

**Proceedings of the Council
City and County of Denver
Denver, Colorado**

Date Drafted: January 27, 2009

**The Council of the City and County of Denver met in regular session
Monday, January 26, 2009 5:30 p.m.**

Pledge of Allegiance

Councilmember Nevitt led the pledge of allegiance.

Roll Call

Present: Faatz, Hancock, Johnson, Lehmann, Linkhart, Madison, Montero, Nevitt,
President Robb (9)
Late: Boigon, Garcia, López (3)
Absent: Brown (1) (Roll Call Serial #26)

Minutes

The minutes of meeting date, Tuesday, January 20, 2009, were distributed to Council. There being no corrections from members of Council, Council President Robb ordered the minutes approved.

Presentations

None

Communications

None

Proclamations – (Series of 2009)

Proc. 3, Series of 2009, A proclamation in appreciation of Felicia L. Diamond's work to make Colorado a better place to live was read in its entirety by Councilmember Madison.

A motion offered by Councilmember Madison, duly seconded by Councilmember Hancock, that **Proc. 3, Series of 2009**, be adopted, **carried** by the following vote: (Roll Call Serial #27)

Ayes: Boigon, Faatz, Garcia, Hancock, Johnson, Lehmann, Linkhart, López, Madison,
Montero, Nevitt, President Robb (12)

Nays: None

Abstain: None

Resolutions – (Series of 2009)

The Council Secretary read the following resolutions by titles. The Council President referred the resolutions to the committees shown in parentheses after the resolution titles.

Res. 8, Series of 2009, A resolution agreeing to act as a reviewing entity for the state income tax credit program for qualifying rehabilitation projects under C.R.S. §39-22-514. (BLUEPRINT DENVER)

Res. 9, Series of 2009, A resolution approving the Mayor's Reappointment to the Board of Environmental Health. (GREENPRINT)

Res. 10, Series of 2009, A resolution approving the Mayor's Reappointment and Appointments to the Colfax Business Improvement District Board of Directors. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

Res. 11, Series of 2009, A resolution approving the Mayor's Appointment to the Denver Asian Pacific-American Commission. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

Res. 12, Series of 2009, A resolution approving the Mayor's Reappointment and Appointment to the Regional Emergency Medical and Trauma Advisory Council (RETAC). (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

Bills for Introduction – (Series of 2009)

The Council Secretary read the following bills by titles. The Council President referred the bills to the committees shown in parentheses after the bill titles.

C.B. 41, Series of 2009, A bill for an ordinance approving a proposed Design Services Agreement between the City and County of Denver and Humphries Poli Architects for architectural & engineering professional services for the police traffic operations & training facility. (BOND IMPLEMENTATION)

C.B. 42, Series of 2009, A bill for an ordinance approving an agreement between Jacobs Engineering Group, Inc. and the City & County of Denver for project management services for the construction of Public Works Operations at Decatur, Police Traffic Operations & Training Facility and Denver Municipal Animal Shelter. (BOND IMPLEMENTATION)

C.B. 43, Series of 2009, A bill for an ordinance approving a proposed Contract between the City and County of Denver and Penhall Company related to miscellaneous airfield pavement joint rehabilitation services at Denver International Airport. (ECONOMIC DEVELOPMENT)

C.B. 44, Series of 2009, A bill for an Ordinance adopting provisions for the implementation and administration of merit increases in fiscal year 2009 and for the cancellation of the 2009 incentive pay bonus. (GENERAL GOVERNMENT)

C.B. 45, Series of 2009, A bill for an ordinance approving an Amendatory Agreement between the City and County of Denver and Sequoia Voting Systems, Inc., to provide for additional costs incurred for the 2008 Primary and General Elections. (GENERAL GOVERNMENT)

C.B. 46, Series of 2009, A bill for an ordinance amending Chapter 54 of the Revised Municipal Code pertaining to parking for persons with mobility impairments. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

