

## City Council of Monday, October 24, 2011

# 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  
Lauri Dannemiller..... Director  
Kelly Velez..... Council Secretary

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**\*\*WEB ACCESS\*\***

**Live video and archives may be  
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 720-865-9534.

### **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, October 24, 2011 5:30 PM

## Pledge of Allegiance

## Roll Call

## Approval of Minutes of Monday, October 17, 2011

## Council Announcements

## Presentations

## Communications

## Proclamations

**CP11-0664 A proclamation in honor of John Anthony Sbarbaro, M.D., MPH.**  
Sponsored by Councilmembers Brown, Ortega, Faatz, Lehmann, López, Robb, and Montero.

**CP11-0778 A proclamation celebrating October 24 as the first annual Food Day, in Denver as part of the nationwide Food Day to promote sustainably and humanely produced, healthy, and affordable food.**

Sponsored by Councilmembers Shepherd, Ortega, Brown, Lehmann, López, Robb, Montero, and Kniech.

## Resolutions

### Land Use, Transportation & Infrastructure

**CR11-0730 A resolution laying out, opening and establishing as part of the city street system certain tracts created by Lowry Filing No. 14. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Dedicates three tracts as public right-of-way in Lowry Filing No. 14 in Council District 5. The Committee approved filing this resolution on 10-13-11.

**CR11-0740 A resolution laying out, opening and establishing as part of the city street system certain tracts created by Lowry Filing No. 18. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Dedicates tract as public right-of-way in Lowry Filing No. 18 in Council District 5. The Committee approved filing this resolution by consent on 10-13-11.

**CR11-0739 A resolution laying out, opening and establishing as part of the city street system certain tracts created by Lowry Filing No. 22. (LAND USE, INFRASTRUCTURE & TRANSPORTATION)**

Dedicates as public right-of-way certain tracts created by Lowry Filing No. 22 in Council District 5. The Committee approved filing this resolution by consent on 10-13-11.

## **Bills for Introduction**

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

**CB11-0669 A bill for an Ordinance approving a proposed Amendatory Agreement between the City and County of Denver and Verizon Wireless (VAW) LLC. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Authorizes Verizon Wireless, LLC to enhance its current cellular telephone network in the Colorado Convention Center from 3G to 4G for an additional \$1,200 per month. The last regularly scheduled meeting within the 30-day review period is on 11-14-11. The Committee approved filing this bill by consent on 10-13-11.

**CB11-0726 A bill for an ordinance approving a proposed Purchase Order between the City and County of Denver and Oshkosh Truck Corporation concerning the purchase of an Oshkosh Class 5 Aircraft Rescue and Firefighting Striker unit for Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Authorizes the purchase of replacement firefighting equipment for DIA for \$1,180,919 from Oshkosh Truck Corporation. The last regularly scheduled Council meeting within the 30-day period is on 11-14-11. The Committee approved filing this bill by consent on 10-13-11.

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

**CB11-0538 A bill for an ordinance approving a proposed Fourth Amendatory Agreement by and between the City and County of Denver and SYSCON Justice Systems, Inc., for necessary program changes. (HEALTH, SAFETY, EDUCATION & SERVICES)**

Approves a fourth amendment to the SYSCON Justice Systems, Inc. contract for necessary program changes. The last regularly scheduled Council meeting within the 30-day review period is on 11-14-11. The Committee approved filing this bill by consent on 7-21-11.

**CB11-0711 A bill for an ordinance approving an Amendatory Agreement with Excel Environmental Inc., regarding on-call abatement services for asbestos, lead-based paint, and mold, that adds \$1,000,000 and extends the Term of the agreement for one year. (HEALTH, SAFETY, EDUCATION & SERVICES)**

Approves a contract amendment with Excel Environmental Inc. to add \$1,000,000 and to extend the agreement one year for on-call abatement services for asbestos, lead-based paint, and mold. The last regularly scheduled Council meeting within the 30-day review period is on 11-14-11. The Committee approved filing this bill by consent on 10-6-11.

**Land Use, Transportation & Infrastructure**

**CB11-0628 A bill for an ordinance approving a second amendatory on call agreement between Studiotrope, LLC and the City & County of Denver to provide general architectural design services. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Amends the on-call agreement with Studiotrope for architectural and engineering services to increase the maximum contract from \$960,000 to \$1,440,000 and add two years to extend the term to March 31, 2014. The last regularly scheduled Council meeting within the 30-day review period is on 11-14-11. The Committee approved filing this bill by consent on 9-1-11.

