

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

Date Drafted: March 17th, 2009

**The Council of the City and County of Denver met in regular session
Monday, March 16, 2009 5:30 P.M.**

Pledge of Allegiance

A group of students from West Denver Prep Charter School led the pledge of allegiance.

Roll Call

Present: Boigon, Brown, Faatz, Garcia, Hancock, Johnson, Lehmann, López, Madison, Montero, President Robb (11)

Late: None

Absent: Linkhart, Nevitt (2) (Roll Call Serial #74)

Minutes

The minutes of meeting date, Monday, March 9, 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. 8, Series of 2009, A proclamation honoring the life and work of Mrs. Sarah Lee Foster was read in its entirety by Councilmember Hancock.

A motion offered by Councilmember Hancock, duly seconded by Councilmember Garcia, that **Proc. 8, Series of 2009**, be adopted **carried** by the following vote: (Roll Call Serial #75)

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

Nays: None

Abstain: None

Proc. 9, Series of 2009, A proclamation recognizing the 35th annual Denver March Pow Wow was read in its entirety by Councilmember Montero.

A motion offered by Councilmember Montero, duly seconded by Councilmember López, that **Proc. 9, Series of 2009**, be adopted **carried** by the following vote: (Roll Call Serial #76)

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

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. 39, Series of 2009, A resolution appointing and re-appointing members of the Human Services Citizen Review Panel. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

Res. 40, Series of 2009, A resolution authorizing and approving the expenditure and payment from the appropriation account designated “liability claims,” the sum of Ten Thousand Dollars (\$10,000.00) payable to the law firm of King & Greisen, LLP, for attorney’s fees, costs, and alleged physical injuries to Kevin Williams, in full payment and satisfaction of all claims in Civil Action No. 08-cv-02440-WYD-KLM in the United States District Court for the District of Colorado. (SAFETY)

Bills for Introduction - (Series of 2009)

C.B. 159, Series of 2009, A bill for an ordinance approving a proposed Airport Use and Facilities Lease Agreement between the City and County of Denver and Mesaba Aviation, Inc., related to leased space at Denver International Airport. (ECONOMIC DEVELOPMENT)

C.B. 160, Series of 2009, A bill for an ordinance approving a proposed Support Facilities Amendatory Lease Agreement between the City and County of Denver and Continental Airlines, Inc., related to air cargo space at Denver International Airport. (ECONOMIC DEVELOPMENT)

C.B. 161, Series of 2009, A bill for an ordinance approving a proposed Second Amendment to Airport Use and Facilities Lease Agreement between the City and County of Denver and Frontier Airlines, Inc., related to leased space at Denver International Airport. (ECONOMIC DEVELOPMENT)

C.B. 162, Series of 2009, A bill for an ordinance making a supplemental appropriation and transfer from the General Contingency Fund to the Human Services Special Revenue Fund and making appropriations from the Human Services Special Revenue Fund. (FINANCE)

C.B. 163, Series of 2009, A bill for an ordinance making a supplemental appropriation from the General Contingency Fund to the Auditor. (FINANCE)

C.B. 164, Series of 2009, A bill for an Ordinance approving a proposed First Amendment to Lease and Agreement between the City and County of Denver and Denver Center for the Performing Arts, to enable funding of improvements to the Helen Bonfils Theatre Complex through appropriations by City Council. (PUBLIC AMENITIES)

C.B. 165, Series of 2009, A bill for an Ordinance approving a Second Amendment of an on-call landscape and irrigation services contract by and between the City and County of Denver and Colorado Designsapes. (PUBLIC AMENITIES)

C.B. 166, Series of 2009, A bill for an ordinance vacating a portion of an alley at approximately 31st Street and Curtis Street, subject to certain reservations. (PUBLIC WORKS)

C.B. 167, Series of 2009, A bill for an ordinance approving an agreement between Pinkard Construction Company and the City & County of Denver that will provide design/build services for the Central Platte Project. (PUBLIC WORKS)

