

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

Date Drafted: May 19, 2009

**The Council of the City and County of Denver met in regular session
Monday, May 18, 2009 5:30 P.M.**

Pledge of Allegiance

Councilmember Lehmann led the pledge of allegiance.

Roll Call

Present: Boigon, Faatz, Garcia, Lehmann, Linkhart, López, Madison, Montero, Nevitt,
President Robb (10)

Late: None

Absent: Brown, Hancock, Johnson (3) (Roll Call Serial #166)

Minutes

The minutes of meeting date, Monday, May 11, 2009, were distributed to Council. There being no corrections from members of Council, Council President Robb ordered the minutes approved.

Presentations

None

Communications

A letter dated May 18, 2009, from Claude Pumilia, Manager of Finance, in compliance with Section 20-93 of the Denver Revised Municipal Code, notifying Council of the Department of Finance's intent to issue City and County of Denver, Colorado, General Obligation Better Denver and Zoo Bonds, Series 2009A and City and County of Denver, General Obligation Various Purpose Bonds, Series 2009B in an amount not to exceed \$125,000,000 was read in its entirety to Council and assigned to the Finance Committee.

Proclamations – (Series of 2009)

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. 58, Series of 2009, A resolution approving the Denver City Council appointment to the Head Start Policy Council. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

Res. 59, Series of 2009, A resolution approving the Mayor's Appointments to the Denver Latino Commission. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

Res. 60, Series of 2009, A resolution approving the Mayor's Reappointment to the Denver Preschool Board of Directors. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

Res. 61, Series of 2009, A resolution approving the Mayor's Reappointments to the Metropolitan Wastewater Reclamation District Board of Directors. (PUBLIC WORKS)

Res. 62, Series of 2009, A resolution approving the Mayor's Appointment to the Citizen Oversight Board. (SAFETY)

Bills for Introduction – Held in Committee (Series of 2009)

C.B. 234, Series of 2009, A bill for an ordinance concerning non-displacement of qualified workers under certain service contracts entered into by the City and County of Denver. (GENERAL GOVERNMENT)

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. Excepts 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.

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. 279, Series of 2009, A bill for an ordinance making a rescission from the Contingency Fund and a transfer to and appropriation from the Public Safety Special Revenue Fund for the Diversion and Youth Development Special Revenue Fund. (FINANCE)

C.B. 280, Series of 2009, A bill for an ordinance approving a proposed Amendatory Funding and Assignment Agreement between the City and County of Denver and the Denver Zoological Foundation, Inc. relating to funding of construction at the Denver Zoological Gardens. (FINANCE)

C.B. 281, Series of 2009, A bill for an ordinance authorizing the issuance of City and County of Denver, Colorado, General Obligation Better Denver and Zoo Bonds, Series 2009A, for the purpose of financing and/or refinancing and defraying the cost of acquiring, constructing, installing and improving various civic facilities and the Denver Zoological Gardens, together with all necessary, incidental or appurtenant properties, facilities, equipment and costs, and authorizing the issuance of City and County of Denver, Colorado, General Obligation Various Purpose Bonds, Series 2009B for the purpose of defraying the cost of refunding, paying and discharging the City and County of Denver, Colorado, General Obligation Various Purpose Bonds, Series 2000 now outstanding; providing for the levy of general ad valorem taxes to pay the principal of and interest on the Bonds; authorizing the execution of certain agreements and providing other details in connection therewith; ratifying action previously taken relating thereto; providing other matters relating thereto; and making other provisions relating thereto. (FINANCE)

C.B. 282, Series of 2009, A bill for an ordinance amending section 54-813, Denver Revised Municipal Code, concerning the requirements for release of a motor vehicle from impoundment. (SAFETY)

C.B. 283, Series of 2009, A bill for an ordinance approving a proposed Purchase Order between the City and County of Denver and Suncor Energy USA, Incorporated, for asphalt binder. (PUBLIC WORKS)

C.B. 284, Series of 2009, A bill for an ordinance approving and providing for the execution of a proposed contract amendment between the City and County of Denver and the State of Colorado, Department of Transportation, concerning the "Colfax Avenue, Tremont Street and 13th Street, Delaware Street" project and the funding therefor. (PUBLIC WORKS)

