

## **City Council Minutes**

Meeting Date: Monday, February 06, 2012 5:30 PM

### **Pledge of Allegiance**

Councilmember Susman led the Pledge of Allegiance.

### **Roll Call**

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

Absent: None

Councilmember Kniech arrived late.

### **Approval of Minutes of Monday, January 30, 2012**

The minutes of meeting date, Monday, January 30, 2012, were distributed to Council. Council President Nevitt ordered the minutes approved.

### **Council Announcements**

Councilmembers Lehmann, Brown, and López offered announcements.

### **Presentations**

### **Communications**

A letter dated January 26, 2012, from Cary Kennedy, Chief Financial Officer, Manager of Finance, in keeping with the provisions of Section 20-93 of the Denver Revised Municipal Code notifying you that a formal Request for Proposal for a financial advisor has been completed and the Department of Finance intends to retain financial advisors was read in its entirety to Council.

**A letter dated January 26, 2012, from Cary Kennedy, Chief Financial Officer, Manager of Finance, in keeping with the provisions of Section 20-93 of the Denver Revised Municipal Code notifying you that a formal Request for Proposal for a financial advisor has been completed and the Department of Finance intends to retain financial advisors.**

### **Proclamations**

**CP12-0096 A proclamation honoring the life of a long-time friend and**

**political activist for Denver, Senator Paul Sandoval. López, Shepherd, Faatz, Montero, Brown, Kniech, Susman, Brooks, Herndon, Lehmann, Ortega, Robb, Mon.**

A motion offered by Councilmember López, duly seconded by Councilmember Herndon, that CP12-0096 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**

**CR12-0057 A resolution granting a revocable permit to Mercantile Commercial, LLC, to encroach with various items into the right-of-way at 1610 16th Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Herndon, that CR12-0057, CR12-0058, CR12-0062, CR12-0063, and CR12-0064 be adopted en bloc, 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)

**CR12-0058 A resolution granting a revocable permit to Quadra, LLC, to encroach with various items into the right-of-way at 2911 Walnut Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Herndon, that CR12-0057, CR12-0058, CR12-0062, CR12-0063, and CR12-0064 be adopted en bloc, 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)

**CR12-0062 A resolution laying out, opening and establishing as part of the city street system a certain parcel of land as Sheridan Boulevard, located between W. 10th Avenue and W. 13th Avenue. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Herndon, that CR12-0057, CR12-0058, CR12-0062, CR12-0063, and CR12-0064 be adopted en bloc, 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)

**CR12-0063 A resolution laying out, opening and establishing as part of the city street system a certain parcel of land as W. 14th Avenue at its intersection of Federal Boulevard. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Herndon, that CR12-0057, CR12-0058, CR12-0062, CR12-0063, and CR12-0064 be adopted en bloc, 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)

**CR12-0064 A resolution laying out, opening and establishing as part of the city street system a certain parcel of land as Federal Boulevard, located between W. 12th Avenue and W. 14th Avenue. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Herndon, that CR12-0057, CR12-0058, CR12-0062, CR12-0063, and CR12-0064 be adopted en bloc, 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)

## **Bills for Introduction**

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

### **Government & Finance**

#### **CB12-0059 A bill for an ordinance approving a proposed Master Purchase Order between the City and County of Denver and Mansfield Oil Company. (GOVERNMENT & FINANCE)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Susman, that CB12-0059, CB12-0060, CB12-0061, CB12-0066, CB12-0055, CB12-0072 be ordered published en bloc, 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)

#### **CB12-0060 A bill for an ordinance approving a proposed Master Purchase Order between the City and County of Denver and Gray Oil Company. (GOVERNMENT & FINANCE)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Susman, that CB12-0059, CB12-0060, CB12-0061, CB12-0066, CB12-0055, CB12-0072 be ordered published en bloc, 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)

#### **CB12-0061 A bill for an ordinance approving a proposed Master Purchase Order between the City and County of Denver and Chief Petroleum Company. (GOVERNMENT & FINANCE)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Susman, that CB12-0059, CB12-0060, CB12-0061, CB12-0066, CB12-0055, CB12-

0072 be ordered published en bloc, 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)

**CB12-0066 A bill for an ordinance approving a proposed Eighth Amendatory Agreement by and between the City and County of Denver and Tyler Technologies, Inc. (GOVERNMENT & FINANCE )**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Susman, that CB12-0059, CB12-0060, CB12-0061, CB12-0066, CB12-0055, CB12-0072 be ordered published en bloc, 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)

