

City Council Minutes

Meeting Date: Monday, November 01, 2010 5:30 PM

Pledge of Allegiance

Councilmember Montero led the pledge of allegiance.

Roll Call

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

Approval of Minutes of Monday, October 25, 2010

The minutes of meeting date, Monday, October 25, 2010 were distributed to Council. Council President Nevitt ordered the minutes approved.

Council Announcements

Councilmembers Lehmann, Hancock, Montero, and Nevitt offered announcements.

Presentations

Communications

Proclamations

CP10-0967 A proclamation in support of full implementation of HB-1365, the Colorado "Clean Air-Clean Jobs" Act of 2010.
Sponsored by Councilmembers Nevitt, Lehmann, López, Linkhart, Boigon, Madison, and Montero.

A motion offered by Councilmember Montero, duly seconded by Councilmember Lehmann, that CP10-0967 be adopted carried by the following vote:

Passed

For: Boigon, Hancock, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt (8)

Against: Faatz (1)

Absent: Sandoval (1)

Abstain: Brown, Johnson, Robb (3)

Resolutions

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

Land Use, Transportation & Infrastructure

CR10-0910 A resolution laying out, opening and establishing as part of the city street system, as part of the streets listed below, certain real property in Stapleton Filing No. 9.

A motion offered by Councilmember Montero, duly seconded by Councilmember Lehmann, that CR10-0910 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)

Bills for Introduction-Re-Referred to Committee - (Series of 2010)

CB10-0724 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. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Montero, duly seconded by Councilmember Lehmann, that CB10-0724 be ordered published was followed by a motion offered by Councilmember López, duly seconded by Councilmember Lehmann, that CB10-0724 be amended in the following particulars: on page 5, line 24, add the following Section 2: Section 2: Effective Date This ordinance shall take effect on March 15, 2011 was followed by a motion offered by Councilmember Linkhart, duly seconded by Councilmember Boigon, that first reading of CB10-0724 be postponed to Monday, December 6, 2010, which motion to postpone carried by the following vote:

Passed

For: Boigon, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (11)

Against: Brown, Faatz (2)

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.

Business, Workforce & Sustainability

CB10-0906 A bill for an Ordinance approving a proposed Lease Agreement with Option to Purchase between the City and County of Denver and Southwest Improvement Council, Inc.

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB10-0906, CB10-0904, CB10-0905, CB10-0900, CB10-0901, CB10-0909, CB10-0898, CB10-0899, and CB10-0916 be ordered published 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)

Government Affairs & Finance

CB10-0904 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.

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB10-0906, CB10-0904, CB10-0905, CB10-0900, CB10-0901, CB10-0909, CB10-0898, CB10-0899, and CB10-0916 be ordered published 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)

CB10-0905 A bill for an ordinance making rescissions of budget balances to close out grants, and transferring grant cash balances to the General Fund.

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB10-0906, CB10-0904, CB10-0905, CB10-0900, CB10-0901, CB10-0909, CB10-0898, CB10-0899, and CB10-0916 be ordered published 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)

Health, Safety, Education & Services

CB10-0900 A bill for an ordinance authorizing the purchase of capital equipment from the "FY2010 Forensic DNA Backlog Reduction" program Special Revenue Fund budget.

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB10-0906, CB10-0904, CB10-0905, CB10-0900, CB10-0901, CB10-0909, CB10-0898, CB10-0899, and CB10-0916 be ordered published 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)

CB10-0901 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 United States of America concerning the "Solving Cold Cases with DNA FY10" program and the funding therefor.

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB10-0906, CB10-0904, CB10-0905, CB10-0900, CB10-0901, CB10-0909, CB10-0898, CB10-0899, and CB10-0916 be ordered published 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)

CB10-0909 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 U.S. Department of Justice concerning the "FY2010 Community Oriented Policing Services (COPS) Technology" program and the funding therefor.

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB10-0906, CB10-0904, CB10-0905, CB10-0900, CB10-0901, CB10-0909, CB10-0898, CB10-0899, and CB10-0916 be ordered published 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)

Land Use, Transportation & Infrastructure

CB10-0898 A bill for an ordinance approving an amendatory agreement between the HNTB Corporation and the City & County of Denver to extend the term and increase funds for Bicycle/Pedestrian bridge crossing.

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB10-0906, CB10-0904, CB10-0905, CB10-0900, CB10-0901, CB10-0909, CB10-0898, CB10-0899, and CB10-0916 be ordered published 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)

CB10-0899 A bill for an ordinance approving an amendatory on call agreement between Studiotrope, LLC and the City & County of Denver to provide general engineering services.

