

City Council of Monday, July 16, 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..... Clerk

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****WEB ACCESS****

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accessed at**

<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 720-337-2000.

AUDIO/VIDEO ACCESS TO CITY COUNCIL MEETINGS

City Council meetings are televised live on cable TV Channel 8, and can be viewed via live or archived web cast at <http://www.denvergov.org/citycouncil>. DVD recordings of meetings are available at the Central Library or at the Clerk and Recorder's Office.

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, July 16, 2012 5:30 PM

Pledge of Allegiance

Roll Call

Election of Council President and President Pro Tem

From Council Rules of Procedure (Rule 8)

8.1 Election of Officers. At the third meeting of the Council in the month of July of each year, except when a Council seat is vacant, the order of business shall be:

(a) Election of a President as provided in section 3.3.1 of the Charter, who shall hold office until the third Monday of July of the ensuing year, or until a successor is duly elected, whichever is later.

(b) Election of a president pro tempore who shall serve without additional compensation and who shall hold office until the third Monday of July of the ensuing year, or until a successor is duly elected, whichever is later.

(c) The election of Council officers shall be conducted as follows:

1. Candidates for the office of President of Council, and of President Pro Tempore, shall be nominated from the floor, separately, before the election for each office.

2. No second to a nomination shall be required.

3. The nominations shall be closed by a declaration by the presiding officer after the presiding officer asks for further nominations and receives no reply.

4. The election for each office shall be in the form of a roll call election in which each member of Council, when called upon, declares his or her vote for a candidate.

5. An eligible person receiving a vote for an office need not have been nominated.

6. No nominee shall be removed from consideration unless he or she withdraws.

7. The candidate receiving at least seven votes for each office will be declared elected to that office by the presiding officer, after the verification by the Council Secretary of the votes cast.

(d) If a Council seat is vacant at the time of the regularly scheduled election, the election for President and President Pro Tempore shall take place at the first regular Council meeting after every seat on the Council is filled.

Approval of the Minutes

Council Announcements

Presentations

Communications

Proclamations

CP12-0514 A proclamation in recognition of Brothers Redevelopment Paint-A-Thon Day in the City and County of Denver, July 21, 2012.

Sponsored by Councilmembers López, Montero, Robb, Susman, Ortega, Faatz, and Shepherd.

Resolutions

Business, Workforce & Sustainability

CR12-0533 A resolution to set a public hearing relating to the creation of the Federal Boulevard Business Improvement District and approval of the District's 2013 Operating Plan and 2013 Budget.

Sets a City Council public hearing, per requirements of Chapter 31 of the Colorado Revised Statutes, on formation of the proposed Federal Boulevard Business Improvement District for Aug. 6, 2012. Councilwoman Shepherd approved filing this resolution.

Health, Safety, Education & Services

CR12-0541 A resolution authorizing and approving the expenditure and payment from the appropriation account designated "liability claims," the sum of Sixty Thousand Dollars (\$60,000.00), payable to ASHFORD WORTHAM in the amount of Twenty-One Thousand, One Hundred Dollars (\$21,100.00), and payable to CORNELIUS CAMPBELL in the amount of Thirteen Thousand, Nine Hundred Dollars (\$13,900.00), and payable to KILLMER, LANE & NEWMAN, LLP in the amount of Twenty-Five Thousand Dollars (\$25,000.00), in full payment and satisfaction of all claims in Case No. 11-cv-00773-MSK-CBS, in the United States District Court for the District of Colorado.

Settles a claim involving the Police Department. This resolution was approved for filing at the Mayor-Council meeting on 7-10-12.

Bills for Introduction

Business, Workforce & Sustainability

CB12-0502 A bill for an ordinance approving a proposed Eighth Amendment to Agreement between the City and County of Denver and Quiz-DIA for the operation of a concession at Denver International Airport.

