

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

**Date Drafted: June 2, 2009**

**The Council of the City and County of Denver met in regular session  
Monday, June 1, 2009 5:30 P.M.**

**Pledge of Allegiance**

Councilmember Boigon led the pledge of allegiance.

**Roll Call**

Present: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, López, Montero, Nevitt, President Pro-Tem Garcia (11)

Late: None

Absent: Madison, President Robb (2) (Roll Call Serial #180)

**Minutes**

The minutes of meeting date, Monday, May 18, 2009, were distributed to Council. There being no corrections from members of Council, Council President Pro-Tem Garcia ordered the minutes approved.

**Presentations**

Brandon Vogt and Trudy Sargent of the 87<sup>th</sup> Annual Greeley Independence Stampede Committee presented a proclamation to Council.

**Communications**

A letter dated May 26, 2009, from Claude Pumilia, Chief Financial Officer, in accordance with Denver Revised Municipal Code Section 53-29(2), notifying Council of the Department of Finance's intent to revise the existing Rules Implementing the Exemption for Certain Food and Drink Under the City Retail Sales and City Use Tax Articles of the Denver Revised Municipal Code was read in its entirety and assigned to the Finance Committee.

**Proclamations – (Series of 2009)**

**Proc. 23, Series of 2009**, A proclamation recognizing Highlands Mommies was read in its entirety by Councilmember Montero.

A motion offered by Councilmember Montero, duly seconded by Councilmember Boigon, that **Proc. 23, Series of 2009**, be adopted **carried** by the following vote: (Roll Call Serial #181)

Ayes: Boigon, Faatz, Hancock, Johnson, Lehmann, Linkhart, López, Montero, Nevitt, President Pro-Tem Garcia (10)

Nays: None

Abstain: None

**Proc. 24, Series of 2009**, A proclamation acknowledging May 17 through May 23 as "Public Works Week in Denver" and congratulating the Public Works Department's ten Employees of the Year for 2008 was read in its entirety by Councilmember Johnson.

A motion offered by Councilmember Johnson, duly seconded by Councilmember Brown, that **Proc. 24, Series of 2009**, be adopted **carried** by the following vote: (Roll Call Serial #182)

Ayes: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, López, Montero, Nevitt, President Pro-Tem Garcia (11)

Nays: None

Abstain: None

## **Resolutions – (Series of 2009)**

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

**Res. 63, Series of 2009**, A resolution laying out, opening and establishing as part of the city street system a parcel of land as Tower Road, at First Creek south of 56<sup>th</sup> Avenue. (PUBLIC WORKS)

**Res. 64, Series of 2009**, A resolution laying out, opening and establishing as part of the city street system two parcels of land as 56th Avenue, between Peña Boulevard and Dunkirk Street. (PUBLIC WORKS)

**Res. 65, Series of 2009**, A resolution laying out, opening and establishing as part of the city street system a parcel of land as Green Valley Ranch Boulevard, formerly known as 48th Avenue, at Tower Road. (PUBLIC WORKS)

**Res. 66, Series of 2009**, A resolution laying out, opening and establishing a portion of a public alley, lying north of 1<sup>st</sup> Avenue between Monroe Street and Garfield Street. (PUBLIC WORKS)

**Res. 67, Series of 2009**, A resolution laying out, opening and establishing as part of the city street system a parcel of land as Evans Avenue, near High Street. (PUBLIC WORKS)

**Res. 68, Series of 2009**, A resolution laying out, opening and establishing as part of the city street system a parcel of land as Wewatta Street, near 15th Street. (PUBLIC WORKS)

## **Bills for Introduction - (Series of 2009)**

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

**C.B. 287, Series of 2009**, A bill for an ordinance changing the zoning classification for approximately 2107-11 West 29th Avenue. (BLUEPRINT DENVER)

**C.B. 288, Series of 2009**, A bill for an ordinance changing the zoning classification, with a waiver and a condition, for 7050 and 7080 Tower Road. (BLUEPRINT DENVER)