Report of Standing Committees

C.B. 162, Series of 2009, A bill for an ordinance making a supplemental appropriation and transfer from the General Contingency Fund to the Human Services Special Revenue Fund and making appropriations from the Human Services Special Revenue Fund. (FINANCE)

A motion offered by Councilmember Hancock, duly seconded by Councilmember Boigon, that **C.B. 162, Series of 2009**, be ordered published, **carried** by the following vote: (Roll Call Serial #83)

Ayes: Boigon, Garcia, Hancock, Johnson, Lehmann, López, Madison, Montero, President Robb (9)
Nays: Brown, Faatz (2)
Abstain: None

There being no objections from members of Council, Council President Robb ordered the following bills published: **C.B.s. 159, 160, 161, 163, 164, 165, 166, and 167, Series of 2009.**

Final Consideration

C.B. 145, Series of 2009, A bill for an ordinance authorizing the issuance of City and County of Denver, Colorado, Excise Tax Revenue Refunding Bonds, Series 2009A, for the purpose of defraying the cost of refunding, paying and discharging the City and County of Denver, Colorado, Excise Tax Revenue Bonds, Series 2001B now outstanding; 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 providing the effective date thereof. (FINANCE)

A motion offered by Councilmember Hancock, duly seconded by Councilmember Garcia, that **C.B. 145, Series of 2009**, be placed upon final consideration and do pass, was followed by a motion offered by Councilmember Faatz, duly seconded by Councilmember Lehmann, that **C.B. 145, Series of 2009**, be amended in the following particulars:

On page 17, line 23, after the word “payment,” insert the following sentence, “including without limitation the authority to modify or eliminate Section 703(c) hereof relating to the issuance of Additional Parity Lien Bonds,” On page 40, line 16, insert the following new paragraph at the end of section 505: “Notwithstanding any provisions in this Ordinance to the contrary, the City may establish a separate reserve fund for the Series 2009A Bonds (other than the Reserve Fund), which reserve fund shall be maintained and applied on substantially the same terms as provided in this Section 505.”

which motion to amend, **carried** by the following vote: (Roll Call Serial #78)

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

Nays: None

Abstain: None

A motion offered by Councilmember Hancock, duly seconded by Councilmember Garcia, that **C.B. 145, Series of 2009**, be placed upon final consideration and do pass as amended, **carried** by the following vote: (Roll Call Serial #79)

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

Nays: None

Abstain: None

C.B. 146, Series of 2009, A bill for an ordinance authorizing the issuance of City and County of Denver, Colorado, Excise Tax Revenue Refunding Bonds, Series 2009B, for the purpose of defraying the cost of refunding, paying and discharging the City and County of Denver, Colorado, Excise Tax Revenue Refunding Bonds, Series 1999A now outstanding; 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 providing the effective date thereof. (FINANCE)

A motion offered by Councilmember Hancock, duly seconded by Councilmember Montero, that **C.B. 146, Series of 2009**, be placed upon final consideration and do pass, was followed by a motion offered by Councilmember Faatz, duly seconded by Councilmember Garcia, that **C.B. 146, Series of 2009**, be amended in the following particulars:

On page 17, line 23, after the word “payment,” insert the following sentence, “including without limitation the authority to modify or eliminate Section 703(c) hereof relating to the issuance of Additional Parity Lien Bonds,” On page 40, line 17, insert the following new paragraph at the end of section 505: “Notwithstanding any provisions in this Ordinance to the contrary, the City may establish a separate reserve fund for the Series 2009B Bonds (other than the Reserve Fund), which reserve fund shall be maintained and applied on substantially the same terms as provided in this Section 505.”

which motion to amend, **carried** by the following vote: (Roll Call Serial #81)

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

Nays: None

Abstain: None

A motion offered by Councilmember Hancock, duly seconded by Councilmember Garcia, that **C.B. 146, Series of 2009**, be placed upon final consideration and do pass as amended, **carried** by the following vote: (Roll Call Serial #82)

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

Nays: None

Abstain: None

A motion offered by Councilmember Hancock, duly seconded by Councilmember Garcia, that the following resolutions be adopted en bloc: **Res. 39 and 40, Series of 2009, carried** by the following vote: (Roll Call Serial #84)

