

## **City Council Minutes**

Meeting Date: Monday, April 08, 2013 5:30 PM

### **Pledge of Allegiance**

Councilman Herndon led the Pledge of Allegiance.

### **Roll Call**

Present: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Absent: None (0)

Councilmembers López and Nevitt arrived late.

### **Approval of the Minutes**

The minutes of meeting date, Monday, April 1, 2013, were distributed to Council. Council President Susman ordered the minutes approved.

### **Council Announcements**

Councilmembers Herndon, Robb, Montero, López, Brown, and Susman offered announcements.

### **Presentations**

### **Communications**

### **Proclamations**

**CP13-0245 A proclamation honoring the work of Habitat for Humanity of Metro Denver providing affordable homes and services to people in need.** Sponsored by Councilmembers Montero, Herndon, Faatz, Brown, Susman, Kniech, López, Ortega, and Robb.

A motion offered by Councilwoman Montero, duly seconded by Councilman Herndon, that CP13-0245 be adopted, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, 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.

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

#### **CR13-0190 A resolution approving the Mayor's appointment to the West Colfax Business Improvement District. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilman López, duly seconded by Councilman Brooks, that CR13-0190, CR13-0131, and CR13-0203 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

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

#### **CR13-0131 A resolution granting a revocable permit to 800 Kalamath, LLC to encroach into the right-of-way with various items at 800 Kalamath Street. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilman López, duly seconded by Councilman Brooks, that CR13-0190, CR13-0131, and CR13-0203 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

#### **CR13-0203 A resolution granting a revocable permit to Proximo Distillers, LLC to encroach into the right-of-way at 215 South Santa Fe Drive. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilman López, duly seconded by Councilman Brooks, that CR13-0190, CR13-0131, and CR13-0203 be adopted en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, 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 Susman announced that all other bills on introduction are ordered published.

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

**CB13-0192 A bill for an ordinance approving a proposed GMP Amendment to Agreement - Hotel, Public Transit Center and Jeppesen Terminal Interface South Terminal Redevelopment Program Construction Manager/General Contractor (CM/GC), between the City and County of Denver, Mortenson/Hunt/Saunders, a Joint Venture, related to the South Terminal Redevelopment Project at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilman López, duly seconded by Councilman Herndon, that CB13-0192 be ordered published, carried by the following vote:

Passed

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

Against: Faatz (1)

Absent: (None) (0)

Abstain: (None) (0)

**CB13-0198 A bill for an ordinance approving a proposed Power Purchase Agreement between the City and County of Denver and DENVER SOLAR IV LLC, related to an energy procurement agreement at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Council President Susman, duly seconded by Councilman López, that CB13-0198, CB13-0199, CB13-0191, CB13-0221, CB13-0193, CB13-0197, CB13-0145, CB13-0184, CB13-0201, and CB13-0202 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**CB13-0199 A bill for an ordinance approving a proposed Ground Lease Agreement between the City and County of Denver and DENVER SOLAR IV LLC, for a photovoltaic power system at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Council President Susman, duly seconded by Councilman López, that CB13-0198, CB13-0199, CB13-0191, CB13-0221, CB13-0193, CB13-0197, CB13-0145, CB13-0184, CB13-0201, and CB13-0202 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

## **Government & Finance**

### **CB13-0191 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)**

A motion offered by Council President Susman, duly seconded by Councilman López, that CB13-0198, CB13-0199, CB13-0191, CB13-0221, CB13-0193, CB13-0197, CB13-0145, CB13-0184, CB13-0201, and CB13-0202 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

### **CB13-0221 A bill for an ordinance appointing Brian Spano to serve as a member of the Board of Ethics. (GOVERNMENT & FINANCE)**

A motion offered by Council President Susman, duly seconded by Councilman López, that CB13-0198, CB13-0199, CB13-0191, CB13-0221, CB13-0193, CB13-0197, CB13-0145, CB13-0184, CB13-0201, and CB13-0202 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

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

### **CB13-0193 A bill for an Ordinance approving an Amendatory Agreement with the Colorado Nonprofit Development Center, which acts as a fiscal agent for the Ryan White Care Act Part A funding. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Council President Susman, duly seconded by Councilman López, that CB13-0198, CB13-0199, CB13-0191, CB13-0221, CB13-0193, CB13-0197, CB13-0145, CB13-0184, CB13-0201, and CB13-0202 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**CB13-0197 A bill for an ordinance approving a proposed Revival and Second Amendatory Agreement between the City and County of Denver and The Coffee Mug, LLC, to extend the agreement and increase the total revenue. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Council President Susman, duly seconded by Councilman López, that CB13-0198, CB13-0199, CB13-0191, CB13-0221, CB13-0193, CB13-0197, CB13-0145, CB13-0184, CB13-0201, and CB13-0202 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
Abstain: (None) (0)

