

## **City Council Minutes**

Meeting Date: Monday, July 12, 2010 5:30 PM

### **Pledge of Allegiance**

Councilmember Linkhart led the pledge of allegiance.

### **Roll Call**

Councilmember Nevitt arrived late.

### **Approval of Minutes of Monday, June 28, 2010**

The minutes of meeting date, Monday, June 28, 2010 were distributed to Council. Council President Robb ordered the minutes approved.

### **Council Announcements**

Councilmembers Montero, Robb, and Nevitt offered announcements.

### **Presentations**

### **Communications**

### **Proclamations**

CP10-0553 A proclamation recognizing Alvin "Al" J. LaCabe, Jr. on the occasion of his retirement.

Montero, Faatz, Brown, López, Johnson, Sandoval, Linkhart, Hancock, Lehmann, Boigon, Madison, Robb.

A motion offered by Councilmember Montero, duly seconded by Councilmember Brown, that CP10-0553 be adopted carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Hancock (1)

Abstain: (None) (0)

CP10-0590 A proclamation designating July as Parks and Recreation Month in Denver.

Councilmembers Lehmann, Brown, Madison, Robb, Montero, Johnson, López, Sandoval, and Linkhart.

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Boigon, that CP10-0590 be adopted carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Hancock (1)

Abstain: (None) (0)

CP10-0591 A proclamation in recognition of Steve Friesen, director of the Buffalo Bill Museum and Grave.

Sponsored by Councilmembers Lehmann, Brown, Madison, Robb, Montero, Johnson, Sandoval, and Linkhart.

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Johnson, that CP10-0591 be adopted carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Johnson, Lehmann, Linkhart, Madison, Montero, Nevitt, Robb, Sandoval (11)

Against: (None) (0)

Absent: Hancock, Lopez (2)

Abstain: (None) (0)

CP10-0605 A proclamation in support of the 16th Annual "Stop the Violence" CommunityFest.

Sponsored by Councilmember Montero, Sandoval, López, Linkhart, Boigon, Lehmann, Hancock, and Johnso.

A motion offered by Councilmember Montero, duly seconded by Councilmember Brown, that CP10-0605 be adopted carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Hancock (1)

Abstain: (None) (0)

## **Resolutions**

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

Finance

CR10-0567 A resolution approving the Mayor’s Appointment to the Denver Health and Hospital Authority Board of Directors.

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Brown, that CR10-0567, CR10-0536, CR10-0537, CR10-0548, CR10-0568, and CR10-0573 be adopted en bloc carried by the following vote:

Failed

For: Boigon, Brown, Faatz, Johnson, Lehmann, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (11)

Against: (None) (0)

Absent: Hancock, Linkhart (2)

Abstain: (None) (0)

Neighborhood, Community & Business Revitalization

CR10-0536 A resolution approving the Mayor’s Appointments to the Denver African American Commission.

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Brown, that CR10-0567, CR10-0536, CR10-0537, CR10-0548, CR10-0568, and CR10-0573 be adopted en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Hancock (1)

Abstain: (None) (0)

CR10-0537 A resolution approving the Mayor’s Reappointments to the Denver Gay, Lesbian, Bisexual and Transgender (GLBT) Commission.

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Brown, that CR10-0567, CR10-0536, CR10-0537, CR10-0548, CR10-0568, and CR10-0573 be adopted en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Hancock (1)

Abstain: (None) (0)

CR10-0548 A resolution approving the Mayor's Reappointment and Appointment to the Denver Housing Authority Board of Directors.

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Brown, that CR10-0567, CR10-0536, CR10-0537, CR10-0548, CR10-0568, and CR10-0573 be adopted en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Hancock (1)

Abstain: (None) (0)

CR10-0549 A resolution approving the Mayor's Reappointments and Appointments to the Denver Preschool Program Board of Directors.

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Brown, that CR10-0549 be adopted was followed by a motion offered by Councilmember Boigon, duly seconded by Councilmember Nevitt, that CR10-0549 be amended in the following particulars: On page 1, lines 8 and 12, strike Directors and insert Advisors, which motion to amend carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Hancock (1)

Abstain: (None) (0)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Boigon, that CR10-0549 be adopted as amended carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Johnson, Lehmann, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (11)

Against: (None) (0)

Absent: Hancock, Linkhart (2)

Abstain: (None) (0)

CR10-0568 A resolution approving the Mayor's Appointment to the Human Rights and Community Relations Board of Directors.

