City Council Minutes

Meeting Date: Tuesday, February 22, 2011 5:30 PM

Pledge of Allegiance

Councilmember Madison led the pledge of allegiance.

Roll Call

Present: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (13) Absent: None (0)

Approval of Minutes of Monday, February 14, 2011

The minutes of meeting date, Monday, February 14, 2011 were distributed to Council. Council President Nevitt ordered the minutes approved.

Council Announcements

Councilmember Robb offered an announcement.

Presentations

Communications

Proclamations

CP11-0144 A proclamation proclaiming February 23, 2011 as Rotary International End Polio Now Day.

Sponsored by Councilmembers Johnson, Montero, Linkhart, López, Sandoval, and Faatz.

A motion offered by Councilmember Boigon, duly seconded by Councilmember Lehmann, that CP11-0144 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)

Resolutions

The Council Secretary read the following resolutions by titles.

Land Use, Transportation & Infrastructure

CR11-0083 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 Lowry Filing No. 5. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Madison, duly seconded by Councilmember Boigon, that CR11-0083, CR11-0084, CR11-0085, CR11-0086, and CR11-0087 be adopted 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)

CR11-0084 A resolution laying out, opening and establishing as part of the city street system a certain parcel of land as W. 2nd Ave., located at the intersection of W. 2nd Ave. and Kalamath St. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Madison, duly seconded by Councilmember Boigon, that CR11-0083, CR11-0084, CR11-0085, CR11-0086, and CR11-0087 be adopted 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)

CR11-0085 A resolution amending Resolution No. 167, Series of 2010, to amend the items contained in the revocable permit issued to School District No. 1 in the City and County of Denver to encroach into the rightof-way with non-potable water taps at East High School, along 17th Ave. at York St., and Josephine St., and across City Park Esplanade between 16th and 17th Streets. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Madison, duly seconded by Councilmember Boigon, that CR11-0083, CR11-0084, CR11-0085, CR11-0086, and CR11-0087 be adopted 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) CR11-0086 A resolution amending Resolution No. 161, Series of 2010, to amend the items contained in the revocable permit issued to Focus Property Group, LLC, to encroach into the right-of-way with a 2,500 gallon grease trap in the Northeast corner of the alley behind 2148 Larimer Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Madison, duly seconded by Councilmember Boigon, that CR11-0083, CR11-0084, CR11-0085, CR11-0086, and CR11-0087 be adopted 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)

CR11-0087 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 Lowry Filing No. 6. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Madison, duly seconded by Councilmember Boigon, that CR11-0083, CR11-0084, CR11-0085, CR11-0086, and CR11-0087 be adopted 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)

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.

Business, Workforce & Sustainability

CB11-0074 A bill for an ordinance approving a proposed Non-Disturbance and Attornment Agreement between the City and County of Denver, Skyport Development Company, LLC and Sunglass Hut Trading LLC concerning a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Madison, that CB11-0074, CB11-0092, CB11-0016, CB11-0065, CB11-0107, CB11-0143, CB11-0064, CB11-0073, and CB11-0077 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) CB11-0075 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Service America Corporation, dba Centerplate, relating to concession services at the Colorado Convention Center and the Denver Performing Arts Complex. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Boigon, duly seconded by Councilmember Lehmann, that CB11-0075 be ordered published, carried by the following vote: Passed For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb (12) Against: (None) (0) Absent: (None) (0) Abstain: Sandoval (1)

CB11-0076 A bill for an ordinance approving a proposed First Amendatory Agreement between the City and County of Denver and SMG, relating to management services at the Colorado Convention Center. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Madison, duly seconded by Councilmember Boigon, that CB11-0076 be ordered published, carried by the following vote: Passed For: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Lopez, Madison, Montero, Nevitt, Robb (12) Against: (None) (0) Absent: (None) (0) Abstain: Sandoval (1)

CB11-0092 A bill for an ordinance approving a proposed purchase order by the City and County of Denver for two Refuse Barrel Loaders for Solid Waste. (BUSINESS, WORKFORCE & SUSTAINABILITY)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Madison, that CB11-0074, CB11-0092, CB11-0016, CB11-0065, CB11-0107, CB11-0143, CB11-0064, CB11-0073, and CB11-0077 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)

General Government & Finance

CB11-0016 A bill for an ordinance approving a proposed Master Purchase Order between the City and County of Denver and Independent Stationers, Inc., for various office supplies with the option of four yearly extensions. (GOVERNMENT AFFAIRS & FINANCE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Madison, that CB11-0074, CB11-0092, CB11-0016, CB11-0065, CB11-0107, CB11-0143, CB11-0064, CB11-0073, and CB11-0077 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)

