12-0952, CB12-0953, and CB12-0971 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd (11)  
Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

**CB12-0956 A bill for an ordinance approving a proposed First Amendment to Agreement DIA Enabling Construction Projects South Terminal Redevelopment Program Construction Manager/General Contractor (CM/GC) between the City and County of Denver and Kiewit Building Group Inc. related to construction services at Denver International Airport.**

A motion offered by Council President Pro-Tem Herndon, duly seconded by Councilwoman Ortega, that CB12-0944, CB12-0946, CB12-0956, CB12-0958, CB12-0943, CB12-0950, CB12-0952, CB12-0953, and CB12-0971 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd (11)

Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

**CB12-0958 A bill for an ordinance approving a proposed First Amendment to Agreement between U.S. Government – Transportation Security Administration and the City and County of Denver/Denver International Airport for kennel facilities. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Council President Pro-Tem Herndon, duly seconded by Councilwoman Ortega, that CB12-0944, CB12-0946, CB12-0956, CB12-0958, CB12-0943, CB12-0950, CB12-0952, CB12-0953, and CB12-0971 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd (11)  
Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

**Government & Finance**

**CB12-0943 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 Council President Pro-Tem Herndon, duly seconded by Councilwoman Ortega, that CB12-0944, CB12-0946, CB12-0956, CB12-0958, CB12-0943, CB12-0950, CB12-0952, CB12-0953, and CB12-0971 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd (11)  
Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

**Health, Safety, Education & Services**

**CB12-0950 A bill for an ordinance approving and providing for the execution of a proposed grant agreement between the City and County of Denver and Living Cities/Bloomberg Philanthropies concerning the "Financial Empowerment Centers" program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Council President Pro-Tem Herndon, duly seconded by Councilwoman Ortega, that CB12-0944, CB12-0946, CB12-0956, CB12-0958, CB12-0943, CB12-0950, CB12-0952, CB12-0953, and CB12-0971 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd (11)  
Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

**Land Use, Transportation & Infrastructure**

**CB12-0952 A bill for an ordinance relinquishing a portion of the easement reserved in Ordinance No. 246, Series of 1953. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Council President Pro-Tem Herndon, duly seconded by Councilwoman Ortega, that CB12-0944, CB12-0946, CB12-0956, CB12-0958, CB12-0943, CB12-0950, CB12-0952, CB12-0953, and CB12-0971 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd (11)  
Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

**CB12-0953 A bill for an ordinance changing the zoning classification for 1239 Bruce Randolph Avenue. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Council President Pro-Tem Herndon, duly seconded by Councilwoman Ortega, that CB12-0944, CB12-0946, CB12-0956, CB12-0958, CB12-0943, CB12-0950, CB12-0952, CB12-0953, and CB12-0971 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd (11)  
Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

**CB12-0971 A bill for an ordinance vacating 50 feet of Ames Street at West**

**10th Avenue, without reservations. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Council President Pro-Tem Herndon, duly seconded by Councilwoman Ortega, that CB12-0944, CB12-0946, CB12-0956, CB12-0958, CB12-0943, CB12-0950, CB12-0952, CB12-0953, and CB12-0971 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd (11)  
Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

**Recap of Bills to be Called Out**

**Pre-Recess Announcement**

Council President Pro-Tem Herndon announced that tonight there will be a required public hearing on CB12-0879 amending the Denver Zoning Code to amend the definition of 'sign' and amend the treatment and definition of noncommercial signs.

**Tonight there will be a required public hearing on CB12-0879 amending the Denver Zoning Code to amend the definition of "sign" and amend the treatment and definition of noncommercial signs. Anyone wishing to speak on this matter must see the Council Secretary to sign up during the recess of Council.**

**Recess**

Council took a brief recess.

**Council Reconvenes and Resumes its Regular Session**

**Public Hearings - Bills for Final Consideration**

**Land Use, Transportation & Infrastructure**

**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. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Montero, that CB12-0879 be placed upon final consideration and do pass, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, Lopez, Montero, Ortega, Robb, Shepherd (11)  
Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 6:18 PM, Council President Pro-Tem Herndon presiding, to hear speakers either for or against CB12-0879. Seku signed up to speak in favor of the bill. No speakers signed up to speak in opposition to the bill. Thad Tecza and Jeffrey Washington signed up to speak neither in favor of nor in opposition to 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**

**CB12-0931 A bill for an ordinance approving a proposed Software Maintenance Agreement between the City and County of Denver and Systems Integration Corp. related to the Employee Parking System at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Lehmann, that CB12-0931, CB12-0933, CB12-0939, CB12-0859, CB12-0860, CB12-0918, CB12-0934, CB12-0935, CB12-0940, CB12-0909, and CB12-0922 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, Ortega, Robb, Shepherd (11)  
Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

**Government & Finance**

**CB12-0923 A bill for an ordinance amending the salary of the District Attorney. (GOVERNMENT & FINANCE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman



Lehmann, that CB12-0923 be placed upon final consideration and do pass, carried by the following vote:

Passed  
For: Brooks, Brown, Herndon, Kniech, Lehmann, Lopez, Montero, Ortega, Shepherd (9)  
Against: Faatz, Robb (2)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

**CB12-0933 A bill for an ordinance approving a proposed Fourth Amendatory Agreement between the City and County of Denver and H.C. Peck & Associates, Inc., to extend the time for performance. (GOVERNMENT & FINANCE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Lehmann, that CB12-0931, CB12-0933, CB12-0939, CB12-0859, CB12-0860, CB12-0918, CB12-0934, CB12-0935, CB12-0940, CB12-0909, and CB12-0922 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, Ortega, Robb, Shepherd (11)  
Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

