

City Council Agenda and Explanatory Notes

Meeting Date: Monday, May 4, 2009 5:30 P.M.

(Public hearing detail – see pages 6-7, 10-12)

Pledge of Allegiance

Roll Call Present:_____ Late:_____ Absent:_____

Approval of Minutes of Monday, April 27, 2009

Presentations

Communications

Proclamations – (Series of 2009)

Proc. 17, Series of 2009, A proclamation recognizing May as Hepatitis C Awareness Month.

Sponsored by Councilmembers López, Robb, Garcia, Linkhart, Boigon, Madison, and Johnson.

Proc. 18, Series of 2009, A proclamation honoring the work of Mr. Timothy C. Hall.

Sponsored by Councilmembers Montero, Garcia, Linkhart, Boigon, Johnson, Robb, Madison, Hancock, and López.

Proc. 19, Series of 2009, A proclamation in recognition of Building Safety Week 2009, May 3 through May 9.

Sponsored by Councilmembers Madison, Robb, Garcia, Linkhart, Boigon, and Johnson.

Resolutions – (Series of 2009)

Res. 52, Series of 2009, A resolution granting a revocable permit to Wiss, LLC to encroach into the right-of-way with various items at 1737 East Evans Avenue. (PUBLIC WORKS)

Grants a revocable permit to Wiss, LLC to encroach into the right-of-way with a patio platform and accessible ramp at 1737 E. Evans and Williams in Council District 7. This resolution was approved for filing at the Mayor-Council meeting on 4-28-09.

Res. 53, Series of 2009, A resolution authorizing and approving the expenditure and payment from the appropriation account designated “liability claims,” the sum of Fifteen Thousand Dollars (\$15,000.00) payable to Brice A. Tondre, Esq., on behalf of Michael Wayne Fleming, in full payment and satisfaction of all claims in Civil Action No. 07-cv-00118-MSK-CBS in the United States District Court for the District of Colorado. (SAFETY)

Settles a claim involving the Sheriff Department. This bill was approved for filing at the Mayor-Council meeting on 4-27-09.

Res. 54, Series of 2009, A resolution authorizing and approving the expenditure and payment from the appropriation account designated “liability claims,” the sum of Thirty-Two Thousand Five Hundred Dollars (\$32,500.00) payable to Michael Gonzales and Palmer, Goertzel & Associates, P.C., in full payment and satisfaction of all claims in Denver Claim No. 07-1003. (SAFETY)

Settles a claim involving the Department of Safety. This bill was approved for filing at the Mayor-Council meeting on 4-27-09.

Bills for Introduction - (Series of 2009)

C.B. 245, Series of 2009, A bill for an ordinance changing the zoning classification for 270 South Madison Street to a Planned Unit Development District (PUD). (BLUEPRINT DENVER)

Appl. 2008I-00015. Changes the zoning of the 0.14-acre parcel at 270 S. Madison from R-1 to PUD in Council District 10. **PUBLIC HEARING AT LEAST FOUR WEEKS FOLLOWING PASSAGE ON FIRST READING.** The Committee approved filing this bill at its meeting on 4-22-09.

C.B. 246, Series of 2009, A bill for an ordinance changing the zoning classification of 151-175 South Harrison Street from R-1 to PUD. (BLUEPRINT DENVER)

Appl. 2008I-00057. Changes the zoning of the 0.57-acre parcel at 151-175 S. Harrison from R-1 to PUD in Council District 10. **PUBLIC HEARING AT LEAST FOUR WEEKS FOLLOWING PASSAGE ON FIRST READING.** The Committee approved filing this bill at its meeting on 4-22-09.

C.B. 247, Series of 2009, A bill for an ordinance approving a proposed Professional Services Agreement between the City and County of Denver and J.F. Sato and Associates, Inc. for project management and construction administration for Civic Center historic features and La Alma pool. (BOND IMPLEMENTATION)

Approves a \$700,000 contract with J.F. Sato for project management and construction administration for Civic Center Historic Features and La Alma Pool projects. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.** The Committee approved filing this bill at its meeting on 1-26-09.

