

## City Council of Monday, March 19, 2012

# City and County of Denver

Robin Kniech..... At Large  
Deborah "Debbie" Ortega..... At Large  
Susan K. Shepherd..... District 1  
Jeanne Faatz..... District 2  
Paul D. López..... District 3  
Peggy Lehmann..... District 4  
Mary Beth Susman..... District 5  
Charlie Brown..... District 6



Chris Nevitt..... District 7  
Albus Brooks..... District 8  
Judy H. Montero..... District 9  
Jeanne Robb..... District 10  
Christopher Herndon..... District 11  
Janna M. Bergquist..... Director  
Kelly Velez..... Council Secretary

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<http://www.denvergov.org/citycouncil>

### \*\*REMINDER\*\*

As a courtesy to those in attendance,  
please  
**turn off your cell phones.**

### MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

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### CITY COUNCIL AGENDA

The City Council agenda and meeting schedule are made available for public review during normal business hours at Denver City Council, 1437 Bannock St., Rm. 451, on Thursday afternoons prior to the regularly scheduled meeting on Monday. The agenda packet is also posted on the City Council website. Questions on agenda items may be directed to the Denver City Council at 720-865-9534.

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### PUBLIC COMMENT DURING PUBLIC HEARINGS

This is the time of the meeting for the City Council to receive comments from the public regarding items up for consideration scheduled for public hearing. To speak during a public hearing, speaker cards are available during the recess of Council. Each speaker is allowed 3 minutes, unless another speaker has yielded his or her time which would result in a maximum of 6 minutes. Public hearings allow citizens the opportunity to speak in favor or against specific items. The Council President will open the public hearing to receive public comment on that specific item. Upon hearing all public comments, the Council President will close or continue the public hearing. Council may then decide to engage in discussion and/or take action on the item.

# **City Council Agenda and Explanatory Notes**

Meeting Date: Monday, March 19, 2012 5:30 PM

## **Pledge of Allegiance**

## **Roll Call**

## **Approval of Minutes of Monday, March 12, 2012**

## **Council Announcements**

## **Presentations**

## **Communications**

## **Proclamations**

**CP12-0163 A proclamation in recognition of Ernest Eugene "Gene" Moore, M.D.**

**Sponsored by Councilmembers Montero, Robb, and López.**

**CP12-0205 A proclamation remembering the life, legacy, and vision of César E. Chávez.**

**Sponsored by Councilmembers Ortega, Robb, Shepherd, López, Montero, and Brooks.**

**CP12-0206 A proclamation recognizing the 38th Annual Denver March Pow Wow.**

**Sponsored by Councilmember Montero.**

## **Resolutions**

### **Health, Safety, Education & Services**

**CR12-0172 A resolution approving the Mayor's appointment to the Denver African-American Commission. (HEALTH, SAFETY, EDUCATION & SERVICES)**

Approves the Mayoral appointment of Nathan O'Neal to the Denver African-American Commission for a term effective immediately and expiring on May 1, 2013 or until a successor is duly appointed. The Committee approved filing this resolution by consent on 3-8-12.

## **Bills for Introduction-Held or Postponed**

### **Health, Safety, Education & Services**

#### **CB12-0157 A bill for an ordinance amending the Building and Fire Code of the City and County of Denver. (HEALTH, SAFETY, EDUCATION & SERVICES)**

Clarifies amendments to the 2011 amendments to the 2009 International Building and Fire Codes where the language was not clear or was subject to interpretation. The Committee approved filing this bill at its meeting on 2-28-12.

## **Bills for Introduction**

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

#### **CB12-0169 A bill for an ordinance approving a proposed First Amendment to Agreement between the City and County of Denver and Dataman USA, LLC related to on-call technology systems support services at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Adds \$300,000 to the agreement with Dataman USA for additional on-call technologies systems support for the airport. The last regularly scheduled Council meeting within the 30-day review period is on 4-9-12. The Committee approved filing this bill by consent on 3-8-12.

#### **CB12-0170 A bill for an ordinance approving a proposed First Amendment to Agreement between the City and County of Denver and Insight Global, Inc. related to on-call technology systems support services at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Adds \$300,000 to the agreement with Insight Global, Inc. for additional on-call technologies systems support for the airport. The last regularly scheduled Council meeting within the 30-day review period is on 4-9-12. The Committee approved filing this bill by consent on 3-8-12.

### **Government & Finance**

#### **CB12-0147 A bill for an ordinance approving a proposed Master Purchase Order between the City and County of Denver and Office Max, Inc. (GOVERNMENT & FINANCE)**

Approves a \$2 million up to four-year master purchase order with OfficeMax for access to Greenprint-approved copy paper containing 30% recycled content for all City agencies. The last regularly scheduled Council meeting within the 30-day review period is on 4-9-12. The Committee approved filing this bill by consent on 3-1-12.

