

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

Date Drafted: May 5, 2009

**The Council of the City and County of Denver met in regular session
Monday, May 4, 2009 5:30 P.M.**

Pledge of Allegiance

Councilmember Montero led the pledge of allegiance.

Roll Call

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

Late: None

Absent: Boigon, López (2) (Roll Call Serial #142)

Minutes

The minutes of meeting date, Monday, April 27, 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. 17, Series of 2009, A proclamation recognizing May as Hepatitis C Awareness Month was read in its entirety by Councilmember Garcia.

A motion offered by Councilmember Garcia, duly seconded by Councilmember Linkhart, that **Proc. 17, Series of 2009**, be adopted **carried** by the following vote: (Roll Call Serial #143)

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

Nays: None

Abstain: None

Proc. 18, Series of 2009, A proclamation honoring the work of Mr. Timothy C. Hall was read in its entirety by Councilmember Montero.

A motion offered by Councilmember Montero, duly seconded by Councilmember Brown, that **Proc. 18, Series of 2009**, be adopted **carried** by the following vote: (Roll Call Serial #144)

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

Nays: None

Abstain: None

Proc. 19, Series of 2009, A proclamation in recognition of Building Safety Week 2009, May 3 through May 9 was read in its entirety by Councilmember Madison.

A motion offered by Councilmember Madison, duly seconded by Councilmember Brown, that **Proc. 19, Series of 2009**, be adopted **carried** by the following vote: (Roll Call Serial #145)

Ayes: Brown, Faatz, Garcia, Hancock, Johnson, Lehmann, Linkhart, Madison,
Montero, Nevitt, 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. 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)

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)

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)

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. 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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

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)

Report of Standing Committees

None

There being no objections from members of Council, Council President Robb ordered the following bills published: **C.B.s. 245, 246, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, and 261, Series of 2009**. Council President Robb announced that **C.B. 247, Series of 2009**, would be held in committee to Monday, May 11, 2009.

Final Consideration

A motion offered by Councilmember Montero, duly seconded by Councilmember Hancock, that the following resolutions be adopted en bloc: **Res. 52, 53, and 54, Series of 2009, carried** by the following vote: (Roll Call Serial #146)

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

Nays: None

Abstain: None

A motion offered by Councilmember Montero, duly seconded by Councilmember Hancock, that the following bills be placed upon their final passage and do pass en bloc: **C.B.s 229, 230, 231, 232, 233, 235, 236, 237, 238, 239, 240, 241, 242, 243, and 244, Series of 2009, carried** by the following vote: (Roll Call Serial #147)

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

Nays: None

Abstain: None

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)

A motion offered by Councilmember Montero, duly seconded by Councilmember Hancock, that **C.B. 192, Series of 2009**, be placed upon final consideration and do pass, was followed by Council sitting as a Committee of the Whole commencing at 6:31 p.m., Council President Robb presiding, to hear speakers either for or against the bill. Steve Coggins and Michael Sheehan 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 #148)

Ayes: Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, Madison, Montero, Nevitt, President Robb (10)

Nays: None

Abstain: None

Announcement

Council President Robb announced 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

There being no further business before the City Council, Council President Robb adjourned the meeting at 6:55 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