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

Nays: None

Abstain: None

A motion offered by Councilmember Hancock, duly seconded by Councilmember Montero, that the following bills be placed upon their final passage and do pass en bloc: **C.B.s 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 148, 149, 150, 151, 152, 153, and 154, Series of 2009, carried** by the following vote: (Roll Call Serial #85)

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

Nays: None

Abstain: None

C.B. 147, Series of 2009, A bill for an ordinance relating to Chapter 49 (Streets, Sidewalks and Public Ways), allowing certain temporary signs in the right-of-way. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

A motion offered by Councilmember Hancock, duly seconded by Councilmember Garcia, that **C.B. 147, Series of 2009**, be placed upon final consideration and do pass, was followed by Council sitting as a Committee of the Whole commencing at 7:28 p.m., Council President Robb presiding, to hear speakers either for or against the bill. Jim Hannifin, Jeff Schitter, Scott Spero, and Kate Hafer signed up to speak in favor of the bill. No speakers signed up to speak against the bill. Rob Duncanson of the Department of Public Works delivered the Staff Report with an overview and recommendation for approval. Kerry Buckey of the City Attorney's Office, Ed Neuberg of the Denver Office of Disability Rights, and Michael Flaherty of Community Planning and Development answered questions. The public hearing was declared closed. The motion **carried** by the following vote: (Roll Call Serial #86)

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

Nays: None

Abstain: None

C.B. 155, Series of 2009, A bill for an ordinance naming the courthouse building located at 520 West Colfax Avenue as the Lindsey-Flanigan Courthouse. (SAFETY)

C.B. 156, Series of 2009, A bill for an ordinance naming the detention center building located at 490 West Colfax Avenue as the Van Cise-Simonet Detention Center. (SAFETY)

C.B. 157, Series of 2009, A bill for an ordinance naming the jury room in the Lindsey-Flanigan Courthouse the Judge Roger Cisneros Jury Assembly Room. (SAFETY)

C.B. 158, Series of 2009, A bill for an ordinance naming the plaza between the Lindsey-Flanigan Courthouse and the Van Cise–Simonet Detention Center as Tooley Plaza. (SAFETY)

A motion offered by Councilmember Hancock, duly seconded by Councilmember Boigon, that **C.B. 155, Series of 2009**, be placed upon final consideration and do pass, was followed by Council sitting as a Committee of the Whole commencing at 7:57 p.m., Council President Robb presiding, to hear speakers either for or against **C.B.s 155, 156, 157, or 158, Series of 2009**. Honorable Gregory K. Scott, Honorable Ted Rubin, Dianne Briscoe, Dante James, Gary Jackson, W. Harold Flowers, Jr., Barbara Kelley, Tom Noel, Fran Coleman, Paul Rosenthal, Arlen S. Ambrose, Simon Peter O’Hanlon, Cindy Van Cise, Thomas Ogas, Ramona Martinez, Patricia Baca, Flora Russel, Dan Schenzielos, Bruce Peterson, Gene Cisneros, and Keith D. Tooley signed up to speak in favor of the bill. Paul Noel Fiorino signed up to speak against the bill. David Broadwell of the City Attorney’s Office delivered the Staff Report with an overview of the naming guidelines. The public hearing was declared closed.

A motion offered by Councilmember Garcia, duly seconded by Councilmember Hancock, that **C.B. 155, Series of 2009**, be amended in the following particulars:

On page 3, line 5, insert the following additional section: Section 2. There shall be permanently affixed to the building in a conspicuous public location a plaque or other appropriate display setting forth the full name and official title of the person or persons for whom the building is named, long with a recitation of the reasons for which these persons have been honored in the naming of the building, as more fully set forth in the recitals to this ordinance and in the historical record.

which motion to amend, **carried** by the following vote: (Roll Call Serial #88)

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

Nays: None

Abstain: None

A motion offered by Councilmember Hancock, duly seconded by Councilmember López, that **C.B. 155, Series of 2009**, be placed upon final consideration and do pass as amended, **carried** by the following vote: (Roll Call Serial #89)