C.B. 248, Series of 2009, A bill for an ordinance approving a proposed First Amendment to Agreement between the City and County of Denver and Jung J. Kim concerning a concession at Denver International Airport. (ECONOMIC DEVELOPMENT)

Approves a first amendment to the Jung J. Kim contract doing business as Airport Baggage Center to remove the requirement for Jung J. Kim to operate the City's x-ray machine for screening luggage that is stored in the concessionaire's Airport Baggage Center and removing the \$4,000 fee paid for use and maintenance of the machine. The concessionaire and employees will now be required to hand-search all luggage stored in the Airport Baggage Center storage facility. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.** The Committee approved filing this bill by consent on 4-24-09.

C.B. 249, Series of 2009, A bill for an ordinance approving the Alameda Station 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. (FASTRACKS)

Approves the Alameda Station Area Plan as part of the City's comprehensive plan. The Committee approved filing this bill at its meeting on 4-20-09.

C.B. 250, Series of 2009, A bill for an ordinance approving a proposed Software Lease Purchase Agreement between the City and County of Denver and Oracle USA, Inc. for the purchase of three Oracle product suites from DLT Solutions, Inc. (FINANCE)

Approves a three-year capital lease purchase transaction between the City and Oracle USA, Inc. in the amount of \$1.145 million for purchase of three Oracle product suites - Service Oriented Architecture (SOA), Identify Management (IdM), and Business Intelligence (BI) from DLT Solutions, Inc. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.** The Committee approved filing this bill by consent on 4-17-09.

C.B. 251, Series of 2009, A bill for an ordinance approving a proposed Agreement between the City and County of Denver and DLT Solutions, Incorporated to acquire licenses for Oracle software. (FINANCE)

Approves a companion agreement to C.B. 251, Series of 2009 with DLT Solutions, Inc. for the acquisition and execution of the three Oracle products – Service Oriented Architecture (SOA), Identify Management (IdM), and Business Intelligence (BI). This is a no cost contract. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.** The Committee approved filing this bill by consent on 4-17-09.

C.B. 252, Series of 2009, A bill for an ordinance approving a proposed Agreement between the City and County of Denver and DLT Solutions, Incorporated to purchase Oracle customer support and maintenance for software. (FINANCE)

Approves a five-year maintenance and support agreement with DLT Solutions, Inc. in the amount of \$1,310,896 for support of the Service Oriented Architecture (SOA), Identify Management (IdM), and Business Intelligence (BI) Oracle software products. This bill is related to C.B. 250, Series of 2009. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.** The Committee approved filing this bill by consent on 4-17-09.

C.B. 253, Series of 2009, A bill for an ordinance establishing a series of Fund numbers for the purpose of receiving and accounting for federal grants the City and County of Denver anticipates receiving from the United States of America under the American Recovery and Reinvestment Act of 2009, and the means for authorizing expenditures from such funds. (FINANCE)

Establishes a series of fund numbers for the purpose of receiving and accounting for federal grants to the City from the American Recovery and Reinvestment Act of 2009 monies (stimulus funding). The Committee approved filing this bill by consent on 4-24-09.

C.B. 254, Series of 2009, A bill for an ordinance approving an Amendatory Agreement between the City and County of Denver and the Colorado Nonprofit Development Center, to assist the Mayor's Office of HIV Resources in disbursing Ryan White Title I funds to City-approved service providers. (GREENPRINT)

Approves a \$20,000 contract with the Colorado Nonprofit Development Center for its services as the fiscal agent for the City's Ryan White CARE Act Part A funding. The Committee approved filing this bill by consent on 5-1-09.

C.B. 255, Series of 2009, A bill for an ordinance creating a Fund Number in the Community Development Special Revenue Fund for the "Preservation of Affordable Housing" project. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

Approves establishing a fund and budget in the amount of \$250,000 from the MacArthur Foundation Grant for transit-oriented affordable housing projects. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.** The Committee approved filing this bill at its meeting on 4-14-09.

C.B. 256, Series of 2009, A bill for an Ordinance approving a proposed First Amendment and Modification Agreement between the City and County of Denver, Arcadia Byers Partners LLP, Arcadia Properties, Inc., and Mark L. Bethel to extend final payment for the sale of real property located between Pennsylvania Street and Pearl Street to the south of Cedar Avenue. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

Extends the final installment date of the loan to Arcadia Partners, LLP in the amount of \$500,000 to September 29, 2009; related to the Ocean Journey agreement. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.** The Committee approved filing this bill by consent on 4-24-09.