**Land Use, Transportation & Infrastructure**

**CB13-0145 A bill for an ordinance vacating the alley at 250 S. Jackson Street, without reservations. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Council President Susman, duly seconded by Councilman López, that CB13-0198, CB13-0199, CB13-0191, CB13-0221, CB13-0193, CB13-0197, CB13-0145, CB13-0184, CB13-0201, and CB13-0202 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
Abstain: (None) (0)

**CB13-0184 A bill for an ordinance approving a Temporary Construction License Agreement from the City and County of Denver to Denver Transit Constructors, LLC to accommodate Regional Transit District to construct improvements on the RTD Eagle P-3 Gold Line Project. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Council President Susman, duly seconded by Councilman López, that CB13-0198, CB13-0199, CB13-0191, CB13-0221, CB13-0193, CB13-0197, CB13-0145, CB13-0184, CB13-0201, and CB13-0202 be ordered published en bloc, carried by the following vote:

Passed  
For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)  
Against: (None) (0)  
Absent: (None) (0)  
Abstain: (None) (0)

**CB13-0201 A bill for an ordinance approving an Easement Agreement from the City and County of Denver to the City and County of Denver acting by and through its Board of Water Commissioners for an existing water line at the Lowry Vista Fire Station site. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Council President Susman, duly seconded by Councilman López, that CB13-0198, CB13-0199, CB13-0191, CB13-0221, CB13-0193, CB13-0197, CB13-0145, CB13-0184, CB13-0201, and CB13-0202 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**CB13-0202 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Colorado Designsapes, Inc., for improvements to Benedict Fountain Park. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Council President Susman, duly seconded by Councilman López, that CB13-0198, CB13-0199, CB13-0191, CB13-0221, CB13-0193, CB13-0197, CB13-0145, CB13-0184, CB13-0201, and CB13-0202 be ordered published en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, 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 Susman announced that tonight there will be a required public hearing on CB13-0187, designating 2070 Colorado Boulevard, the Dr. Margaret Long House, as a structure for preservation.

### **Recess**

Council took a recess.

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

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

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

#### **CB13-0187 A bill for an ordinance designating 2070 Colorado Boulevard, the Dr. Margaret Long House, as a structure for preservation. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilman López, duly seconded by Councilwoman Lehmann, that CB13-0187 be placed upon final consideration and do pass, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

Council sat as a Committee of the Whole commencing at 6:25 PM, Council President Susman presiding, to hear speakers either for or against CB13-0187. Sophie Bieluczyk, Brett Cook, and Chris Murata signed up to speak in favor of the bill. No speakers signed up to speak in opposition to the bill. Savannah Jameson of the Landmark Preservation Commission delivered the Staff Report with an overview and recommendation for approval.

## **Bills for Final Consideration**

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

#### **CB13-0175 A bill for an ordinance approving a proposed Concession Agreement between the City and County of Denver and Public Service Employees Credit Union, d/b/a Public Service Credit Union, concerning Concessionaire's branch location at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilman López, duly seconded by Councilman Brooks, that CB13-0175, CB13-0176, CB13-0177, CB13-0178, CB13-0083, CB13-0174, CB13-0119, CB13-0179, CB13-0180, CB13-0181, CB13-0182, and CB13-0183 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**CB13-0176 A bill for an ordinance approving a proposed Concession Agreement between the City and County of Denver and Public Service Employees Credit Union, d/b/a Public Service Credit Union, concerning ATMs operated by Concessionaire at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilman López, duly seconded by Councilman Brooks, that CB13-0175, CB13-0176, CB13-0177, CB13-0178, CB13-0083, CB13-0174, CB13-0119, CB13-0179, CB13-0180, CB13-0181, CB13-0182, and CB13-0183 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**CB13-0177 A bill for an ordinance approving a proposed Contract between the City and County of Denver and Millstone Bangert, Inc. for Runway 17R-35L Complex Pavement Rehabilitation at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilman López, duly seconded by Councilman Brooks, that CB13-0175, CB13-0176, CB13-0177, CB13-0178, CB13-0083, CB13-0174, CB13-0119, CB13-0179, CB13-0180, CB13-0181, CB13-0182, and CB13-0183 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**CB13-0178 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, to provide funds for services to low income households affected by HIV/AIDS. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