Amends the lease agreement with Quiz-DIA to allow concessionaire to hold over on a month-to-month basis upon expiration of its term and continue providing service to the public at 100% of rental rate until a Request for Proposals can be issued (AC-39013-08) (ACON). The last regularly scheduled Council meeting within the 30-day review period is on 8-6-12. The Committee approved filing this bill by consent on 7-5-12.

CB12-0503 A bill for an ordinance amending section 24-510 of the Denver Medical Marijuana Code concerning the issuance of optional premises cultivation licenses in locations where cultivation is occurring as a complaint or non-conforming use under the zoning code.

Amends the City's medical marijuana code, due to delays in processing the applications submitted in August of 2010, to allow the Director of Excise and Licenses to issue optional premises cultivation licenses to applicants who were lawfully in the pipeline for approval under existing state and city laws when applications were submitted to the State and who meet all other requirements for licensing but which are now in compliant or non-conforming locations under the new zoning, since the current language requires such licenses to be issued by July 1, 2012. The Committee approved filing this bill by consent on 7-5-12.

Government & Finance

CB12-0507 A bill for an ordinance approving a proposed Purchase Order between the City and County of Denver and Muzak LLC, to procure a performance audio system for the Boettcher Concert Hall.

Approves a purchase order with Muzak in the amount of \$635,602.48 for the purchase, installation and testing of the performance audio systems for the Boettcher Concert Hall. The last regularly scheduled Council meeting within the 30-day review period is on 8-6-12 (THTRS-0000002823). The Committee approved filing this bill by consent on 7-5-12.

Health, Safety, Education & Services

CB12-0386 A bill for an ordinance approving a proposed Fourth Amendatory Agreement by and between the City and County of Denver and Xerox State & Local Solutions, Inc. f/k/a ACS State & Local Solutions, Inc., to extend the term of the agreement and to appropriate additional funds.

Approves a fourth amendment to the ACS State & Local Solutions, Inc. contract to extend the term through June 30, 2013 and to add \$1,340,700 for services related to the Photo Radar System (CE8110704). The last regularly scheduled Council meeting within the 30-day review period is on 8-6-12. The Committee approved filing this bill by consent on 5-17-12.

CB12-0455 A bill for an ordinance approving a proposed Amendatory Agreement by and between the City and County of Denver and Qwest Communications Company, LLC dba CenturyLink QCC to provide maintenance service changes for the City's 911 phone switches, to extend the term of the agreement and to add additional funds.

Approves a first amendment to the CenturyLink QCC agreement for 911 and support system modifications for a total contract amount of \$1,366,616.04 and to extend the agreement through June 29, 2013 (CE76017-01). The last regularly scheduled Council meeting within the 30-day review period is on 8-6-12. The Committee approved filing this bill by consent on 6-7-12.

CB12-0504 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 concerning the "Emergency Solutions Grant (ESG) FY12" program and the funding therefor.

Accepts the Emergency Solutions Grant provided by the U.S. Department of Housing and Urban Development (HUD) in the amount of \$687,541 for fiscal year 2012 to meet emergency services for those individuals in poverty (SOC SV-201206392). The last regularly scheduled Council meeting within the 30-day review period is on 8-6-12. The Committee approved filing this bill by consent on 7-5-12.

CB12-0505 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 "Community Services Block Grant (CSBG) FY12-13" program and the funding therefor.

Accepts the 2012-2013 Community Service Block Grant from the Colorado Department of Local Affairs in the amount of \$1,458,570 for poverty and homelessness programs. The last regularly scheduled Council meeting within the 30-day review period is on 8-6-12. The Committee approved filing this bill by consent on 7-5-12.

CB12-0506 A bill for an ordinance approving a proposed Agreement by and between the City and County of Denver and Sierra Detention Systems, Inc., to provide warranty and maintenance for the Sierra Security System installed in the Denver Detention Center and Lindsay Flannigan Courthouse.