## **Health, Safety, Education & Services**

### **CB12-0019 A bill for an ordinance approving a proposed Fourth Amendatory Agreement by and between the City and County of Denver and The Learning Source. (HEALTH, SAFETY, EDUCATION & SERVICES)**

Approves an amendment to the Learning Source contract to extend the term for two years through December 31, 2013 with options for three (3) additional one year annual extensions for a contract cost of \$396,380 to provide GED classes to the Denver County Jail and Downtown Detention Center inmates. The last regularly scheduled Council meeting within the 30-day review period is on 4-9-12. The Committee approved filing this bill by consent on 1-5-12.

### **CB12-0173 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Populus, LLC to procure energy efficiency program support. (HEALTH SAFETY EDUCATION AND SERVICES)**

Approves a contract with Populus, LLC, in the amount of \$971,442 to provide customer support, data management, work flow management, energy advising, energy advisor training, and other project management services for the Denver Energy Challenge (201204731-00). The last regularly scheduled Council meeting within the 30-day review period is on 4-9-12. The Committee approved filing this bill at its meeting on 3-6-12.

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

### **CB12-0067 A bill for an ordinance approving an amendatory agreement between Deighton Associates Limited and the City & County of Denver for technical services. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Amends the contract with Deighton Associates Limited to extend it for the second year of the four-year term and increase the amount by \$149,990 to a maximum of \$603,402 for technical services to include pavement/asset management for the City's street, alley and bridge network. The last regularly scheduled Council meeting within the 30-day review period is on 4-9-12. The Committee approved filing this bill by consent on 1-26-12.

### **CB12-0087 A bill for an ordinance approving an agreement between Keene Concrete and the City & County of Denver for construction of the Inca Street Bike/Pedestrian Bridge Project. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Approves a 273-day, \$814,897.24 contract with Keene Concrete for construction of the Inca Street bike/pedestrian bridge over the 38th Avenue underpass for connectivity to the future 41st and Fox Street Light Rail Station in Council District 9. The last regularly scheduled Council meeting within the 30-day review period is on 4-9-12. The Committee approved filing this bill by consent on 2-2-12.

**CB12-0107 A bill for an ordinance approving the Tamarac Square South Urban Redevelopment Plan. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Approves the Tamarac Square South Urban Redevelopment Plan authorizing the creation of an Urban Redevelopment Area and the use of sales tax increment financing for redevelopment at Hampden and Tamarac in Council District 4. A PUBLIC HEARING WILL BE HELD ON MARCH 27, 2012. The Committee approved filing this bill at its meeting on 3-6-12.

**CB12-0108 A bill for an ordinance approving the Tamarac Square South Urban Redevelopment Area Cooperation Agreement between the City and County of Denver and the Denver Urban Renewal Authority. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Approves a Cooperation Agreement between the City and Denver Urban Renewal Authority for the Tamarac Square South Urban Redevelopment Area to establish, among other matters, the parameters for tax increment financing with sales tax increment for redevelopment at Hampden and Tamarac in Council District 4. The last regularly scheduled Council meeting within the 30-day review period is on 4-9-12. The Committee approved filing this bill at its meeting on 3-6-12.

**CB12-0154 A bill for an ordinance approving a proposed Fifth Amendatory Agreement between the City and County of Denver and Republic Parking System, Inc. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Extends through August 31, 2012 the management services contract with Republic Parking for operation of four City-owned parking lots for \$250,000 in additional revenue. The last regularly scheduled Council meeting within the 30-day review period is on 4-9-12. The Committee approved filing this bill by consent on 3-1-12.

**CB12-0164 A bill for an ordinance approving a proposed First Amendatory Agreement to Intergovernmental Agreement (Denver-RTD FasTracks East Corridor) and Intergovernmental Agreement for FasTracks East Corridor/Denver International Airport between the City and County of Denver and the Regional Transportation District. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Amends Intergovernmental Agreements with RTD and with DIA regarding East Corridor improvements, specifically drainage improvements, grade-separated crossings at Tower Road and Green Valley Ranch Blvd., and one additional mile of double track with infrastructure to enable future double tracking and stations. The last regularly scheduled Council meeting within the 30-day review period is on 4-9-12. The Committee approved filing this bill at its meeting on 2-28-12.

