

## City Council of Monday, March 12, 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

The Council Chambers has listening devices for the hearing impaired; request a device from the Council Secretary. The City can provide sign language interpretation for persons attending City Council meetings. If you need sign language interpretation, please contact Lorrie Kosinski at TTY 720-913-8484 at least 72 hours in advance.

### 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.

### AUDIO/VIDEO ACCESS TO CITY COUNCIL MEETINGS

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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 12, 2012 5:30 PM

## **Pledge of Allegiance**

## **Roll Call**

## **Approval of Minutes of Monday, March 5, 2012**

## **Council Announcements**

## **Presentations**

## **Communications**

## **Proclamations**

**CP12-0144 A proclamation congratulating the Denver St. Patrick's Day Parade Committee on the occasion of the 50th annual parade on March 17, 2012.**

Sponsored by Councilmembers Montero, Susman, Brown, Robb, Lehmann, Brooks, Faatz, and Herndon.

## **Resolutions**

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

**CR12-0162 A resolution nominating Desiree Salas-Shelton to the Head Start Policy Council. (HEALTH, SAFETY, EDUCATION & SERVICES)**

Approves the nomination of Desiree Salas-Shelton to the Head Start Policy Council as the community representative experienced in fundraising for a two-year term ending March 10, 2014. The Committee approved filing this resolution by consent on 3-1-12.

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

### **CR12-0142 A resolution laying out, opening and establishing as part of the city street system a certain parcel of land as Fairmont Drive at the intersection of S. Valentia Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Dedicates a parcel of land as public right of way at the traffic circle at Fairmount Dr. and Valentia St. in Council District 5. The Committee approved filing this resolution by consent on 3-1-12.

### **CR12-0143 A resolution laying out, opening and establishing as part of the city street system a certain parcel of land as a public alley bounded by W. 17th Avenue, W. 18th Avenue, Grove Street and Hooker Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Dedicates a parcel of land as public right-of-way in the alley bounded by W. 17th and 18th avenues and Hooker and Grove streets in Council District 1. The Committee approved filing this resolution by consent on 3-1-12.

## **Bills for Introduction**

### **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.

**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.

## **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.

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

## Pre-Recess Announcement

Tonight there will be a public hearing on CB12-0086 changing the zoning classification for 3350 Brighton Boulevard. 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

REQUIRED	<b>CB12-0086 A bill for an ordinance changing the zoning classification for 3350 Brighton Boulevard. (LAND USE, TRANSPORTATION &amp; INFRASTRUCTURE)</b> Approves rezoning from former Chapter 59 R-MU-30 with waivers (Residential Mixed Use-high density) to I-MX-8 (Industrial Context-Mixed Use-8 story) to allow for existing industrial building forms while permitting similar mixed-uses as allowed in R-MU-30 at 3350 Brighton in Council District 9. The Committee approved filing this bill at its meeting on 1-31-12.
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## Bills for Final Consideration

### Business, Workforce & Sustainability

**CB12-0141 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Recycled Materials Company, Inc., related to operation and maintenance of asphalt and concrete recycle facilities at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Approves a 5-year, up to \$7 million contract with Recycled Materials Company to operate and manage asphalt and concrete recycle facilities at DIA saving the airport hauling and tipping fees while it receives 5% of sale revenues for excess product. The last regularly scheduled Council meeting within the 30-day review period is on 3-27-12. The Committee approved filing this bill by consent on 2-23-12.

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

### **CB12-0137 A bill for an ordinance approving a proposed Fourth Amendatory Agreement between the City and County of Denver and Keefe Commissary Network, LLC. (HEALTH, SAFETY, EDUCATION & SERVICES)**

Amends the Keefe Commissary Network, LLC contract to add one additional year through December 31, 2012 at no cost for inmate commissary services at the Denver Sheriff Department. The last regularly scheduled Council meeting within the 30-day review period is on 3-27-12. The Committee approved filing this bill by consent on 2-23-12.

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

### **CB12-0014 A bill for an ordinance approving an amendatory agreement between Felsburg, Holt & Ullevig, Inc. and the City & County of Denver for general design services. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Amends the contract with Felsburg, Holt & Ullevig to extend the term four years to Dec. 31, 2015, and increase the contract amount by \$1,568,753.23, for a maximum contract total of \$4,218,687.01, to provide professional engineering services necessary to complete the Broadway reconstruction from Arizona to Exposition and the I-25 Interchange in Council District 7. The last regularly scheduled Council meeting within the 30-day review period is on 3-27-12. The Committee approved filing this bill by consent on 12-29-11.

### **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). (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Approves rezoning the block bounded by 1st and 2nd avenues and Fillmore and Detroit from PUD #607 (Planned Unit Development) to PUD-G to allow for an additional story for residential uses along 2nd Ave. in Council District 10. A PUBLIC HEARING WILL BE HELD AT LEAST FOUR WEEKS AFTER PUBLICATION. The Committee approved filing this bill at its meeting on 2-7-12.

## **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.	3/12/2012	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