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB10-0906, CB10-0904, CB10-0905, CB10-0900, CB10-0901, CB10-0909, CB10-0898, CB10-0899, and CB10-0916 be ordered published 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)

CB10-0916 A bill for an ordinance changing the zoning classification of 3300 and 3316 Tejon Street.

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB10-0906, CB10-0904, CB10-0905, CB10-0900, CB10-0901, CB10-0909, CB10-0898, CB10-0899, and CB10-0916 be ordered published 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)

Recess

Council Reconvenes and Resumes its Regular Session

Bills for Final Consideration

Business, Workforce & Sustainability

CB10-0765 A bill for an ordinance approving a proposed Donation and Waiver Agreement between the City and County of Denver and Frank Bingham and J. Landis Martin providing for the acceptance of donated artwork, "Connections" by artist Robert Pietruszewski for the southwest corner of Skyline Park.

A motion offered by Councilmember Montero, duly seconded by Councilmember Lehmann, that CB10-0765, CB10-0893, CB10-0853, CB10-0854, CB10-0873, CB10-0886, CB10-0670, CB10-0845, CB10-0881, CB10-0885, CB10-0882, CB10-0883, CB10-0884, CB10-0891 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Boigon (1)

Abstain: (None) (0)

CB10-0893 A bill for an ordinance approving a proposed Third Amendment and Modification Agreement between the City and County of Denver and Denver Building Housing, Ltd.

A motion offered by Councilmember Montero, duly seconded by Councilmember Lehmann, that CB10-0765, CB10-0893, CB10-0853, CB10-0854, CB10-0873, CB10-0886, CB10-0670, CB10-0845, CB10-0881, CB10-0885, CB10-0882, CB10-0883, CB10-0884, CB10-0891 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Boigon (1)

Abstain: (None) (0)

Government Affairs & Finance

CB10-0853 A bill for an ordinance amending Article III of Chapter 15 of the Revised Municipal Code concerning campaign finances.

A motion offered by Councilmember Montero, duly seconded by Councilmember Lehmann, that CB10-0765, CB10-0893, CB10-0853, CB10-0854, CB10-0873, CB10-0886, CB10-0670, CB10-0845, CB10-0881, CB10-0885, CB10-0882, CB10-0883, CB10-0884, CB10-0891 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Boigon (1)

Abstain: (None) (0)

CB10-0854 A bill for an ordinance amending Article I of Chapter 15 of the Revised Municipal Code concerning the conduct and administration of city and county elections.

A motion offered by Councilmember Montero, duly seconded by Councilmember Lehmann, that CB10-0765, CB10-0893, CB10-0853, CB10-0854, CB10-0873, CB10-0886, CB10-0670, CB10-0845, CB10-0881, CB10-0885, CB10-0882, CB10-0883, CB10-0884, CB10-0891 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Boigon (1)

Abstain: (None) (0)

CB10-0873 A bill for an ordinance approving a proposed Assignment and Assumption of Contract and Contract Rights and Second Amendatory Agreement between the City and County of Denver, Sequoia Voting Systems, Inc., as Assignor, and Dominion Voting Systems, Inc., as Assignee, to memorialize agreements concerning the assignment and assumption of the Purchase Agreement from Sequoia to Dominion.

A motion offered by Councilmember Montero, duly seconded by Councilmember Lehmann, that CB10-0765, CB10-0893, CB10-0853, CB10-0854, CB10-0873, CB10-0886, CB10-0670, CB10-0845, CB10-0881, CB10-0885, CB10-0882, CB10-0883, CB10-0884, CB10-0891 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Boigon (1)

Abstain: (None) (0)

CB10-0886 A bill for an ordinance approving a proposed ECO Pass Agreement between the City and County of Denver and Regional Transportation District for the RTD ECO pass program for the City and County of Denver employees.

A motion offered by Councilmember Montero, duly seconded by Councilmember Lehmann, that CB10-0765, CB10-0893, CB10-0853, CB10-0854, CB10-0873, CB10-0886, CB10-0670, CB10-0845, CB10-0881, CB10-0885, CB10-0882, CB10-0883, CB10-0884, CB10-0891 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Boigon (1)

Abstain: (None) (0)

Health, Safety, Education & Services

CB10-0670 A bill for an ordinance approving an agreement between the City and County of Denver and Walsh Environmental Engineering, LLC to add \$200,000 for abatement of asbestos, lead based paint, and mold remediation for City projects.

A motion offered by Councilmember Montero, duly seconded by Councilmember Lehmann, that CB10-0765, CB10-0893, CB10-0853, CB10-0854, CB10-0873, CB10-0886, CB10-0670, CB10-0845, CB10-0881, CB10-0885, CB10-0882, CB10-0883, CB10-0884, CB10-0891 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Boigon (1)

Abstain: (None) (0)

CB10-0845 A bill for an ordinance relating to Chapter 23 (Food and Food Handlers), of the Denver Revised Municipal Code, as amended.