CB11-0065 A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and Sylvester Tally regarding a coffee kiosk at the City and County Building. (GENERAL GOVERNMENT & FINANCE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Madison, that CB11-0074, CB11-0092, CB11-0016, CB11-0065, CB11-0107, CB11-0143, CB11-0064, CB11-0073, and CB11-0077 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)

CB11-0107 A bill for an ordinance creating a Fund Number in the Grant Projects Fund and creating a Fund Number in the Community Development Special Revenue Fund for the "City of Denver Community Challenge Planning Grant Program – Denver TOD Strategic Implementation Program". (GENERAL GOVERNMENT & FINANCE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Madison, that CB11-0074, CB11-0092, CB11-0016, CB11-0065, CB11-0107, CB11-0143, CB11-0064, CB11-0073, and CB11-0077 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)

CB11-0143 A bill for an ordinance approving a proposed Purchase Agreement between the City and County of Denver and 513, LLC for the purchase of a building located at 4640 Lipan Street for the Denver Fire Line Shop. (GENERAL GOVERNMENT & FINANCE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Madison, that CB11-0074, CB11-0092, CB11-0016, CB11-0065, CB11-0107, CB11-0143, CB11-0064, CB11-0073, and CB11-0077 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)

Health, Safety, Education & Services

CB11-0064 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Energy Outreach Colorado to provide weatherization and energy efficiency education services to lowincome residents living in multi-family affordable housing units within the City and County of Denver. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Madison, that CB11-0074, CB11-0092, CB11-0016, CB11-0065, CB11-0107, CB11-0143, CB11-0064, CB11-0073, and CB11-0077 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)

CB11-0073 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 "Shelter Plus Care Women's FY10-11" program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Madison, that CB11-0074, CB11-0092, CB11-0016, CB11-0065, CB11-0107, CB11-0143, CB11-0064, CB11-0073, and CB11-0077 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)

Land Use, Transportation & Infrastructure

CB11-0077 A bill for an ordinance approving an agreement between Concrete Works of Colorado, Inc. and the City & County of Denver to reconstruct S. Broadway from Yale to Wesley Avenues. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Madison, that CB11-0074, CB11-0092, CB11-0016, CB11-0065, CB11-0107, CB11-0143, CB11-0064, CB11-0073, and CB11-0077 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)

Recap of Bills to be Called Out

Recess

Council Reconvenes and Resumes its Regular Session

Bills for Final Consideration

General Government & Finance

CB10-0732 A bill for an ordinance replacing Section 18-175 to Chapter 18, of the Revised Municipal Code, changing the City contribution for the dental plan from a flat dollar amount to a percentage of the monthly premiums. (GOVERNMENT AFFAIRS & FINANCE)

A motion offered by Councilmember Madison, duly seconded by Councilmember Lehmann, that CB10-0732, CB11-0052, CB11-0053, CB11-0054, CB11-0060, CB11-0068, CB10-1091, CB10-1154, CB11-0025, CB11-0049, CB11-0061, CB10-1036, and CB11-0067 be placed upon final consideration and do pass 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)

CB11-0052 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Manatron, Incorporated for the purchase of software licenses and installation of the new property tax system software financed by Bank of America. (GENERAL GOVERNMENT & FINANCE)

A motion offered by Councilmember Madison, duly seconded by Councilmember Lehmann, that CB10-0732, CB11-0052, CB11-0053, CB11-0054, CB11-0060, CB11-0068, CB10-1091, CB10-1154, CB11-0025, CB11-0049, CB11-0061, CB10-1036, and CB11-0067 be placed upon final consideration and do pass 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)

CB11-0053 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Manatron, Incorporated for software maintenance and support product for the new property tax system. (GENERAL GOVERNMENT & FINANCE)

CB11-0054 A bill for an ordinance approving a proposed Equipment Lease Purchase Agreement between the City and County of Denver and Banc of America Public Capital Corp, on behalf of Technology Services to acquire and implement a new property tax collection system. (GENERAL GOVERNMENT & FINANCE)

A motion offered by Councilmember Madison, duly seconded by Councilmember Lehmann, that CB10-0732, CB11-0052, CB11-0053, CB11-0054, CB11-0060, CB11-0068, CB10-1091, CB10-1154, CB11-0025, CB11-0049, CB11-0061, CB10-1036, and CB11-0067 be placed upon final consideration and do pass 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)

CB11-0060 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. (GENERAL GOVERNMENT & FINANCE)

A motion offered by Councilmember Madison, duly seconded by Councilmember Lehmann, that CB10-0732, CB11-0052, CB11-0053, CB11-0054, CB11-0060, CB11-0068, CB10-1091, CB10-1154, CB11-0025, CB11-0049, CB11-0061, CB10-1036, and CB11-0067 be placed upon final consideration and do pass 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)