Ayes: Boigon, Brown, Garcia, Hancock, Johnson, Lehmann, López, Madison, Montero, President Robb (10)

Nays: None

Abstain: Faatz (1)

A motion offered by Councilmember Hancock, duly seconded by Councilmember Madison, that **C.B. 156, Series of 2009**, be placed upon final consideration and do pass, was followed by a motion offered by Councilmember Garcia, duly seconded by Councilmember Hancock, that **C.B. 156, Series of 2009**, be amended in the following particulars:

On page 2, line 15, insert the following additional section: “Section 2. There shall be permanently affixed to the building in a conspicuous public location a plaque or other appropriate display setting forth the full name and official title of the person or persons for whom the building is named, long with a recitation of the reasons for which these persons have been honored in the naming of the building, as more fully set forth in the recitals to this ordinance and in the historical record.”

which motion to amend, **carried** by the following vote: (Roll Call Serial #91)

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

Nays: None

Abstain: None

A motion offered by Councilmember Hancock, duly seconded by Councilmember López, that **C.B. 156, Series of 2009**, be placed upon final consideration and do pass as amended, **carried** by the following vote: (Roll Call Serial #92)

Ayes: Boigon, Brown, Garcia, Hancock, Johnson, Lehmann, López, Madison, Montero, President Robb (10)

Nays: None

Abstain: Faatz (1)

A motion offered by Councilmember Hancock, duly seconded by Councilmember Montero, that **C.B. 157, Series of 2009**, be placed upon final consideration and do pass, was followed by a motion offered by Councilmember Garcia, duly seconded by Councilmember López, that **C.B. 157, Series of 2009**, be amended in the following particulars:

On page 3, line 8, insert the following additional section: “Section 2. There shall be permanently affixed to the building in a conspicuous public location a plaque or other appropriate display setting forth the full name and official title of the person or persons for whom the building is named, long with a recitation of the reasons for which these persons have been honored in the naming of the building, as more fully set forth in the recitals to this ordinance and in the historical record.”

which motion to amend, **carried** by the following vote: (Roll Call Serial #94)

Ayes: Boigon, Brown, Faatz, Garcia, Hancock, Johnson, Lehmann, López, Madison, Montero, President Robb (11)
Nays: None
Abstain: None

A motion offered by Councilmember Hancock, duly seconded by Councilmember Brown, that **C.B. 157, Series of 2009**, be placed upon final consideration and do pass as amended, **carried** by the following vote: (Roll Call Serial #95)

Ayes: Boigon, Brown, Faatz, Garcia, Hancock, Johnson, Lehmann, López, Madison, Montero, President Robb (11)
Nays: None
Abstain: None

A motion offered by Councilmember Hancock, duly seconded by Councilmember Garcia, that **C.B. 158, Series of 2009**, be placed upon final consideration and do pass, was followed by a motion offered by Councilmember Garcia, duly seconded by Councilmember Montero, that **C.B. 158, Series of 2009**, be amended in the following particulars:

On page 2, line 23, insert the following additional section: “Section 2. There shall be permanently affixed to the building in a conspicuous public location a plaque or other appropriate display setting forth the full name and official title of the person or persons for whom the building is named, long with a recitation of the reasons for which these persons have been honored in the naming of the building, as more fully set forth in the recitals to this ordinance and in the historical record.”

which motion to amend, **carried** by the following vote: (Roll Call Serial #97)

Ayes: Boigon, Brown, Faatz, Garcia, Hancock, Johnson, Lehmann, López, Madison, Montero, President Robb (11)
Nays: None
Abstain: None

A motion offered by Councilmember Hancock, duly seconded by Councilmember Garcia, that **C.B. 158, Series of 2009**, be placed upon final consideration and do pass as amended, **carried** by the following vote: (Roll Call Serial #98)

Ayes: Boigon, Brown, Faatz, Garcia, Hancock, Johnson, Lehmann, López, Madison, Montero, President Robb (11)
Nays: None
Abstain: None

Announcement

None

Adjourn

There being no further business before the City Council, Council President Robb adjourned the meeting at 9:38 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