**CB11-0720 A bill for an ordinance approving a Park Use Agreement with Downtown Denver Events, Inc., to allow use of Skyline Park for ice skating event. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Approves a 5-year, non-financial Parks Use Agreement with Downtown Denver Events, Inc. to allow use of Skyline Park between approximately Nov. 1 and March 15, including load-in and load-out time, for free public ice skating during the winter months in Council District 8. The last regularly scheduled Council meeting within the 30-day review period is on 11-14-11. The Committee approved filing this bill by consent on 10-6-11.

**CB11-0732 A bill for an ordinance terminating a permit and relinquishing a portion of the easement relating to the Exempla development at the former St. Joseph Hospital site. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Relinquishes an access permit recorded in 1977 and a portion of an easement recorded in 1999 to enable redevelopment of the Exempla St. Joseph's site between 18th, 21st, Emerson & Franklin in Council District 8. The last regularly scheduled Council meeting within the 30-day review period is on 11-14-11. The Committee approved filing this bill by consent on 10-13-11.

**CB11-0737 A bill for an ordinance to relinquish all of the easement established in Ordinance No. 372, Series of 1977; and relinquish a portion of the easement established in Ordinance No. 385, Series of 1998, and Ordinance No. 705, Series of 1990 relating to the Exempla development at the former St. Joseph Hospital site. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Relinquishes easements established in 1977, 1998 and 1990 to enable redevelopment of the Exempla St. Joseph's site between 18th, 21st, Emerson & Franklin in Council District 8. The last regularly scheduled Council meeting within the 30-day review period is on 11-14-11. The Committee approved filing this bill by consent on 10-13-11.

**CB11-0738 A bill for an ordinance revoking the revocable permits granted by various Ordinances and the revocable permit recorded at Reception No. 9900110651 relating to the Exempla development at the former St. Joseph Hospital site. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Approves the revocation of permits granted in 1982, 1986, and 1987 to enable redevelopment of Exempla St. Joseph's site in Council District 8. The last regularly scheduled Council meeting within the 30-day review period is on 11-14-11. The Committee approved filing this bill on 10-13-11.

**CB11-0742 A bill for an ordinance relinquishing a portion of the easement established in Ordinance No. 137, Series of 1948, and relinquishing all of the easement established in Ordinance No. 31, Series of 1917. (LAND USE, INFRASTRUCTURE & TRANSPORTATION)**

Relinquishes an easement established in 1917 and a portion of an easement established in 1948 to enable redevelopment at 235 S. Cherokee in Council District 9. The last regularly scheduled Council meeting within the 30-day review period is on 11-14-11. The Committee approved filing this bill by consent on 10-13-11.

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

### **Pre-Recess Announcement**

Tonight Council will hold a required public hearing on the Mayor's Proposed 2012 Budget and a required public hearing on CB11-0725, designating The Waldman, located at 1515 East 9th Avenue, as a structure for preservation. Anyone wishing to speak on either of these matters 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

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| REQUIRED | <b>Mayor's Proposed 2012 Budget</b><br>Following the public hearing, Councilmembers may offer amendments to the proposed budget. The last regularly scheduled Council meeting at which members may offer amendments is Monday, November 7, 2011. |
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| REQUIRED | <b>CB11-0725 A bill for an ordinance designating The Waldman, located at 1515 East 9th Avenue, as a structure for preservation. (LAND USE, TRANSPORTATION &amp; INFRASTRUCTURE)</b><br>Approves Individual Building Designation of The Waldman, 1515 E 9th Ave, for historic preservation in Council District 10. The Committee approved filing this bill at its meeting on 10-3-11. |
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## Bills for Final Consideration

### Business, Workforce & Sustainability

**CB11-0666 A bill for an ordinance approving 58 proposed PVC Participation and Amendments to Agreements between the City and County of Denver and certain concessionaires, concerning participation in the Premium Value Concession Program at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Amends 59 concession contracts to incorporate the Premium Value Concession Program language to allow Concessionaires to participate in the program and to compete for a new agreement upon expiration of their contract term. The last regularly scheduled Council meeting within the 30-day review period is on 11-7-11. The Committee approved filing this bill at its meeting on 10-5-11.