C.B. 257, Series of 2009, A bill for an ordinance authorizing the Mayor and other proper officials to enter into a contractual agreement with the United States Department of Health and Human Services for a "Head Start FY09-10" program and the funding therefor. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

Approves the 13th program budget year with the United States Dept. of Health and Human Services for Head Start Services in the amount of \$7,777,194. This program year should serve 1,083 low-income children. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.** The Committee approved filing this bill by consent on 4-17-09.

C.B. 258, Series of 2009, A bill for an ordinance approving a proposed Master Purchase Order between the City and County of Denver and Component Specialties, Incorporated, for provision of various electrical supplies. (PUBLIC WORKS)

Approves a 2-year Master Purchase Order with Component Specialties for provision of various electrical supplies estimated at \$300,000 per year. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.** This bill was approved for filing by consent of the Committee on 2-13-09.

C.B. 259, Series of 2009, A bill for an ordinance approving a proposed Purchase Order between the City and County of Denver and Boyle Equipment Company, for the purchase of two freightliner vacuum sewer trucks. (PUBLIC WORKS)

Approves a \$593,316 purchase of two jet vacuum sewer trucks from Boyle Equipment Company. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.** The Committee approved filing this bill by consent on 4-24-09.

C.B. 260, Series of 2009, A bill for an ordinance authorizing the Mayor and other proper officials of the City and County of Denver to enter into a "Memorandum of Understanding" with the Denver Police Protective Association which amends the Collective Bargaining Agreement between the DPPA and the City effective January 1, 2008 through December 31, 2010, and ratifying such Memorandum of Understanding. (SAFETY)

Amends the collective bargaining agreement between the City and the Police Protective Association to save the equivalent of 2% in personnel costs as mutually agreed between the City and the Union. The Committee approved filing this bill at its meeting on 4-15-09.

C.B. 261, Series of 2009, A bill for an ordinance authorizing the Mayor and other proper officials of the City and County of Denver to enter into a "Memorandum of Understanding" with the Denver Fire Fighters – Local 858, IAFF, AFL-CIO which amends the Collective Bargaining Agreement between Local 858 and the City effective January 1, 2009 through December 31, 2011, and ratifying such Memorandum of Understanding. (SAFETY)

Amends the collective bargaining agreement between the City and Fire Fighters Local 858 to save the equivalent of 2% in personnel costs as mutually agreed between the City and the Union. The Committee approved filing this bill at its meeting on 4-15-09.

Bills for Introduction

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Tonight Council will hold a required public hearing on C.B. 192, Series of 2009. 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

Final Consideration

C.B. 192, Series of 2009, approves a zoning map amendment. The Council is required by law to conduct hearings on zoning map amendments, and Council’s actions are subject to court review. In order to provide a record for court review, testimony is recorded and any items presented to the Council are marked as exhibits and become a part of the record. They may be picked up from the Council Secretary after 30 days or after the conclusion of any court cases. Speakers should begin their remarks by telling the Council their names and cities of residence, and if they feel comfortable doing so, their home addresses.

REQUIRED PUBLIC HEARING **C.B. 192, Series of 2009, A bill for an ordinance changing the zoning classification of 3405 and 3375 Park Avenue from PUD #353 and PRV to C-MU-30. (BLUEPRINT DENVER)**
Appl. 2009I-00004. Changes the zoning of the 9.8-acre parcel at 3405 and 3375 Park Avenue from PUD 353 and PRV to C-MU-30 for the new police training and traffic operations campus in Council District 9.

C.B. 229, Series of 2009, A bill for an ordinance, temporarily amending Section 152 of the Building Code of the City and County of Denver for the period June 1st thru June 15th 2009, granting certain permit fee waivers. (BLUEPRINT DENVER)
Amends the Building Code temporarily to waive certain permit fees for defined minor improvements and repairs of existing 1and 2 unit residential structures between June 1 and June 15, 2009.