**CB12-0939 A bill for an ordinance amending Ordinance No. 134, Series of 2012, concerning the "Public Works Alternative Fuel Vehicles Donation" Special Revenue Fund. (GOVERNMENT & FINANCE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Lehmann, that CB12-0931, CB12-0933, CB12-0939, CB12-0859, CB12-0860, CB12-0918, CB12-0934, CB12-0935, CB12-0940, CB12-0909, and CB12-0922 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, Ortega, Robb, Shepherd (11)  
Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

**Health, Safety, Education & Services**

**CB12-0859 A bill for an ordinance approving a proposed Fourth Amendatory Agreement between the City and County of Denver and The**

**Colorado Coalition For The Homeless, for the continued provision of temporary housing and services to homeless persons in the City and County of Denver. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Lehmann, that CB12-0931, CB12-0933, CB12-0939, CB12-0859, CB12-0860, CB12-0918, CB12-0934, CB12-0935, CB12-0940, CB12-0909, and CB12-0922 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, Ortega, Robb, Shepherd (11)  
Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

**CB12-0860 A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and The Colorado Coalition For The Homeless, for the continued provision of temporary housing and services to homeless persons in the City and County of Denver. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Lehmann, that CB12-0931, CB12-0933, CB12-0939, CB12-0859, CB12-0860, CB12-0918, CB12-0934, CB12-0935, CB12-0940, CB12-0909, and CB12-0922 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, Ortega, Robb, Shepherd (11)  
Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

**CB12-0918 A bill for an ordinance approving an Amendatory Agreement with LVI Environmental Services, Inc. for on-call abatement services for asbestos, lead-based paint, and mold that will extend the term of the agreement for one year. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Lehmann, that CB12-0931, CB12-0933, CB12-0939, CB12-0859, CB12-0860, CB12-0918, CB12-0934, CB12-0935, CB12-0940, CB12-0909, and CB12-0922 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, Ortega, Robb, Shepherd (11)

Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

**CB12-0934 A bill for an ordinance approving a Fifth Amendatory Agreement between the City and County of Denver and Justice Benefits, Inc. for the 2013 SCAAP Program. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Lehmann, that CB12-0931, CB12-0933, CB12-0939, CB12-0859, CB12-0860, CB12-0918, CB12-0934, CB12-0935, CB12-0940, CB12-0909, and CB12-0922 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, Ortega, Robb, Shepherd (11)  
Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

**CB12-0935 A bill for an ordinance authorizing expenditures in the Human Services Special Revenue Fund based on a letter of intent from United States of America to award funding for the "Emergency Solutions Grant FY13" program. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Lehmann, that CB12-0931, CB12-0933, CB12-0939, CB12-0859, CB12-0860, CB12-0918, CB12-0934, CB12-0935, CB12-0940, CB12-0909, and CB12-0922 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, Ortega, Robb, Shepherd (11)  
Against: (None) (0)  
Absent: Nevitt, Susman (2)  
Abstain: (None) (0)

**CB12-0940 A bill for an ordinance approving a Fire Station Lease to provide fire protection services to the City of Sheridan. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Lehmann, that CB12-0931, CB12-0933, CB12-0939, CB12-0859, CB12-0860, CB12-0918, CB12-0934, CB12-0935, CB12-0940, CB12-0909, and CB12-0922 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, Ortega, Robb, Shepherd (11)

Against: (None) (0)

Absent: Nevitt, Susman (2)

Abstain: (None) (0)

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

### **CB12-0909 A bill for an ordinance approving an agreement between BT Construction and the City & County of Denver to construct 4,000 feet of storm sewer from Iowa and Broadway to Asbury and Logan. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Lehmann, that CB12-0931, CB12-0933, CB12-0939, CB12-0859, CB12-0860, CB12-0918, CB12-0934, CB12-0935, CB12-0940, CB12-0909, and CB12-0922 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, Ortega, Robb, Shepherd (11)

Against: (None) (0)

Absent: Nevitt, Susman (2)

Abstain: (None) (0)

### **CB12-0922 A bill for an ordinance approving an agreement between New Design Construction Company and the City & County of Denver for reconfiguration of and improvements to the Colfax/Galapago/Welton intersection. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilwoman Ortega, duly seconded by Councilwoman Lehmann, that CB12-0931, CB12-0933, CB12-0939, CB12-0859, CB12-0860, CB12-0918, CB12-0934, CB12-0935, CB12-0940, CB12-0909, and CB12-0922 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, Ortega, Robb, Shepherd (11)

Against: (None) (0)

Absent: Nevitt, Susman (2)

Abstain: (None) (0)

## **Announcement**

Council President Pro-Tem Herndon announced that Council will hold a required public hearing on CB12-0953 changing the zoning classification for 1239 Bruce

Randolph Avenue. Any protests against CB12-0953 must be filed with the Council Offices no later than Monday, January 28, 2013.

**On Monday, February 4, 2013, Council will hold a public hearing on CB12-0953 changing the zoning classification for 1239 Bruce Randolph Avenue. Any protests against CB12-0953 must be filed with the Council Offices no later than Monday, January 28, 2013.**

**Adjourn**

There being no further business before the City Council, Council President Pro-Tem Herndon adjourned the meeting at 6:42 PM.