**C.B. 289, Series of 2009**, A bill for an ordinance approving an agreement between Haselden Construction, LLC and the City & County of Denver to construct a new Police Traffic Operation and Firing Range at 3501 Park Avenue, Denver, Colorado. (BOND IMPLEMENTATION)

**C.B. 290, Series of 2009**, A bill for an ordinance approving a proposed Lease between the City and County of Denver and Denver Health and Hospital Authority concerning Medical Clinic at Denver International Airport. (ECONOMIC DEVELOPMENT)

**C.B. 291, Series of 2009**, A bill for an ordinance approving a proposed Non-Disturbance and Attornment Agreement between the City and County of Denver, Skyport Development Company, LLC, and Juan Kona, LLC concerning a concession at Denver International Airport. (ECONOMIC DEVELOPMENT)

**C.B. 292, Series of 2009**, A bill for an ordinance approving a proposed Non-Disturbance and Attornment Agreement between the City and County of Denver, Skyport Development Company, LLC, and Edge 1 Cellular, LP concerning a concession at Denver International Airport. (ECONOMIC DEVELOPMENT)

**C.B. 293, Series of 2009**, A bill for an ordinance approving a proposed Non-Disturbance and Attornment Agreement between the City and County of Denver and Skyport Development Company, LLC, and Crocodile Kiosk, LLC concerning a concession at Denver International Airport. (ECONOMIC DEVELOPMENT)

**C.B. 294, Series of 2009**, A bill for an ordinance to correct a transcription error contained in the City Clerk Filing Number for Ordinance No. 234, Series of 2009, approving a proposed Sixth Amendment to Agreement between the City and County of Denver and Quiz-DIA, LLC. (ECONOMIC DEVELOPMENT)

**C.B. 295, Series of 2009**, A bill for an ordinance approving a proposed First Amendment to Agreement for Shuttle Bus Management Services at Denver International Airport between the City and County of Denver and Ampco System Parking DBA Ampco System Transportation Services. (ECONOMIC DEVELOPMENT)

**C.B. 296, Series of 2009**, A bill for an ordinance approving the Auraria West 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. 297, Series of 2009**, A bill for an ordinance relating to Chapter 20, Denver Revised Municipal Code, to amend the procedure for approving internal audits. (FINANCE)

**C.B. 298, Series of 2009**, A bill for an ordinance approving a proposed First Amendment to Fiscal Year 2009 Amendment to the Amended and Restated Operating Agreement between the City and County of Denver and the Denver Health and Hospital Authority amending Appendix A-2, Emergency Medical Services. (FINANCE)

**C.B. 299, Series of 2009**, A bill for an ordinance making a supplemental appropriation from the General Contingency Fund to the Department of Safety, Undersheriff. (FINANCE)

**C.B. 300, Series of 2009**, A bill for an Ordinance approving a Cooperative Agreement with the Denver Police Activities League, Inc., regarding construction and use of playing fields at Val Verde and Parkfield Park. (PUBLIC AMENITIES)

**C.B. 301, Series of 2009**, A bill for an ordinance approving an on-call agreement between Wilderness Construction Co. and the City & County of Denver that will provide general construction services. (PUBLIC WORKS)

**C.B. 302, Series of 2009**, A bill for an ordinance approving an on-call agreement between Diamond Hills Services, Inc. and the City & County of Denver that will provide general construction services. (PUBLIC WORKS)

**C.B. 303, Series of 2009**, A bill for an ordinance approving an on-call agreement between Norkoli Construction, Inc. and the City & County of Denver that will provide general construction services. (PUBLIC WORKS)

**C.B. 304, Series of 2009**, A bill for an ordinance approving an on-call agreement between Rhinotrax Construction, Inc. and the City & County of Denver that will provide general construction services. (PUBLIC WORKS)

**C.B. 305, Series of 2009**, A bill for an ordinance making rescissions and appropriations in the Grant Projects Fund for Broadway TIP projects. (PUBLIC WORKS)

**C.B. 306, Series of 2009**, A bill for an ordinance amending Division 10 of Article VI of Chapter 54, Denver Revised Municipal Code, concerning the regulation of parades. (SAFETY)