**CB11-0667 A bill for an ordinance approving 7 proposed PVC Participation and Amendments to Non- Disturbance and Attornment Agreements between the City and County of Denver and certain concessionaires, concerning participation in the Premium Value Concession Program at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Amends the agreement with seven (7) concession contracts that have an attornment clauses in their current leases (i.e. they are subleasees) to allow participation in the Premium Value Program. The last regularly scheduled Council meeting within the 30-day period is on 11-7-11. The Committee approved filing this bill at its meeting on 10-5-11.

**CB11-0701 A bill for an ordinance approving a proposed Purchase Order between Bruel and Kjaer Environment Management and the City and County of Denver, related to the purchase of twenty- eight noise monitoring terminals at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Authorizes the purchase of twenty eight 3639-C NMT AND 4184-A MICROPHONES at \$18,000 each for a total of \$504,000 (plus \$90,000 in installation costs) to replace obsolete Noise Monitoring Terminals at Denver International Airport to comply with the IGA with Adams County re: noise mitigation. The last regularly scheduled Council meeting within the 30-day review period is on 11-7-11. The Committee approved filing this bill by consent on 10-6-11.

**CB11-0717 A bill for an ordinance approving a proposed Airline Ground Lease between the City and County of Denver and Southwest Airlines Co., concerning the leasing of ground space at Denver International Airport. (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Approves a ground lease with revenues of \$4,668 annually for a parking area for Southwest's catering trucks at DIA. The last regularly scheduled Council meeting within the 30-day review period is on 11-7-11. The Committee approved filing this bill by consent on 10-6-11.

**CB11-0718 A bill for an ordinance approving a proposed Second Amendment to TSA National Explosives Detection Canine Team Program (NEDCTP) Agreement between the Transportation Security Administration and the City and County of Denver related to the Canine Program for enhanced airport security at Denver International Airport (BUSINESS, WORKFORCE & SUSTAINABILITY)**

Accepts an additional \$238,181.15 in DIA's grant through the Transportation Security Administration to provide canines for enhanced airport security. The last regularly scheduled Council meeting within the 30-day review period is on 11-7-11. The Committee approved filing this bill by consent on 10-6-11.

**Government & Finance**

**CB11-0572 A bill for an Ordinance designating certain properties as being required for public use and authorizing use and acquisition thereof by negotiation or through condemnation proceedings including all improvements, fixtures, licenses, permits, access points and any other rights and interests related or appurtenant to properties so designated. (GOVERNMENT & FINANCE)**

Authorizes the Division of Real Estate to acquire a parcel of land for public right-of-way to allow better access for vehicles and pedestrians at the corner of Colfax and Welton. The last regularly scheduled Council meeting within the 30-day review period is on 11-7-11. The Committee approved filing this bill at its meeting on 10-5-11.

**CB11-0685 A bill for an ordinance amending the 1963 Retirement Plan with regard to the use of trustees, custodians and investment managers. (GOVERNMENT & FINANCE)**

Removes language in the City Code that requires mayoral approval of investment managers selected by the Retirement Board. The Committee approved filing this bill at its meeting on 10-05-11.

**CB11-0704 A bill for an ordinance amending Ordinance No. 82, Series of 2004, concerning cash transfers from Special Revenue Funds to the General Fund. (GOVERNMENT & FINANCE)**

Corrects an accounting error in Ordinance 82, Series of 2004 by rescinding an authorization for a cash transfer that never occurred. The Committee approved filing this bill by consent on 10-6-11.

**CB11-0716 A bill for an ordinance authorizing the transfer of funds from the General Government Special Revenue Fund to the General Fund and the Culture and Recreation Special Revenue Fund effective for calendar year 2011. (GOVERNMENT & FINANCE)**

Transfers to the General Fund cash totaling \$58,839 from the remaining special revenue funds of outgoing City Council members from District 5, 11, and an at large District 12 and a portion of the special revenue fund in Council District 2 (\$4,196.90) as a budget savings measure for the 2012 budget. Also transfers \$1,260.95 from City Council District 10's special revenue fund to the Cultural and Recreation Special Revenue Fund to assist with pedestrian lighting in Cheesman Park. The Committee approved filing this bill by consent on 10-6-11.

## Health, Safety, Education & Services

**CB11-0709 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 "Diligent Recruitment/Denver's Village FY11-12" program and the funding therefor. (HEALTH, SAFETY, EDUCATION & SERVICES)**

Authorizes the Denver Department of Human Services to accept from the U.S. Department of Health and Human Services the 2011-2012 Diligent Recruitment/Denver's Village grant monies in the amount of \$399,248 to improve adoption efforts and adoption data collection. The Committee approved filing this bill by consent on 10-6-11.