Approves a contract with Sierra Security System in the amount of \$1,222,330 for maintenance of the electronics equipment at the court house and detention center facility through December 31, 2014 (SHERF-201103350-00). The last regularly scheduled Council meeting within the 30-day review period is on 8-6-12. The Committee approved filing this bill by consent on 7-5-12.

Land Use, Transportation & Infrastructure

CB12-0511 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 "38th and Blake Pedestrian Improvements" project and the funding therefor.

Approves an Intergovernmental Agreement with Colorado Dept. of Transportation regarding \$1,224,000 in Federal Surface Transportation Improvement funds to reimburse the City for pedestrian improvements on Blake St. north and south of the bridge over 38th near the Platte River in Council Districts 8 and 9 (201205634). The last regularly scheduled Council meeting within the 30-day review period is on 8-6-12. The Committee approved filing this bill by consent on 7-5-12.

Recap of Bills to be Called Out

Pre-Recess Announcement

Tonight there will be a required public hearing on CB12-0425 amending the Denver Zoning Code to modify the standards for termination of nonconforming signs, on CB12-0440 changing the zoning classification for 1550 E. 17th Avenue and 1661 Franklin Street, on CB12-0441 changing the zoning classification for 4155 Picadilly Road, and a one-hour courtesy public hearing on CB12-0486 approving the Cherry Creek Area Plan. Anyone wishing to speak on any of these matters must see the Council Secretary to sign up during the recess of Council.

Recess

Council Reconvenes and Resumes its Regular Session

Public Hearings - Bills for Final Consideration

Land Use, Transportation & Infrastructure

CB12-0425 A bill for an ordinance amending the Denver Zoning Code to modify the standards for termination of nonconforming signs.

Approves Text Amendment No. 12 to the Denver Zoning Code allowing opportunity for correction of code violations prior to termination of non-conforming, on-premises signs. The Committee approved filing this bill at its meeting on 6-5-12.

CB12-0440 A bill for an ordinance changing the zoning classification for 1550 E. 17th Avenue and 1661 Franklin Street.

Changes the zoning classification from B-2 with waivers (Business, low-medium intensity) to G-MS-3 (General Urban context, Main Street, 3-story max.) at 1550 E 17th Ave. and 1661 Franklin in Council District 8. The Committee approved filing this bill at its meeting on 6-5-12.

CB12-0441 A bill for an ordinance changing the zoning classification for 4155 Picadilly Road.

Changes the zoning classification from B-2 (Business, low-medium intensity) to S-MX-3 (Suburban context, mixed use, 3-stories) at 4155 N Picadilly in Council District 11. The Committee approved filing this bill at its meeting on 6-5-12.

CB12-0486 A bill for an ordinance approving the Cherry Creek Area Plan, which plan shall become a part of the Comprehensive Plan for the City and County of Denver pursuant to the provisions of Section 12-61 of the Denver Revised Municipal Code.

Adopts the Cherry Creek Area Plan as a supplement to the Denver Comprehensive Plan 2000. The Committee approved filing this bill at its meeting on 6-19-12.

Bills for Final Consideration

Business, Workforce & Sustainability

CB12-0490 A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and Neighborhood Development Collaborative, Inc., to modify the terms and conditions of the Loan Agreement.

Amends an existing \$3,079,153.00 contract with Neighborhood Development Collaborative, Inc. (NDCI) for federally funded services to acquire, rehabilitate and resell foreclosed, vacant, or abandoned properties and related activities under the Neighborhood Stabilization Program to assure compliance with federal requirements of Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Welfare Reform Act) and revise the date to return program revenue. The last regularly scheduled Council meeting within the 30-day review period is on 7-30-12. The Committee approved filing this bill by consent on 6-28-12.

CB12-0491 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Neighborhood Development Collaborative, Inc. to modify the terms and conditions of the Loan Agreement.