**Health, Safety, Education & Services**

**CB11-0949 A bill for an ordinance approving a proposed amendatory Agreement between the City and County of Denver and Colorado Coalition for the Homeless, to provide placement and supportive housing services to Denver's Homeless population. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Shepherd that CB11-0949 be ordered published, carried by the following vote:

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

**Land Use, Transportation & Infrastructure**

**CB12-0043 A bill for an ordinance amending Ordinance 333, Series of 2010. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Herndon, that CB12-0043 be ordered published, carried by the following vote:

Passed  
For: Brooks, Brown, Herndon, Kniech, Lehmann, Lopez, Nevitt, Ortega, Shepherd, Susman (10)  
Against: Faatz, Montero, Robb (3)  
Absent: (None) (0)  
Abstain: (None) (0)

Councilmember Robb requested a one-hour courtesy public hearing on Monday, February 13, 2012.

**CB12-0055 A bill for an ordinance amending the Denver Zoning Code to mitigate the effect of certain governmental actions on zone lots and uses. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Susman, that CB12-0059, CB12-0060, CB12-0061, CB12-0066, CB12-0055, CB12-0072 be ordered published en bloc, 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)

**CB12-0072 A bill for an ordinance amending Division 3 (Benches Bearing Advertising) of Article XIV, (Temporary Occupancy of the Right-of-Way), of Chapter 49 (Streets Sidewalks, Public Ways), of the Denver Revised Municipal Code. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Susman, that CB12-0059, CB12-0060, CB12-0061, CB12-0066, CB12-0055, CB12-0072 be ordered published en bloc, 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)

**Recap of Bills to be Called Out**

## **Pre-Recess Announcement**

Council President Nevitt announced that tonight there will be a public hearing on CB11-0924 authorizing and approving an amendment to the South Broadway/Montgomery Ward Urban Renewal Plan. As stated earlier, Council will delay voting on three related CB11-0925, CB11-0926, and CB11-0938 until conclusion of the public hearing.

**Tonight there will be a public hearing on CB11-0924 authorizing and approving an amendment to the South Broadway/Montgomery Ward Urban Renewal Plan. As stated earlier, Council will delay voting on three related CB11-0925, CB11-0926, and CB11-0938 until conclusion of the public hearing. Anyone wishing to speak on this matter must see the Council Secretary to receive a speaker card to fill out and return to her during the recess of Council.**

## **Recess**

Council took a brief recess.

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

### **Bills for Final Consideration - Public Hearings**

**CB11-0924 A bill for an ordinance authorizing and approving an amendment to the South Broadway/Montgomery Ward Urban Renewal Plan. (LAND USE, TRANSPORTATION & INFRASTRUCTURE) Amends the South Broadway/Montgomery Ward Urban Renewal Plan to fund the W. Dakota Storm Water Outfall project to fulfill the objectives of the original Plan, and to specifically allow tax increment revenue to be expended outside the boundaries of the urban renewal area as allowed by statute. A PUBLIC HEARING WILL BE HELD AT LEAST ONE WEEK AFTER PUBLICATION. The Committee approved filing this bill at its meeting on 1-17-12. LAND USE, TRANSPORTATION & INFRASTRUCTURE**

A motion offered by Councilmember Susman, duly seconded by Councilmember Herndon, that CB11-0924, CB11-0925, CB11-0926, and CB11-0938 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

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

Against: Faatz (1)

Absent: (None) (0)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 7:28 PM, Council President Nevitt presiding, to hear speakers either for or against CB11-0924. Gary Mobell and Seku signed up to address the bill. Diane Barrett of the Mayor's Office and Tracy Huggins of DURA delivered the Staff Report with an overview and recommendation for approval.

## **Bills for Final Consideration**

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

**CB12-0013 A bill for an ordinance approving a proposed amendment of the HUD Section 108 agreement between the City and County of Denver and U.S. Department of Housing and Urban Development (HUD), to amend and modify the existing contract scope of services and repayment schedule for the Taxi III project. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Lehmann, that CB12-0013, CB12-0050, CB12-0051, CB12-0054, CB12-0047, CB12-0049, CB11-0948, and CB12-0048 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, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
Abstain: (None) (0)

**CB12-0050 A bill for an ordinance approving a proposed First Amendment to Agreement between the City and County of Denver and Elite Line Services, LLC for operation, maintenance, and management services for terminal baggage systems at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Lehmann, that CB12-0013, CB12-0050, CB12-0051, CB12-0054, CB12-0047, CB12-0049, CB11-0948, and CB12-0048 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, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
Abstain: (None) (0)