**CB11-0713 A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Asphalt Specialties Company, Incorporated to conduct asphalt recycling operations at the Denver Arapahoe Disposal Site (DADS). (HEALTH, SAFETY, EDUCATION & SERVICES)**

Authorizes a revenue agreement between the City and County of Denver and Asphalt Specialties Company Inc. (ASCI) to conduct asphalt recycling operations at the Denver Arapahoe Disposal Site (DADS) beginning October 1, 2011 with the option of renewing four additional years. Estimated revenue is \$50,000. The last regularly scheduled Council meeting within the 30-day review period is on 11-7-11. The Committee approved filing this bill by consent on 10-6-11.

## Land Use, Transportation & Infrastructure

**CB11-0686 A bill for an ordinance assessing the cost of the construction and installation of the streetscape improvements in South Broadway Streetscape (Arizona Avenue to Iowa Avenue) Local Public Improvement District, including but not limited to sidewalks, brick pavers, trees, tree grates, irrigation, benches, trash receptacles and pedestrian lights (including amenities within the medians), providing for the assessment of the real estate included in the district, the payment of costs, and other matters incidental to the making of said improvements upon the real property, exclusive of improvements thereon, benefited. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**

Approves the assessments for constructing improvements within the S Broadway Streetscape (Arizona to Iowa) Local Improvement District in Council District 7. The Committee approved filing this bill by consent on 9-29-11. Council sat as the Board of Equalization on 10-10-11.

**CB11-0687 A bill for an ordinance assessing the annual costs of the continuing care, operation, repair, maintenance and replacement of the South Broadway Streetscape (Arizona Avenue to Iowa Avenue) Local Maintenance District upon the real property, exclusive of improvements thereon, benefited. (LAND USE, TRANSPORTATION & INFRASTRUCTURE)**  
Approves the annual assessments for maintaining improvements in the S Broadway Streetscape (Arizona to Iowa) Local Maintenance District in Council District 7. The Committee approved filing this bill by consent on 9-29-11. Council sat as the Board of Equalization on 10-10-11.

## **Adjourn**

## **Pending**

**CB11-0283 A bill for an ordinance vacating a portion of Forest St., at approximately 43rd Ave., with reservations.**

**CB11-0546 A bill for an ordinance changing the zoning classification of 7995 E. Hampden Ave. 7785 E. Hampden Ave. and a portion of 7777 E. Hampden Ave.**

**CB11-0705 A bill for an ordinance changing the zoning classification of 4455 E. 12th Ave.**

**CB11-0724 A bill for an ordinance changing the zoning classification of 4050 E. 14th Avenue and 1325 Colorado Boulevard.**

| Bills Pending 11/7/2011 |  |                                 |   |  |         |
|-------------------------|--|---------------------------------|---|--|---------|
| CB #                    | Committee                                  | Status                          | Description   | Continued From                                     | Hearing |
| CB11-0283               | LAND USE, TRANSPORTATION & INFRASTRUCTURE  | 1st Reading - Held in Committee | A bill for an ordinance vacating a portion of Forest St., at approximately 43rd Ave., with reservations.                                      | 6/27/2011<br>8/1/2011<br>10/3/2011                 | NO      |
| CB11-0546               | LAND USE TRANSPORTATION AND INFRASTRUCTURE | Final Consid.                   | A bill for an ordinance changing the zoning classification of 7995 E. Hampden Ave. 7785 E. Hampden Ave. and a portion of 7777 E. Hampden Ave. | 9/26/2011<br>10/3/2011<br>10/10/2011<br>10/17/2011 | YES     |

| Bills Pending 11/14/2011 |   |               |  |                |         |
|--------------------------|---|---------------|--|----------------|---------|
| CB #                     | Committee                                 | Status        | Description  | Continued From | Hearing |
| CB11-0705                | LAND USE, TRANSPORTATION & INFRASTRUCTURE | Final Consid. | A bill for an ordinance changing the zoning classification of 4455 E. 12th Ave.                                | 10/17/2011     | YES     |
| CB11-0724                | LAND USE, TRANSPORTATION & INFRASTRUCTURE | Final Consid. | A bill for an ordinance changing the zoning classification of 4050 E. 14th Avenue and 1325 Colorado Boulevard. | 10/17/2011     | YES     |