Amends an existing \$2,500,000.00 contract with Neighborhood Development Collaborative, Inc. (NDCI) for federally funded services to remediate the affects of foreclosures on individuals with incomes not exceeding 50% of area median income to comply with the federal requirements of Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Welfare Reform Act) and to revise the date for submitting ARRA Job Reports (GE0A045). The last regularly-scheduled Council meeting within the 30-day review period is on 7-30-12. The Committee approved filing this bill by consent on 6-28-12.

CB12-0492 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Neighborhood Development Collaborative, Inc., to modify the terms and conditions of the Loan Agreement.

Amends an existing \$2,481,520.00 contract with Neighborhood Development Collaborative, Inc. to provide for the return of program revenue held by the contractor on February 10, 2012 as well as revenues from the sale of National Stabilization Program properties after that date (GE94051). The last regularly scheduled Council meeting within the 30-day review period is on 7-30-12. The Committee approved filing this bill by consent on 6-28-12.

Government & Finance

CB12-0323 A bill for an ordinance approving a proposed Equipment Lease Purchase Agreement between the City and County of Denver and Sovereign Leasing, LLC, to Lease Purchase an Emergency Siren System made by Federal Signal Corporation.

Approves a three-year \$1,661,362 lease purchase agreement with Sovereign Leasing with financing subject to annual appropriation at a maximum interest amount of 2.5% for purchase of an Emergency Siren System from Federal Signal Corporation. The last regularly scheduled Council meeting within the 30-day review period is on 7-30-12. The Committee approved filing this bill by consent on 4-26-12.

CB12-0478 A bill for an ordinance approving a proposed Affiliate Participation Agreement between the City and County of Denver and Citibank, N.A., to provide PCard services along with provisions related to the payment of rebates.

Approves a seven-year contract with CitiBank for purchasing Credit Cards for city employees (bid with the State of Colorado) under which the City receives a higher rebate rate than the current provider, estimated at approximately \$250,000 annually (GENRL-201102746-00). The last regularly scheduled Council meeting within the 30-day review period is on 7-30-12. The Committee approved filing this bill by consent on 6-21-12.

CB12-0489 A bill for an ordinance creating a Fund Number in the Grant/Other Capital Projects Fund and creating a Fund Number in the Wastewater Storm Capital Improvement Fund and making appropriations for capital improvements related to the East Corridor Project.

Creates a new capital grant fund and a new wastewater capital fund to accept and appropriate \$10 million from the Series 2012C1-C3 Certificates of Participation proceeds for the purpose of funding capital improvements related to the East Corridor Project. The Committee approved filing this bill by consent on 6-28-12.

Health, Safety, Education & Services

CB12-0324 A bill for an ordinance approving a proposed no cost Agreement by and between the City and County of Denver and Federal Signal Corporation in conjunction with Sovereign Leasing LLC for a Warning Siren Replacement System.

Approves a no-cost contract for the Warning Siren Replacement System with Federal Signal Corporation to replace and upgrade the City's outdoor warning siren system, related to the financing of the warning siren equipment. The last regularly scheduled Council meeting within the 30-day review period is on 7-30-12. The Committee approved filing this bill at its meeting on 5-8-12

CB12-0325 A bill for an ordinance approving a proposed Agreement by and between the City and County of Denver and Federal Signal Corporation for the Capital Improvement Project to upgrade the City's outdoor warning siren system used to notify the public of tornadoes and other emergencies.

Approves a contract in the amount of \$611,577 for the Warning Siren Replacement System with Federal Signal Corporation to replace and upgrade the City's outdoor warning siren system that will be funded by the CIP, 911, and DIA funds. The last regularly scheduled Council meeting within the 30-day review period is on 7-30-12. The Committee approved filing this bill at its meeting on 5-8-12.

CB12-0348 A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Colorado Coalition for the Homeless, to correct budget line item.

Amends the Colorado Coalition for the Homeless contract to add an Administrative budget line item in the amount of \$30,600 that was omitted in the agreement. This amendment will not change the contract amount (CE01129(2)). The last regularly scheduled Council meeting within the 30-day review period is on 7-30-12. The Committee approved filing this bill by consent on 5-17-12.