**CB12-0174 A bill for an ordinance relinquishing an easement near Holly Place and S. Locust Street, reserved in established in Book 543, Page 458. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Relinquishes certain easements established in 1972 and recorded in Book 543, Page 458, for redevelopment near Holly Place and S. Locust in Council District 4. The Committee approved filing this bill by consent on 3-8-12.

**CB12-0175 A bill for an ordinance approving an assignment agreement between Martin Marietta Materials, Inc. and the City & County of Denver. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Transfers the contract for the 9th Avenue - Lincoln to Ogden - Pavement Rehabilitation project from LaFarge to Martin Marietta Materials Inc. due to a change in the contractors' relationship. The last regularly scheduled Council meeting within the 30-day review period is on 4-9-12. The Committee approved filing this bill by consent on 3-8-12.

**CB12-0176 A bill for an ordinance approving a First Amendment to Intergovernmental Agreement between the City and County of Denver, City of Aurora and Park Creek Metropolitan District relating to drainage and roadway connections at Stapleton. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Amends the Intergovernmental Agreement with Aurora and Park Creek Metro District which provides for the funding and construction of roadway connections between Aurora and Stapleton to change the completion dates, which were delayed by unforeseen environmental issues, in Council District 11. The last regularly scheduled Council meeting within the 30-day review period is 4-9-12. The Committee approved filing this bill by consent on 3-8-12.

## **Recap of Bills to be Called Out**

### **Recess**

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

### **Bills for Final Consideration**

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

**CB12-0138 A bill for an ordinance approving a proposed Third Amendment and Modification Agreement between the City and County of Denver and NEWSED Community Development Corporation, Inc., to modify the terms and conditions of the Loan Agreement. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Modifies an Office of Economic Development \$1 million loan issued in 2001 to Newsed Community Development Corporation for the construction of a property at 901 W. 10th Avenue known as the Villa De Barela. The last regularly scheduled Council meeting within the 30-day review period is on 4-2-12. The Committee approved filing this bill at its meeting on 2-29-12.

**CB12-0159 A bill for an ordinance approving a proposed Second Amendment to Agreement between the City and County of Denver and Host International, Inc. for the operation of a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Adds three years to the concession agreement with Host International, Inc. dba Rock Bottom Restaurant and Brewery, increases the percentage compensation fee, and adds refurbishment language to coincide with the airport concession policy for casual dining bar concepts. The last regularly scheduled Council meeting within the 30-day review period is on 4-2-12. The Committee approved filing this bill by consent on 3-1-12.

**CB12-0161 A bill for an ordinance approving a proposed Second Amendment to Agreement between the City and County of Denver and Host International, Inc. for the operation of a concession at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Adds three years to the concession agreement with Host International, Inc. dba Denver ChopHouse & Brewery, increases the percentage compensation fee, and adds refurbishment language to coincide with the airport concession policy for casual dining bar concepts. The last regularly scheduled Council meeting within the 30-day review period is on 4-2-12. The Committee approved filing this bill by consent on 3-1-12.

**Government & Finance**

**CB12-0133 A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and McKinstry Essention, Inc., to allow for energy audits, retrocomissionings, and facility condition assessments of additional City buildings. (GOVERNMENT & FINANCE)**

Adds \$160,000 to and extends the contract with McKinstry Essention, Inc. to December 31, 2012 for improving City building energy efficiency via building audits, HVAC retrocommissioning, and related services. The last regularly-scheduled Council meeting within the 30-day review period is on 4-2-12. The Committee approved filing this bill by consent on 2-23-12.

**CB12-0150 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)**

Approves a pay grade change from 614-N to 616-N for Collections Investigators per a review by the Career Service Authority and updates the Short Range Schedule A and Community Rate Schedule B for various City hourly workers per the State of Colorado approved increase in the state's minimum wage for 2012 from \$7.36 per hour to \$7.64 per hour. The Committee approved filing this bill by consent on 3-1-12.

**CB12-0155 A bill for an ordinance authorizing and approving (i) the use of an amount not to exceed \$30,000,000 of Private Activity Bond Volume Cap Allocation for the purpose of making a mortgage credit certificate election; and (ii) the MCC Program Administration Agreement and the MCC Program Guidelines. (GOVERNMENT & FINANCE)**

Approves the use of approximately \$30,000,000 of private activity bond volume cap for Mortgage Credit Certificates (MCC) and approval of the Program Administrator Agreement and the Program Summary and Guidelines for the MCC Program. The Committee approved filing this bill at its meeting on 2-29-12.