C.B. 285, Series of 2009, A bill for an ordinance approving a proposed Seventh Amendatory Agreement between the City and County of Denver and Urban Drainage and Flood Control District, for funding of Feasibility Study and Land Acquisition for Sun Valley and Zuni Reaches of the Upper Central Platte Valley Project. (PUBLIC WORKS)

C.B. 286, Series of 2009, A bill for an ordinance approving an amendatory agreement between Reilly Johnson Architecture and the City & County of Denver that will extend the term of the contract and add additional funds for design services for the Denver County Jail New Housing Units. (SAFETY)

Report of Standing Committees

C.B. 234, Series of 2009, A bill for an ordinance concerning non-displacement of qualified workers under certain service contracts entered into by the City and County of Denver. (GENERAL GOVERNMENT)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Boigon, that **C.B. 234, Series of 2009**, be ordered published, **failed to carry** by the following vote: (Roll Call Serial #167)

Ayes: None

Nays: Boigon, Faatz, Garcia, Lehmann, Linkhart, López, Madison, Montero, Nevitt, President Robb (10)

Abstain: None

C.B. 280, Series of 2009, A bill for an ordinance approving a proposed Amendatory Funding and Assignment Agreement between the City and County of Denver and the Denver Zoological Foundation, Inc. relating to funding of construction at the Denver Zoological Gardens. (FINANCE)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Boigon, that **C.B. 280, Series of 2009**, be ordered published **carried** by the following vote: (Roll Call Serial #168)

Ayes: Boigon, Garcia, Lehmann, Linkhart, López, Madison, Montero, President Robb (8)

Nays: Faatz (1)

Abstain: None

There being no objections from members of Council, Council President Robb ordered the following bills published: **C.B.s 279, 281, 282, 283, 284, 285, and 286, Series of 2009**.

Final Consideration

C.B. 247, Series of 2009, AS AMENDED, 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, general trail improvements, and work at Berkley Lake Park, Babi Yar Park, Ruby Hill Park and Sloan's Lake Park. (BOND IMPLEMENTATION)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Boigon, that **C.B. 247, Series of 2009**, be placed upon final consideration and do pass was followed by a motion offered by Councilmember Lehmann, duly seconded by Councilmember Boigon, that **C.B. 247, Series of 2009**, be amended in the following particulars:

On page 7 of the Council Agenda for May 18, 2009, amend the description of C.B. 247, Series of 2009, to strike "\$700,000" and insert "\$756,302."

which motion to amend, **carried** by the following vote: (Roll Call Serial #170)

Ayes: Boigon, Faatz, Garcia, Lehmann, Linkhart, López, Madison, Montero, President Robb (9)

Nays: None

Abstain: None

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Boigon, that **C.B. 247, Series of 2009**, be ordered republished as amended, **carried** by the following vote: (Roll Call Serial #171)

Ayes: Boigon, Faatz, Garcia, Lehmann, Linkhart, López, Madison, Montero, President Robb (9)
Nays: None
Abstain: None

C.B. 270, Series of 2009, A bill for an ordinance approving a Third Amendatory Agreement between the City and County of Denver and Colorado Coalition for the Homeless, to provide project based rental assistance and supportive services for the chronically homeless. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Garcia, that **C.B. 270, Series of 2009**, be placed upon final consideration and do pass, **carried** by the following vote: (Roll Call Serial #172)

Ayes: Boigon, Garcia, Lehmann, Linkhart, López, Madison, Montero, President Robb (8)
Nays: Faatz (1)
Abstain: None

C.B. 271, Series of 2009, A bill for an ordinance approving a Fourth Amendatory Agreement between the City and County of Denver and Colorado Coalition for the Homeless, to provide comprehensive housing and supportive services to chronically homeless individuals. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Montero, that **C.B. 271, Series of 2009**, be placed upon final consideration and do pass, **carried** by the following vote: (Roll Call Serial #173)

Ayes: Boigon, Garcia, Lehmann, Linkhart, López, Madison, Montero, President Robb (8)
Nays: Faatz (1)
Abstain: None