C.B. 47, Series of 2009, A bill for an Ordinance approving an Amendatory Agreement between the City and Denver Metro Chamber of Commerce dba Metro Denver Economic Development Corporation related to the WIRED Initiative grant. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

C.B. 48, Series of 2009, A bill for an ordinance approving a proposed Second Amendment and Modification Agreement between the City and County of Denver and NEWSED Community Development Corporation, Inc. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

C.B. 49, Series of 2009, A bill for an ordinance vacating an alley generally bounded by Evans Avenue, East Asbury Avenue, High Street and Race Street, subject to certain reservations. (PUBLIC WORKS)

Report of Standing Committees

None

There being no objections from members of Council, Council President Robb ordered the following bills published: **C.B.s. 41, 42, 43, 44, 45, 46, 47, 48, and 49, Series of 2009.**

Final Consideration

C.B. 1, Series of 2009, A bill for an ordinance changing the zoning classification with waivers of parcels of land generally located in an area bounded by Speer Boulevard, West 27th Avenue, Bryant Street and west of Zuni Street. (BLUEPRINT DENVER)

A motion offered by Councilmember Garcia, duly seconded by Councilmember Boigon, that **C.B. 1, Series of 2009**, be taken out of order, **carried** by the following vote: (Roll Call Serial #28)

Ayes: Boigon, Faatz, Garcia, Hancock, Johnson, Lehmann, Linkhart, López, Madison, Montero, Nevitt, President Robb (12)

Nays: None

Abstain: None

A motion offered by Councilmember Garcia, duly seconded by Councilmember Boigon, that **C.B. 1, Series of 2009**, be amended in the following particulars:

On page 1, line 6, amend the title to read as follows: “For an ordinance changing the zoning classification with a waiver of parcels of land generally located in an area bounded by Speer Boulevard, West 27th Avenue, Bryant Street and west of Zuni Street.” On page 1, strike lines 32 through 35. On page 2, line 3, amend to read as follows: “PRV to R-MU-30 with a reasonable waiver, which waiver is set forth in Subsection 3 of Section 1”. On page 2, line 11, strike the word “waivers” both times it occurs and insert the word “waiver”. On page 2, line 13, strike the word “waivers” and insert the word “waiver”.

which motion to amend, **carried** by the following vote: (Roll Call Serial #29)

Ayes: Boigon, Faatz, Garcia, Hancock, Johnson, Lehmann, Linkhart, López, Madison, Montero, Nevitt, President Robb (12)

Nays: None

Abstain: None

A motion offered by Councilmember Garcia, duly seconded by Councilmember Boigon, that **C.B. 1, Series of 2009**, be ordered published as amended, **carried** by the following vote: (Roll Call Serial #30)

Ayes: Boigon, Faatz, Garcia, Hancock, Johnson, Lehmann, Linkhart, López, Madison, Montero, Nevitt, President Robb (12)

Nays: None

Abstain: None

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Garcia, that the following resolutions be adopted en bloc: **Res. 8, 9, 10, 11, and 12, Series of 2009**, **carried** by the following vote: (Roll Call Serial #31)

Ayes: Boigon, Faatz, Garcia, Hancock, Johnson, Lehmann, Linkhart, López, Madison, Montero, Nevitt, President Robb (12)

Nays: None

Abstain: None

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Garcia, that the following bills be placed upon their final passage and do pass en bloc: **C.B.s 32, 33, 34, 35, 36, 37, 38, 39, and 40, Series of 2009**, **carried** by the following vote: (Roll Call Serial #32)

Ayes: Boigon, Faatz, Garcia, Hancock, Johnson, Lehmann, Linkhart, López, Madison, Montero, Nevitt, President Robb (12)