Land Use, Transportation & Infrastructure

CB12-0383 A bill for an ordinance approving an amendatory agreement between Tsiouvaras Simmons Holderness and the City & County of Denver to provide design construction services.

Amends the design contract with Tsiouvaras Simmons Holderness to add \$187,765, for a new total of \$2,883,129, to add post-design construction support, such as testing, inspection, and field engineering, for S. Broadway reconstruction between Wesley and Iowa in Council District 7. The last regularly scheduled Council meeting within the 30-day review period is on 7-30-12. The Committee approved filing this bill by consent on 5-17-12.

CB12-0481 A bill for an ordinance approving an agreement between BT Construction, Inc. and the City & County of Denver for the 5th and Newport Storm Sewer Improvements Project.

Approves a \$1,262,711 contract with BT Construction for Storm Sewer improvements at 5th and Newport in Council District 5 (201205219). The last regularly scheduled Council meeting within the 30-day review period is on 7-30-12. The Committee approved filing this bill by consent on 6-21-12.

CB12-0494 A bill for an ordinance approving a proposed Rooftop Lease and Solar Facility Lease Purchase Agreement between the City and County of Denver and Park Creek Metropolitan District, for the placement and operation of a solar collection and generating facility.

Approves a 20-year lease of a portion of the Central Park Recreation Center rooftop to the Park Creek Metro District for the placement and operation of a solar collection and generating facility, which is providing energy to the facility in Council District 11. The last regularly scheduled Council meeting within the 30-day review period is on 7-30-12. Committee approved filing this bill by consent on 6-28-12.

CB12-0495 A bill for an ordinance relinquishing the easement established in the Permanent Easement recorded at Reception No. 2012017069.

Relinquishes an easement granted to the City for storm drainage facilities at the intersection of Little Raven and 20th Street in Council District 9. The last Council meeting within the 30-day review period is on 7-30. The Committee approved filing this bill by consent on 6-21-12.

CB12-0497 A bill for an ordinance vacating a portion 12th Street between Welton Street and Glenarm Street, with reservations.

Vacates, with reservation, a 0.087-acre (approximately 200 ft. x13 ft.) strip of public right-of-way on the south side of 12th St. between Welton and Glenarm Council District 8. The Committee approved filing this bill by consent on 6-28-12.

CB12-0498 A bill for an ordinance approving an Amendatory Agreement between the City and County of Denver and PB Americas for project management services and construction administration for various projects.

Approves first amendment to the contract with PB Americas to add \$565,091, for a new total of \$2,779,206, and extend the contract from May 1, 2013 to June 30, 2014, to provide continuing project management services through completion of three Better Denver Bond Program projects: 14th/Colfax Streetscape, Crime Lab, and Lowry Fire Station (CE94011-1). The last regularly scheduled Council meeting within the 30-day review period is on 7-30-12. Committee approved filing this bill by consent on 6-28-12.

Announcement

Dependent upon adoption on Monday, August 6, 2012 Council will hold a public hearing on CR12-0533 relating to the creation of the Federal Boulevard Business Improvement District and approval of the District's 2013 Operating Plan and 2013 Budget.

Adjourn

Pending

For 7-23-12

CB12-0462 A bill for an ordinance changing the zoning classification for property located at approximately 4800 Verbena Street and 4801 Willow Street.

Required Public Hearing
Final Consideration

CB12-0463 A bill for an ordinance changing the zoning classification for property located at approximately 5001 Willow Street.

Required Public Hearing
Final Consideration

For 8-13-12

CR12-0471 A resolution to set a public hearing relating to the approval of the Ironworks Foundry Urban Redevelopment Plan for August 13, 2012.

Required Public Hearing
Final Consideration

For 8-20-12

CB12-0365 A bill for an ordinance prohibiting the advertising of medical marijuana in proximity to schools, child care centers, and parks.

No Public Hearing
Final Consideration