C.B. 230, Series of 2009, A bill for an ordinance approving a proposed Design Services Agreement between the City and County of Denver and the Durrant Group, Inc. for design and construction administration of the new Police Crime Lab. (BOND IMPLEMENTATION)
Approves a \$2,920,000 contract with Durrant Group for design and construction administration of the new Police Crime Lab. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.**

C.B. 231, Series of 2009, A bill for an ordinance approving a proposed Professional Services Agreement between the City and County of Denver and PB Americas for project management services and construction administration of the new police crime lab, the Lowry Fire Station and the 14th Avenue/Colfax Streetscape project. (BOND IMPLEMENTATION)
Approves a \$2,104,115 Project Management Contract with PB Americas for project management services and construction administration of the new Police Crime Lab, Lowry Fire Station and 14th Ave/Colfax Streetscape project. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.**

C.B. 232, Series of 2009, A bill for an ordinance approving a proposed **Second Amendment to Software Development and On-Call Maintenance and Support Agreement between the City and County of Denver and Cyber Country Systems, LLC, related to security and parking systems at Denver International Airport.** (ECONOMIC DEVELOPMENT)

Approves an amendment to the Cyber Country Systems contract to extend the contract through December 31, 2010 and to add \$250,000 for continuing emergency support and development of the airport's security access and employee parking systems. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.**

C.B. 233, Series of 2009, A bill for an ordinance approving a proposed **Second Amendment to an Airport Use and Facilities Lease Agreement between Continental Airlines, Inc. and the City and County of Denver, related to leased space at Denver International Airport.** (ECONOMIC DEVELOPMENT)

Approves a second amendment to the Airport Use and Facilities Lease Agreement with Continental Airlines to extend the lease through December 31, 2010 and to add additional rent revenue in the amount of \$6,300. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.**

C.B. 235, Series of 2009, A bill for an ordinance approving a **Third Amendatory Agreement between the City and County of Denver and Urban Peak, to provide homeless prevention services for youth and adult individuals.** (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

Amends the Urban Peak agreement to extend the contract through December 31, 2009 and to add \$135,000 to provide homeless prevention services for youth and adult individuals. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.**

C.B. 236, Series of 2009, A bill for an ordinance approving a proposed **Second Amendatory Agreement between the City and County of Denver and Bayaud Payroll Services LLC for comprehensive payroll services and administrative support to the Youth Employment Program.** (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

Extends the contract term with Bayaud Payroll Services, LLC through August 31, 2009 and add \$302,672 for comprehensive payroll services and administrative support to the Youth Employment Program, Workforce Investment Act and Temporary Assistance to Needy Families programs. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.**

C.B. 237, Series of 2009, 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 FY09-10" program and the funding therefor. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

Authorizes execution of the annual Community Services Block Grant agreement in the amount of \$493,451 from the Colorado Dept. of Local Affairs for the FY 2009-2010. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.**

C.B. 238, Series of 2009, A bill for an ordinance approving and providing for the execution of a proposed grant agreement between the City and County of Denver and America's Promise Alliance concerning the "Dropout Prevention" program and the funding therefor. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

Accepts a grant in the amount of \$10,000 from "America's Promise" to cover costs associated with hosting a summit to develop actions plans for improving high school graduation rates.

C.B. 239, Series of 2009, A bill for an ordinance approving a proposed First Amendment and Modification Agreement between the City and County of Denver and the Denver Housing Authority, providing funding to assist in the redevelopment of Park Avenue Block 3B. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

Approves a \$672,000 HOME loan to Denver Housing Authority for the HOPE VI project located in District 8. When completed, this project will provide a total of 873 affordable housing units. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.**

C.B. 240, Series of 2009, A bill for an ordinance making rescissions and appropriations in the Wastewater Management Enterprise Fund capital project budgets within the Storm Capital Improvements Fund. (PUBLIC WORKS)

Rescinds and re-appropriates \$13,633,791 of existing Wastewater Enterprise Fund and City-held Urban Drainage & Flood Control dollars from 9 related projects and consolidates into 4 projects; establishes a fund to track UDFCD funds separately; and from the Wastewater Enterprise fund and City-held UDFCD dollars; and accepts and appropriates \$13,713,449 from UDFCD.

C.B. 241, Series of 2009, A bill for an ordinance making rescissions and appropriations in the Capital Improvements Fund for various projects. (PUBLIC WORKS)

Rescinds \$750,701.25 from completed Facilities Planning & Management capital project budgets and re-appropriates those funds to seven new renovation and repair projects at City-owned building.