Nays: None

Abstain: None

C.B. 723, Series of 2008, A bill for an ordinance changing the zoning classification for 2300 West 29th Avenue. (BLUEPRINT DENVER)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Garcia, that **C.B. 723, Series of 2008**, be placed upon final consideration and do pass, was followed by Council sitting as a Committee of the Whole commencing at 6:10 p.m., Council President Robb presiding, to hear speakers either for or against the bill. A motion offered by Councilmember Nevitt, duly seconded by Councilmember Boigon, that the public hearing for **C.B. 723, Series of 2008**, be postponed until after the public hearing on **C.B. 726, Series of 2008**, which motion to postpone **carried** by the following vote: (Roll Call Serial #34)

Ayes: Boigon, Garcia, Hancock, Johnson, Lehmann, Linkhart, López, Madison, Montero, Nevitt, President Robb (11)

Nays: None

Abstain: None

The public hearing was re-opened at 6:30 p.m. Mayra E. Rosa and Kevin Clark signed up to speak in favor of the bill. No speakers signed up to speak against the bill. Deirdre Oss of Community Planning and Development delivered the Staff Report with an overview and recommendation for approval. The public hearing was declared closed. The motion **carried** by the following vote: (Roll Call Serial #33)

Ayes: Boigon, Faatz, Garcia, Hancock, Johnson, Lehmann, Linkhart, López, Madison, Montero, Nevitt, President Robb (12)

Nays: None

Abstain: None

C.B. 726, Series of 2008, A bill for an ordinance relating to Chapter 59 (Zoning), adding the use “assisted living” correcting references to nursing homes and making conforming changes. (BLUEPRINT DENVER)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Garcia, that **C.B. 726, Series of 2008**, be taken out of order, **carried** by the following vote: (Roll Call Serial #35)

Ayes: Boigon, Faatz, Garcia, Hancock, Johnson, Lehmann, Linkhart, López, Madison, Montero, Nevitt, President Robb (12)

Nays: None

Abstain: None

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Garcia, that **C.B. 726, Series of 2008**, be placed upon final consideration and do pass, was followed by Council sitting as a Committee of the Whole commencing at 6:18 p.m., Council President Robb presiding, to hear speakers either for or against the bill. No speakers signed up to speak in favor of or against the bill. Deirdre Oss of Community Planning and Development delivered the Staff Report with an overview and recommendation for approval. The public hearing was declared closed. The motion **carried** by the following vote: (Roll Call Serial #36)

Ayes: Boigon, Faatz, Garcia, Hancock, Johnson, Lehmann, Linkhart, López, Madison, Montero, Nevitt, President Robb (12)

Nays: None

Abstain: None

C.B. 724, Series of 2008, A bill for an ordinance changing the zoning classification for 1855 West 29th Street and 2800 Arkins Court. (BLUEPRINT DENVER)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Garcia, that **C.B. 724, Series of 2008**, be taken out of order, **carried** by the following vote: (Roll Call Serial #37)

Ayes: Boigon, Faatz, Garcia, Hancock, Johnson, Lehmann, Linkhart, López, Madison, Montero, Nevitt, President Robb (12)

Nays: None

Abstain: None

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Hancock, that **C.B. 724, Series of 2008**, be placed upon final consideration and do pass, was followed by Council sitting as a Committee of the Whole commencing at 6:30 p.m., Council President Robb presiding, to hear speakers either for or against the bill. Danny Linday signed up to speak in favor of the bill. No speakers signed up to speak against the bill. Deirdre Oss of Community Planning and Development delivered the Staff Report with an overview and recommendation for approval. The public hearing was declared closed. The motion **carried** by the following vote: (Roll Call Serial #38)

Ayes: Boigon, Faatz, Garcia, Hancock, Johnson, Lehmann, Linkhart, López, Madison, Montero, Nevitt, President Robb (12)

Nays: None

Abstain: None

Announcement

None

Adjourn

There being no further business before the City Council, Council President Robb adjourned the meeting at 6:49 p.m.

President

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

Clerk and Recorder, Ex-Officio Clerk
of the City and County of Denver

City Council public documents are available, upon request, in the following alternate formats: Braille, large print, computer disk. Please allow adequate time for the preparation of your request.

Prepared by Kelly Velez