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Boigon, that the following resolutions be adopted en bloc: **Res. 58, 59, 60, 61, and 62, Series of 2009**, **carried** by the following vote: (Roll Call Serial #174)

Ayes: Boigon, Faatz, Lehmann, Linkhart, López, Madison, Montero, President Robb (8)
Nays: None
Abstain: None

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Boigon, that the following bills be placed upon their final passage and do pass en bloc: **C.B.s 262, 263, 264, 265, 266, 267, 268, 269, 272, 273, 274, 275, 276, 277, and 278, Series of 2009**, **carried** by the following vote: (Roll Call Serial #175)

Ayes: Boigon, Faatz, Garcia, Lehmann, Linkhart, López, Madison, Montero, President Robb (9)
Nays: None
Abstain: None

C.B. 218, Series of 2009, A bill for an ordinance changing the zoning classification of **2300-2358 Welton Street and 580 24th Street**. (BLUEPRINT DENVER)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Boigon, that **C.B. 218, Series of 2009**, be placed upon final consideration and do pass, was followed by Council sitting as a Committee of the Whole commencing at 7:00 p.m., Council President Robb presiding, to hear speakers either for or against the bill. Brent Snyder and Bob Gollick signed up to speak in favor of the bill. No speakers signed up to speak against the bill. Ellen Ittleson 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 #176)

Ayes: Boigon, Faatz, Garcia, Lehmann, Linkhart, López, Madison, Montero, Nevitt, President Robb (10)
Nays: None
Abstain: None

C.B. 219, Series of 2009, A bill for an ordinance changing the zoning classification of 2100-2160 and 2200-2250 Welton Street and 600-602 Park Avenue West. (BLUEPRINT DENVER)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Boigon, that **C.B. 219, Series of 2009**, be placed upon final consideration and do pass, was followed by Council sitting as a Committee of the Whole commencing at 7:14 p.m., Council President Robb presiding, to hear speakers either for or against the bill. Justin Henderson and Bob Gollick signed up to speak in favor of the bill. No speakers signed up to speak against the bill. Ellen Ittleon 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 #177)

Ayes: Boigon, Faatz, Garcia, Lehmann, Linkhart, López, Madison, Montero, Nevitt,
President Robb (10)
Nays: None
Abstain: None

C.B. 220, Series of 2009, A bill for an ordinance changing the zoning classification of approximately 3301 Humboldt. (BLUEPRINT DENVER)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Linkhart, that **C.B. 220, Series of 2009**, be placed upon final consideration and do pass, was followed by Council sitting as a Committee of the Whole commencing at 7:26 p.m., Council President Robb presiding, to hear speakers either for or against the bill. Sean Smith signed up to speak in favor of the bill. No speakers signed up to speak against the bill. Chris Gleissner 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 #178)

Ayes: Boigon, Faatz, Garcia, Lehmann, Linkhart, López, Madison, Montero, Nevitt,
President Robb (10)
Nays: None
Abstain: None

C.B. 221, Series of 2009, A bill for an ordinance changing the zoning classification of 2900, 3000 and 3100 Blocks of Downing Street. (BLUEPRINT DENVER)

A motion offered by Councilmember Lehmann, duly seconded by Councilmember Boigon, that **C.B. 221, Series of 2009**, be placed upon final consideration and do pass, was followed by Council sitting as a Committee of the Whole commencing at 7:40 p.m., Council President Robb presiding, to hear speakers either for or against the bill. No speakers signed up to speak either in favor of or against the bill. Chris Gleissner 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 #179)

Ayes: Boigon, Faatz, Garcia, Lehmann, Linkhart, López, Madison, Montero, Nevitt,
President Robb (10)
Nays: None
Abstain: None

Announcement

Council President Robb announced that there will be a public hearing on C.B. 282, Series of 2009, on Monday, June 1, 2009. Also, Council President Robb announced that due to the Memorial Day Holiday on May 25, Council will not meet next week. The next regularly scheduled meeting of Council will be Monday, June 1.

Adjourn

There being no further business before the City Council, Council President Robb adjourned the meeting at 7:55 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