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Brown, that CR10-0567, CR10-0536, CR10-0537, CR10-0548, CR10-0568, and CR10-0573 be adopted en bloc carried by the following vote:

Passed

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

Against: (None) (0)  
Absent: Hancock (1)  
Abstain: (None) (0)

#### Public Works

CR10-0573 A resolution laying out, opening and establishing a certain parcel of land for right-of-way purposes as Syracuse Street.

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Brown, that CR10-0567, CR10-0536, CR10-0537, CR10-0548, CR10-0568, and CR10-0573 be adopted en bloc carried by the following vote:

Passed

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

Against: (None) (0)  
Absent: Hancock (1)  
Abstain: (None) (0)

#### Safety

CR10-0571 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the sum of Twelve Thousand Five Hundred and 00/100 (\$12,500.00), payable to Frankfurt and Trani, P.C. and Russell Costen, in full payment and satisfaction of all claims in Case No. 09-cv-01797-REB-KMT, in the United States District Court for the District of Colorado.

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Brown, that CR10-0571 be adopted carried by the following vote:

Passed

For: Boigon, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (10)

Against: Brown, Faatz (2)  
Absent: Hancock (1)  
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 Robb announced that all other bills on introduction are ordered published.

Blueprint Denver

CB10-0434 A bill for an ordinance relating to the Denver Zoning Code, enacting 3 new zone districts in the Master Planned Context.

CB10-0520 A bill for an ordinance changing the zoning classification for 4725 High Street, to a Planned Unit Development District (PUD).

Economic Development

CB10-0572 A bill for an ordinance approving a proposed Airport Use and Facilities Lease Agreement between the City and County of Denver and American Eagle Airlines, Inc., related to leased space at Denver International Airport.

Finance

CB10-0566 A bill for an ordinance making rescissions of budget balances to close out grants, and transferring grant cash balances to the General Fund.

Neighborhood, Community & Business Revitalization

CB10-0534 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Mi Casa Resource Center, to provide TANF employment and training services.

CB10-0539 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Denver Options, Inc., to provide TANF employment and training services.

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that CB10-0539 be ordered published carried by the following vote:  
Passed

- For: Boigon, Brown, Faatz, Johnson, Lehmann, Linkhart, Lopez, Madison, Nevitt, Robb, Sandoval (11)
- Against: (None) (0)
- Absent: Hancock (1)
- Abstain: Montero (1)

CB10-0398 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 State of Colorado concerning "Workforce Investment Act and Wagner-Peyser PY10/FY11" programs and the funding therefor.

Public Amenities

CB10-0352 A bill for an ordinance approving the third amendatory on-call agreement between American Civil Constructors and the City & County of Denver for Washington Park irrigation renovation.

CB10-0363 A bill for an ordinance approving a non-financial agreement between the Colorado Miners, Inc., and the City & County of Denver to occupy and administer community programs at the Johnson Recreation Center.

CB10-0546 A bill for an ordinance approving a proposed donation by the Girl Scouts of America, Mile High Council, of a mobile home to the City and County of Denver, in accordance with City Charter section 2.4.4(E).

#### Public Works

CB10-0481 A bill for an ordinance approving an amendatory on-call agreement between Turner Construction Company and the City & County of Denver that will provide general construction services.

CB10-0484 A bill for an ordinance approving a revived and amendatory on-call agreement between Architectural Energy Corporation and the City & County of Denver that will provide general construction services.

CB10-0496 A bill for an Ordinance designating certain properties in the vicinity of South Broadway between Wesley Avenue and Iowa Avenue as being required for public use and authorizing use and acquisition thereof by negotiation or through condemnation proceedings including all improvements, fixtures, licenses, permits, access points and any other rights and interests related or appurtenant to properties so designated.

CB10-0538 A bill for an ordinance approving an intergovernmental agreement between the State of Colorado, Department of Transportation, and The City and County of Denver for the Federal Boulevard, Alameda Avenue to 5th Avenue, Improvement Project.

CB10-0543 A bill for an ordinance approving an amendatory intergovernmental agreement between the State of Colorado, Department of Transportation, Region 6 and the City & County of Denver for the North Denver Metro ITS Improvement Program.

CB10-0544 A bill for an ordinance approving an on-call agreement between Roadsafe Traffic Systems, Inc. and the City & County of Denver for the 2010 Pavement Marking Project.

CB10-0559 A bill for an ordinance approving a proposed contract between the City

and County of Denver and Keene Concrete, Inc. for the 2010 Citywide Curb, Gutter and Crosspan Project, Phase III.