**CB12-0158 A bill for an Ordinance amending Section 20-76(d) of Division 3 of Article IV of Chapter 20, Treatment of Employees Associated with City Contracts, to permit payment of prevailing wages by contractors to oil and gas field employees and contractors on a biweekly basis. (GOVERNMENT & FINANCE)**

Amends the prevailing wage to allow for oil and gas work to be paid bi-weekly. The Committee approved filing this bill by consent on 3-1-12.

#### **Health, Safety, Education & Services**

**CB12-0151 A bill for an ordinance approving and providing for the execution of a proposed amendment to the grant agreement between the City and County of Denver and the State of Colorado concerning the "Expelled and At-Risk Student Services (EARSS) FY11-12" program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)**

Authorizes acceptance of \$30,000 from the Colorado Department of Education for the Expelled and At-Risk Students (EARSS) program. The last regularly scheduled Council meeting within the 30-day review period is on 4-2-12. The Committee approved filing this bill by consent on 3-1-12.

**CB12-0152 A bill for an ordinance authorizing expenditures in the General Government Special Revenue Fund based on a letter of intent from the Wallace Foundation to award funding for Denver's "Out of School Time" programs. (HEALTH, SAFETY, EDUCATION & SERVICES)**

Approves establishing and appropriating \$382,500 (50%) of grant funds from Wallace Foundation and a city match of \$5,000 for the Out of School Time Programs. The Committee approved filing this bill by consent on 3-1-12.

**CB12-0156 A bill for an ordinance amending the Building and Fire Code of the City and County of Denver. (HEALTH, SAFETY, EDUCATION & SERVICES)**

Approves corrections to the 2011 amendments in addition to corrections to the International Building and Fire Codes. The Committee approved filing this bill at its meeting on 2-28-12.

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

### **CB12-0123 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and American Civil Constructors, Inc. for landscape improvement and irrigation construction. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Approves a two-year, \$1.5 million maximum landscape and irrigation contract with American Civil Constructors with an option for a one-year renewal for CIP projects throughout the Parks system. The last regularly scheduled Council meeting within the 30-day review period is 4-2-12. The Committee approved filing this bill by consent on 2-16-12.

### **CB12-0139 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Richdell Construction for landscape improvement and irrigation construction. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Approves a new on-call landscape improvements and irrigation construction services contract with Richdell Construction in the amount of \$1,500,000 for two years with a one-year renewal option. The last regularly scheduled Council meeting within the 30-day review period is on 4-2-12. The Committee approved filing this bill by consent on 3-1-12.

### **CB12-0140 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Valleycrest Landscape Development, Inc. for landscape improvement and irrigation construction. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Approves a new on-call landscape improvements and irrigation construction services contract with Valleycrest in the amount of \$1,500,000 for two years with a one-year renewal option. The last regularly scheduled Council meeting within the 30-day review period is on 4-2-12. The Committee approved filing this bill by consent on 3-1-12.

### **CB12-0148 A bill for an ordinance approving and providing for the execution of a proposed Intergovernmental Agreement between the City and County of Denver and the Colorado Department of Transportation concerning the reconstruction of two bridges, including the "Evergreen Lake Park Bridge" project and the "Red Rocks Park Bridge" project, and the funding therefor. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Accepts \$1,001,989 in federal bridge replacement funds and establishes a grant fund for replacement of bridges in Red Rocks Park and in Evergreen Lake Park. The last regularly scheduled Council meeting within the 30-day review period is on 4-2-12. The Committee approved filing this bill by consent on 3-1-12.

## Announcement

Dependent upon publication there will be a public hearing on CB12-0107 approving the Tamarac Square South Urban Redevelopment Plan on Tuesday, March 27, 2012.

## Adjourn

## Pending

**CB12-0081 A bill for an ordinance changing the zoning classification of the block bounded by 1st Avenue, 2nd Avenue, Fillmore Street and Detroit Street to a Planned Unit Development District General (PUD-G).**

**CR12-0106 A resolution to set a public hearing relating to the approval of the Tamarac Square South Urban Redevelopment Plan.**

Bills Pending 3/27/2012					
CB #	Committee	Status	Description	Continued From	Hearing
CR12-0106	LAND USE, TRANSPORTATION & INFRASTRUCTURE	Final Consid.	A resolution to set a public hearing relating to the approval of the Tamarac Square South Urban Redevelopment Plan.	3/19/2012	YES

Bills Pending 4/2/2012					
CB #	Committee	Status	Description	Continued From	Hearing
CB12-0081	LAND USE, TRANSPORTATION & INFRASTRUCTURE	Final Consid.	A bill for an ordinance changing the zoning classification of the block bounded by 1st Avenue, 2nd Avenue, Fillmore Street and Detroit Street to a Planned Unit Development District General (PUD-G).	3/5/2012	YES