**CB12-0051 A bill for an ordinance approving a proposed First Amendment to Agreement between the City and County of Denver and Parsons Transportation Group Inc. related to terminal and landside area redevelopment at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Lehmann, that CB12-0013, CB12-0050, CB12-0051, CB12-0054, CB12-0047, CB12-0049, CB11-0948, and CB12-0048 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, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
Abstain: (None) (0)

**CB12-0054 A bill for an ordinance approving a proposed Design Services Agreement between the City and County of Denver and M. Arthur Gensler, Jr. and Associates, Inc. for architecture and engineering design services for the South Terminal Redevelopment Program at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Lehmann, that CB12-0013, CB12-0050, CB12-0051, CB12-0054, CB12-0047, CB12-0049, CB11-0948, and CB12-0048 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, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
Abstain: (None) (0)

**Government & Finance**

**CB12-0047 A bill for an ordinance approving a proposed Fourth Amendatory Agreement by and between the City and County of Denver and Kone, Inc. (GOVERNMENT & FINANCE)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Lehmann, that CB12-0013, CB12-0050, CB12-0051, CB12-0054, CB12-0047, CB12-0049, CB11-0948, and CB12-0048 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, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**CB12-0049 A bill for an ordinance establishing a "Wildland Firefighting Reimbursement and Other Fee-Based Programs Fund" in the Safety Special Revenue Fund and the means for authorizing expenditures from such fund. (GOVERNMENT & FINANCE)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Lehmann, that CB12-0013, CB12-0050, CB12-0051, CB12-0054, CB12-0047, CB12-0049, CB11-0948, and CB12-0048 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, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**Health, Safety, Education & Services**

**CB11-0948 A bill for an ordinance approving a proposed amendatory agreement between the City and County of Denver and Mental Health Center of Denver, to increase the compensation to the contractor and extend the term for a comprehensive service system to chronic homeless individuals. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Lehmann, that CB12-0013, CB12-0050, CB12-0051, CB12-0054, CB12-0047, CB12-0049, CB11-0948, and CB12-0048 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, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**CB12-0048 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 "Assistance to**

**Fire Fighter Grant—Personal Protective Equipment " program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Lehmann, that CB12-0013, CB12-0050, CB12-0051, CB12-0054, CB12-0047, CB12-0049, CB11-0948, and CB12-0048 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, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
Abstain: (None) (0)

**Land Use, Transportation & Infrastructure**

**CB11-0925 A bill for an ordinance approving a proposed Project Funding Agreement between the City and County of Denver, BMP Metropolitan District No. 1, and the Denver Urban Renewal Authority for the West Dakota Avenue Storm Water Outfall and Street Improvement Project. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Herndon, that CB11-0924, CB11-0925, CB11-0926, and CB11-0938 be placed upon final consideration and do pass en bloc, carried by the following vote:

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

**CB11-0926 A bill for an ordinance amending Ordinance 256, Series 2011 and authorizing expenditures in the Capital Grants/Other Projects Fund for the W. Dakota Avenue Storm Water Outfall and Street Improvement Project. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Herndon, that CB11-0924, CB11-0925, CB11-0926, and CB11-0938 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Herndon, Kniech, Lehmann, Lopez, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (12)  
Against: Faatz (1)

Absent: (None) (0)

Abstain: (None) (0)

**CB11-0938 A bill for an ordinance approving a proposed South Broadway/Montgomery Ward Urban Redevelopment Area Cooperation Agreement between the City and County of Denver and the Denver Urban Renewal Authority. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilmember Susman, duly seconded by Councilmember Herndon, that CB11-0924, CB11-0925, CB11-0926, and CB11-0938 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

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

Against: Faatz (1)

Absent: (None) (0)

Abstain: (None) (0)

## **Announcement**

Council President Nevitt announced that there will be a public hearing on CB12-0055 amending the Denver Zoning Code to mitigate the effect of certain governmental actions on zone lots and uses on Monday, March 5, 2012. And, a one-hour courtesy public hearing on CB12-0043 amending Ordinance 333, Series of 2010, on Monday, February 13, 2012.

**Dependent upon publication there will be a public hearing on CB12-0055 amending the Denver Zoning Code to mitigate the effect of certain governmental actions on zone lots and uses on Monday, March 5, 2012.**

## **Adjourn**

There being no further business before the City Council, Council President Nevitt adjourned the meeting at 8:23 PM.

## **Pending**

**CB11-0947 A bill for an ordinance changing the zoning classification for 4787 S. Wadsworth Way. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

**CB12-0041 A bill for an ordinance designating 1475 Elizabeth Street, The Bonfils Memorial Theater/Lowenstein Theater, as a structure for preservation. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