## **Pre-Recess Announcements**

Tonight Council will hold a required public hearing on CB10-0433, extending the vesting period relating to certain parcels within the Commons Planned Unit Development No. 531. 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 Reconvenes and Resumes its Regular Session**

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

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Brown, that CB10-0433 be placed upon final consideration and do pass carried by the following vote:

Passed

For: Boigon, Brown, Faatz, Johnson, Lehmann, Madison, Montero, Nevitt, Robb, Sandoval (10)

Against: (None) (0)

Absent: Hancock, Linkhart, Lopez (3)

Abstain: (None) (0)

Required	CB10-0433 A bill for an ordinance extending the vesting period relating to certain parcels within the Commons Planned Unit Development No. 531. (BLUEPRINT DENVER) Amends the Commons PUD #531, generally bounded by Wewatta, Little Raven, 15th and 20th streets, to extend the vesting period for twenty years to 2030 due to changing and complex conditions around the redevelopment of Denver Union Station. PUBLIC HEARING AT LEAST FOUR WEEKS FOLLOWING PASSAGE ON FIRST READING. The Committee approved filing this bill at its meeting on 5-26-10.
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### **Bills for Final Consideration**

CB10-0467 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Arisant LLC for on call resources to supplement Technology Services Enterprise Architecture team. (FINANCE)



A motion offered by Councilmember Nevitt, duly seconded by Councilmember Brown, that CB10-0467, CB10-0512, CB10-0465, CB10-0475, CB10-0423, and CB10-0469 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Hancock (1)

Abstain: (None) (0)

CB10-0512 A bill for an ordinance an ordinance making rescissions of budget balances to close out grants, and transferring grant cash balances to the General Fund. (FINANCE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Brown, that CB10-0467, CB10-0512, CB10-0465, CB10-0475, CB10-0423, and CB10-0469 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Hancock (1)

Abstain: (None) (0)

CB10-0465 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and School District No. 1 in the City and County of Denver and State of Colorado, for Head Start services to 275 eligible children and families from July 1, 2010 through December 31, 2010. (NEIGHBORHOOD COMMUNITY & BUSINESS REVITALIZATION)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Brown, that CB10-0467, CB10-0512, CB10-0465, CB10-0475, CB10-0423, and CB10-0469 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Hancock (1)

Abstain: (None) (0)

CB10-0475 A bill for an Ordinance approving an extension of the existing Master

Purchase Order with NAPA Auto Parts aka Genuine Parts Co., to extend the term and change the "not to exceed" amount. (PUBLIC WORKS)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Brown, that CB10-0467, CB10-0512, CB10-0465, CB10-0475, CB10-0423, and CB10-0469 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Hancock (1)

Abstain: (None) (0)

CB10-0423 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Avrio Group Surveillance Solutions, LLC, to allow for expansion of the High Activity Location Observation (HALO) network. (SAFETY )

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Brown, that CB10-0467, CB10-0512, CB10-0465, CB10-0475, CB10-0423, and CB10-0469 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Hancock (1)

Abstain: (None) (0)

CB10-0569 A bill for an ordinance defining the term "locally approved business" for purposes of implementing the Colorado Medical Marijuana Code effective July 1, 2010. (SAFETY)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Brown, that CB10-0569 be placed upon final consideration and do pass was followed by a motion offered by Councilmember Linkhart, duly seconded by Councilmember Brown, that CB10-0569 be amended in the following particulars: On page 1, line 27, strike the numbers 12-43-103 (1)(a) and insert the numbers 12-43.3-103 (1)(a) which motion to amend carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Hancock (1)

Abstain: (None) (0)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Brown, that CB10-0569 be placed upon final consideration and do pass carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Hancock (1)

Abstain: (None) (0)

CB10-0469 AS AMENDED, a bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and School District No. 1 in the City and County of Denver and State of Colorado, to provide additional funding for FY2009 Cost of Living Adjustment for Head Start services.  
(NEIGHBORHOOD COMMUNITY & BUSINESS REVITALIZATION)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Brown, that CB10-0467, CB10-0512, CB10-0465, CB10-0475, CB10-0423, and CB10-0469 be placed upon final consideration and do pass en bloc carried by the following vote:

Passed

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

Against: (None) (0)

Absent: Hancock (1)

Abstain: (None) (0)

## **Announcement**

Dependent upon publication there will be public hearings on CB10-0434, relating to the Denver Zoning Code, enacting 3 new zone districts in the Master Planned Context, and CB10-0520, changing the zoning classification for 4725 High Street, to a Planned Unit Development District, on Monday, August 9, 2010. Any protests against CB10-0520, must be filed in the Council Office no later than Monday, August 2, 2010.

## **Adjourn**

There being no further business before the City Council, Council President Robb adjourned the meeting at 7:27 PM.