A motion offered by Councilmember Montero, duly seconded by Councilmember Lehmann, that CB10-0765, CB10-0893, CB10-0853, CB10-0854, CB10-0873, CB10-0886, CB10-0670, CB10-0845, CB10-0881, CB10-0885, CB10-0882, CB10-0883, CB10-0884, CB10-0891 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Boigon (1)

Abstain: (None) (0)

CB10-0881 A bill for an ordinance approving a proposed Intergovernmental Agreement between the City and County of Denver and Evergreen Fire Protection District to procure interoperable communications equipment.

A motion offered by Councilmember Montero, duly seconded by Councilmember Lehmann, that CB10-0765, CB10-0893, CB10-0853, CB10-0854, CB10-0873, CB10-0886, CB10-0670, CB10-0845, CB10-0881, CB10-0885, CB10-0882, CB10-0883, CB10-0884, CB10-0891 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Boigon (1)

Abstain: (None) (0)

CB10-0885 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 U.S. Department of Labor concerning the "Homeless Veterans Reintegration PY10" program and the funding therefor.

A motion offered by Councilmember Montero, duly seconded by Councilmember Lehmann, that CB10-0765, CB10-0893, CB10-0853, CB10-0854, CB10-0873, CB10-0886, CB10-0670, CB10-0845, CB10-0881, CB10-0885, CB10-0882, CB10-0883, CB10-0884, CB10-0891 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Boigon (1)

Abstain: (None) (0)

Land Use, Transportation & Infrastructure

CB10-0882 A bill for an ordinance approving an amendatory on call agreement between Rhinotrax Construction, Inc. and the City & County of Denver that will provide general construction services.

A motion offered by Councilmember Montero, duly seconded by Councilmember Lehmann, that CB10-0765, CB10-0893, CB10-0853, CB10-0854, CB10-0873, CB10-0886, CB10-0670, CB10-0845, CB10-0881, CB10-0885, CB10-0882, CB10-0883, CB10-0884, CB10-0891 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Boigon (1)

Abstain: (None) (0)

CB10-0883 A bill for an ordinance approving an amendatory on call agreement between Boden Construction Group, LLC and the City & County of Denver that will provide general construction services.

A motion offered by Councilmember Montero, duly seconded by Councilmember Lehmann, that CB10-0765, CB10-0893, CB10-0853, CB10-0854, CB10-0873, CB10-0886, CB10-0670, CB10-0845, CB10-0881, CB10-0885, CB10-0882, CB10-0883, CB10-0884, CB10-0891 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Boigon (1)

Abstain: (None) (0)

CB10-0884 A bill for an ordinance approving an amendatory on call agreement between Norkoli Construction, Inc. and the City & County of Denver that will provide general construction services.

A motion offered by Councilmember Montero, duly seconded by Councilmember Lehmann, that CB10-0765, CB10-0893, CB10-0853, CB10-0854, CB10-0873, CB10-0886, CB10-0670, CB10-0845, CB10-0881, CB10-0885, CB10-0882, CB10-0883, CB10-0884, CB10-0891 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Boigon (1)

Abstain: (None) (0)

CB10-0891 A bill for an ordinance approving an on call agreement between Munchiando Excavating, Inc. and the City & County of Denver for the 2010 Citywide On Call Structural and Safety Repairs Project, Phase I.

A motion offered by Councilmember Montero, duly seconded by Councilmember Lehmann, that CB10-0765, CB10-0893, CB10-0853, CB10-0854, CB10-0873, CB10-0886, CB10-0670, CB10-0845, CB10-0881, CB10-0885, CB10-0882, CB10-0883, CB10-0884, CB10-0891 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Boigon (1)

Abstain: (None) (0)

Announcement

Council President Nevitt announced that on Monday, November 8, Council will sit as the Board of Equalization to hear any protests of assessment from the following local maintenance districts: St. Luke's; Delgany Street; 32nd and Lowell; Broadway A; Broadway B; Phase II Broadway; Broadway Viaduct; 22nd Street and Park Avenue West; and Consolidated Morrison Road.

Also, Council President Nevitt announced that there will be a public hearing on CB10-0916 changing the zoning classification of 3300 and 3316 Tejon Street on Monday, November 29, 2010. Any protests against CB10-0916 must be filed in the Council Office no later than 5:00 PM on Monday, November 22, 2010.

Adjourn

There being no further business before the City Council, Council President Nevitt adjourned the meeting at 6:50 PM.

President

Attested by me with the Corporate Seal
of the City and County of Denver

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