CB11-0068 A bill for an ordinance amending section 20-52(e) of the Denver Revised municipal Code to clarify closing of grants in aid. (GENERAL GOVERNMENT & FINANCE)

Health, Safety, Education & Services

CB10-1091 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 the "UASI FY10" program and the funding therefor, and authorizing the purchase of capital equipment items from the "UASI FY10" Special Revenue Fund budget. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Madison, duly seconded by Councilmember Lehmann, that CB10-0732, CB11-0052, CB11-0053, CB11-0054, CB11-0060, CB11-0068, CB10-1091, CB10-1154, CB11-0025, CB11-0049, CB11-0061, CB10-1036, and CB11-0067 be placed upon final consideration and do pass 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)

CB10-1154 A bill for an ordinance approving a proposed Revival and Amendatory Agreement between the City and County of Denver and Colorado Coalition for the Homeless for housing placement and support services. (HEALTH, SAFETY, EDUCATION & SERVICES COMMITTEE)

A motion offered by Councilmember Madison, duly seconded by Councilmember Lehmann, that CB10-0732, CB11-0052, CB11-0053, CB11-0054, CB11-0060, CB11-0068, CB10-1091, CB10-1154, CB11-0025, CB11-0049, CB11-0061, CB10-1036, and CB11-0067 be placed upon final consideration and do pass 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)

CB11-0025 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Colorado Health Network, Inc. d/b/a Colorado AIDS Project for the purpose of administering Tenant Based Rental Assistance (TBRA), Short Term Rent Mortgage Utility (STRMU) Assistance, Permanent Housing Placement Assistance and Supportive Services. (HEALTH, SAFETY, EDUCATION, & SERVICES)

CB11-0049 A bill for an ordinance authorizing the Mayor and other proper officials of the City and County of Denver to enter into a "Memorandum of Understanding" with the Denver Fire Fighters – Local 858, IAFF, AFL-CIO amending the current Collective Bargaining Agreement between Local 858 and the City and County of Denver to change the effective dates of the 2010 and 2011 salary increases for fire fighters, and ratifying such Memorandum of Understanding. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Madison, duly seconded by Councilmember Lehmann, that CB10-0732, CB11-0052, CB11-0053, CB11-0054, CB11-0060, CB11-0068, CB10-1091, CB10-1154, CB11-0025, CB11-0049, CB11-0061, CB10-1036, and CB11-0067 be placed upon final consideration and do pass 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)

Abstain: (None) (0)

CB11-0061 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 provide Head Start services. (HEALTH, SAFETY, EDUCATION & SERVICES)

A motion offered by Councilmember Madison, duly seconded by Councilmember Lehmann, that CB10-0732, CB11-0052, CB11-0053, CB11-0054, CB11-0060, CB11-0068, CB10-1091, CB10-1154, CB11-0025, CB11-0049, CB11-0061, CB10-1036, and CB11-0067 be placed upon final consideration and do pass 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)

Abstain: (None) (0)

Land Use, Transportation & Infrastructure

CB10-1036 A bill for an ordinance approving an agreement between J.E. Dunn Construction Company and the City & County of Denver for the Denver Police Crime Lab Project. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

CB11-0067 A bill for an ordinance authorizing the Lease Buyout Agreement with Public Service Company of Colorado relating to the Crime Lab Site. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)

A motion offered by Councilmember Madison, duly seconded by Councilmember Lehmann, that CB10-0732, CB11-0052, CB11-0053, CB11-0054, CB11-0060, CB11-0068, CB10-1091, CB10-1154, CB11-0025, CB11-0049, CB11-0061, CB10-1036, and CB11-0067 be placed upon final consideration and do pass 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)

Special Issues

CB10-1003 AS AMENDED, a bill for an ordinance adopting a new Article XII of Chapter 24, Denver Revised Municipal Code, in order to establish local licensing procedures and requirements for medical marijuana centers, medical marijuana-infused products manufacturers, and optional premises cultivation licenses. (SPECIAL ISSUES)

A motion offered by Councilmember Madison, duly seconded by Councilmember Boigon, that CB10-1003 be placed upon final consideration and do pass, carried by the following vote: Passed For: Boigon, Faatz, Hancock, Johnson, Lehmann, Lopez, Madison, Montero, Nevitt, Robb, Sandoval (11) Against: Brown, Linkhart (2) Absent: (None) (0)

Adjourn

Council President Nevitt announced that there being no further business before the City Council, the meeting was adjourned at 6:16 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