C.B. 242, Series of 2009, A bill for an ordinance approving a proposed Master Purchase Order between the City and County of Denver and Graybar Electrical Corporation, for provision of various electrical supplies. (PUBLIC WORKS)

Approves a 2-year Master Purchase Order with Graybar Electrical for provision of various electrical supplies estimated at \$600,000 per year. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.**

C.B. 243, Series of 2009, A bill for an ordinance approving a proposed Master Purchase Order between the City and County of Denver and Denver Distributors, Incorporated, for provision of various electrical supplies. (PUBLIC WORKS)

Approves a 2-year Master Purchase Order with Denver Distributors for provision of various electrical supplies estimated at \$900,000 per year. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.**

C.B. 244, Series of 2009, A bill for an ordinance approving a proposed Master Purchase Order between the City and County of Denver and Rexel Corporation, for provision of various electrical supplies. (PUBLIC WORKS)

Approves a 2-year Master Purchase Order with Rexel Corporation for provision of various electrical supplies estimated at \$500,000 per year. **The last regularly scheduled Council meeting within the 30-day review period is on 5-18-09.**

Announcement

Dependent upon publication there will be public hearings on C.B.s 245 and 246, Series of 2009, on Monday, June 1, 2009. Any protests against C.B. 245 or 246, Series of 2009, must be filed in the Council Office no later than Tuesday, May 26, 2009.

Adjourn

The Council Chamber 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.

Bills Pending 05-11-09

C.B. #	Committee	Status	Description	Continued From	Hearing?
125 of 09	FasTracks	Held in Committee 1 st Reading	Adopts the Sheridan Station Area Plan as a supplement to the Denver Comprehensive Plan 2000 to guide land use, urban design and mobility improvements and investments around the light rail station. The Committee approved filing this bill at its meeting on 2-17-09.	3-2-09 3-31-09 4-20-09	No

Bills for Final Consideration

Bills Pending 05-18-09

C.B. #	Committee	Status	Description	Continued From	Hearing?
218 of 09	Blueprint	Final Consid.	Appl. 2008I-00083. Changes the zoning of a 1.1-acre area at 2300-2358 Welton and 580 24 th Street from B-8 to MS-3 in Council District 8.	4-20-09	Yes
219 of 09	Blueprint	Final Consid.	Appl. 2008I-00084. Changes the zoning of a 3-acre area at 2100-2160 Welton, 2200-2250 Welton and 600-602 Park Avenue West from B-8 to B-8-A in Council District 8.	4-20-09	Yes
220 of 09	Blueprint	Final Consid.	Appl. 2008I-00080. Changes the zoning of a 0.3-acre parcel at 3301 Humboldt from R-2 to B-2 for a residential structure in Council District 8.	4-20-09	Yes
221 of 09	Blueprint	Final Consid.	Appl. 2009I-00008. Changes the zoning of a 2.88-acre area in the 2900, 3000 and 3100 blocks of Downing from B-4 to MS-2 to accommodate higher density in Council District 8.	4-20-09	Yes
234 of 09	Held in Committee	First Reading	Requires private contractors that enter into certain service contracts with the City and County of Denver to offer a right of first refusal of employment to qualified employees of a predecessor contractor who provided the same service in the same city building or facility. Requires the successor contractor to retain any employees hired in accordance with the requirements of the ordinance for a minimum of 90 days, subject to certain conditions and limitations. Defines the types of service contracts and service employees to whom the ordinance applies. Creates a private cause of action for employees to enforce the requirements of the ordinance. Expects contracts entered into with local maintenance districts from the applicability of the ordinance. The Committee approved filing this bill at its meeting on 4-14-09.	4-27-09	No

Bills Pending 06-01-09

C.B. #	Committee	Status	Description	Continued From	Hearing?
217 of 09	Blueprint	Final Consid.	Appl. 2008I-00068. Changes the zoning of the 0.38-acre parcel at 885 S. Colorado from B-2 with waivers and conditions to B-2 to allow a drive-through at the existing bank in Council District 6.	4-20-09	Yes

Bills for Final Consideration

Bills Pending 06-29-09

C.B. #	Committee	Status	Description	Continued From	Hearing?
721 of 08	Blueprint	Final Consid.	Designates the CU Medical Center Children's Psychiatric Day Care Building, 4301 E. 8 th Avenue, as a structure for preservation in Council District 5.	4-20-09	Yes
722 of 08	Blueprint	Final Consid.	Designates the John F. Kennedy Development Center, 4399 E. 8 th Avenue, as a structure for preservation in Council District 5.	4-20-09	Yes