A motion offered by Councilman López, duly seconded by Councilman Brooks, that CB13-0175, CB13-0176, CB13-0177, CB13-0178, CB13-0083, CB13-0174, CB13-0119, CB13-0179, CB13-0180, CB13-0181, CB13-0182, and CB13-0183 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

## Health, Safety, Education & Services

### **CB13-0083 A bill for an ordinance approving a proposed Agreement by and between the City and County of Denver and Motorola Solutions, Inc., to provide telecommunications equipment and installation for Evergreen Fire Rescue. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilman López, duly seconded by Councilman Brooks, that CB13-0175, CB13-0176, CB13-0177, CB13-0178, CB13-0083, CB13-0174, CB13-0119, CB13-0179, CB13-0180, CB13-0181, CB13-0182, and CB13-0183 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

### **CB13-0174 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and AARP FOUNDATION to provide financial education, programs and services to underserved and low-income individuals. (HEALTH, SAFETY, EDUCATION & SERVICES)**

A motion offered by Councilman López, duly seconded by Councilman Brooks, that CB13-0175, CB13-0176, CB13-0177, CB13-0178, CB13-0083, CB13-0174, CB13-0119, CB13-0179, CB13-0180, CB13-0181, CB13-0182, and CB13-0183 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

## Land Use, Transportation & Infrastructure

### **CB13-0119 A bill for an ordinance approving an On-Call General Engineering Services Agreement between the City and County of Denver and Tsiouvaras Simmons Holderness, Inc. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilman López, duly seconded by Councilman Brooks, that CB13-0175, CB13-0176, CB13-0177, CB13-0178, CB13-0083, CB13-0174, CB13-0119, CB13-0179, CB13-0180, CB13-0181, CB13-0182, and CB13-0183 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**CB13-0179 A bill for an ordinance approving and providing for the execution of a proposed contract between the City and County of Denver and the Great Outdoors Colorado (GOCO), concerning the "River Vision Implementation Plan-GOCO" project and the funding therefor. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilman López, duly seconded by Councilman Brooks, that CB13-0175, CB13-0176, CB13-0177, CB13-0178, CB13-0083, CB13-0174, CB13-0119, CB13-0179, CB13-0180, CB13-0181, CB13-0182, and CB13-0183 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**CB13-0180 A bill for an ordinance approving and providing for the execution of a proposed contract between the City and County of Denver and The Greenway Foundation, concerning the "River Vision Implementation Plan-TGF" project and the funding therefor. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilman López, duly seconded by Councilman Brooks, that CB13-0175, CB13-0176, CB13-0177, CB13-0178, CB13-0083, CB13-0174, CB13-0119, CB13-0179, CB13-0180, CB13-0181, CB13-0182, and CB13-0183 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**CB13-0181 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 Urban Drainage and Flood Control District, concerning the "River Vision Implementation Plan-UDFCD" project and the funding therefor. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilman López, duly seconded by Councilman Brooks, that CB13-0175, CB13-0176, CB13-0177, CB13-0178, CB13-0083, CB13-0174, CB13-0119, CB13-0179, CB13-0180, CB13-0181, CB13-0182, and CB13-0183 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**CB13-0182 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Hallmark, Inc. for on-call structural and safety repair projects. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilman López, duly seconded by Councilman Brooks, that CB13-0175, CB13-0176, CB13-0177, CB13-0178, CB13-0083, CB13-0174, CB13-0119, CB13-0179, CB13-0180, CB13-0181, CB13-0182, and CB13-0183 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

**CB13-0183 A bill for an ordinance approving the Peoria Project Agreement between Regional Transportation District, the City of Aurora and the City and County of Denver for the Peoria Street Grade Separation Crossing Project. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

A motion offered by Councilman López, duly seconded by Councilman Brooks, that CB13-0175, CB13-0176, CB13-0177, CB13-0178, CB13-0083, CB13-0174, CB13-0119, CB13-0179, CB13-0180, CB13-0181, CB13-0182, and CB13-0183 be placed upon final consideration and do pass en bloc, carried by the following vote:

Passed

For: Brooks, Brown, Faatz, Herndon, Kniech, Lehmann, López, Montero, Nevitt, Ortega, Robb, Shepherd, Susman (13)

Against: (None) (0)

Absent: (None) (0)

Abstain: (None) (0)

## **Adjourn**

There being no further business before the City Council, Council President Susman adjourned the meeting at 6:40 PM.

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President

Attested by me with the Corporate Seal  
of the City and County of Denver

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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