**C.B. 307, Series of 2009**, A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and Century Helicopters, Inc., for scheduled and non-scheduled maintenance of the Denver Police Department's helicopters. (SAFETY)

**C.B. 308, Series of 2009**, A bill for an ordinance approving a proposed Second Amendatory Agreement between the City and County of Denver and the State of Colorado, Judicial Department, to fund four positions to support drug court. (SAFETY)

**C.B. 309, Series of 2009, A bill for an ordinance amending Ordinance No. 229, Series of 2009, concerning the "High Intensity Drug Trafficking Area (HIDTA) FY09" Program. (SAFETY)**

## Report of Standing Committees

**C.B. 296, Series of 2009, A bill for an ordinance approving the Auraria West 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)**

A motion offered by Councilmember Boigon, duly seconded by Councilmember Brown, that **C.B. 296, Series of 2009**, be ordered published, **carried** by the following vote: (Roll Call Serial #183)

Ayes: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, López, Montero, Nevitt, President Pro-Tem Garcia (11)

Nays: None

Abstain: None

A motion offered by Councilmember Boigon, duly seconded by Councilmember Brown, that final consideration of **C.B. 296, Series of 2009**, with a courtesy public hearing be postponed to Monday, June 15, 2009, **carried** by the following vote: (Roll Call Serial #184)

Ayes: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, López, Montero, Nevitt, President Pro-Tem Garcia (11)

Nays: None

Abstain: None

There being no objections from members of Council, Council President Pro-Tem Garcia ordered the following bills published: **C.B.s 287, 288, 289, 290, 291, 292, 293, 294, 295, 297, 298, 299, 300, 301, 302, 303, 304, 305, 307, 308, and 309, Series of 2009**. Council President Pro-Tem Garcia announced that **C.B. 306, Series of 2009**, would be held in committee to Monday, June 15, 2009.

## Final Consideration

**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 Boigon, duly seconded by Councilmember Montero, that **C.B. 280, Series of 2009**, be placed upon final consideration and do pass, **carried** by the following vote: (Roll Call Serial #185)

Ayes: Boigon, Brown, Hancock, Johnson, Lehmann, Linkhart, López, Montero, Nevitt, President Pro-Tem Garcia (10)

Nays: Faatz (1)

Abstain: None

A motion offered by Councilmember Boigon, duly seconded by Councilmember Linkhart, that the following resolutions be adopted en bloc: **Res. 63, 64, 65, 66, 67, and 68, Series of 2009, carried** by the following vote: (Roll Call Serial #186)

Ayes: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, López, Montero, Nevitt, President Pro-Tem Garcia (11)

Nays: None

Abstain: None

A motion offered by Councilmember Boigon, duly seconded by Councilmember Linkhart, that the following bills be placed upon their final passage and do pass en bloc: **C.B.s 247, 279, 281, 283, 284, 285, and 286, Series of 2009, carried** by the following vote: (Roll Call Serial #187)

Ayes: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, López, Montero, Nevitt, President Pro-Tem Garcia (11)

Nays: None

Abstain: None

**C.B. 217, Series of 2009, A bill for an ordinance changing the zoning classification of 885 South Colorado Boulevard.** (BLUEPRINT DENVER)

A motion offered by Councilmember Boigon, duly seconded by Councilmember Brown, that **C.B. 217, Series of 2009**, be placed upon final consideration and do pass, was followed by Council sitting as a Committee of the Whole commencing at 6:40 p.m., Council President Pro-Tem Garcia presiding, to hear speakers either for or against the bill. Dave Boyles, John Perkins, Denise St. Vrain-Perkins, and Bret Johnson signed up to speak in favor of the bill. No speakers signed up to speak against the bill. Janell Flaig 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 #188)

Ayes: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, López, Montero, Nevitt, President Pro-Tem Garcia (11)  
Nays: None  
Abstain: None

**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)

A motion offered by Councilmember Boigon, duly seconded by Councilmember Hancock, that **C.B. 282, Series of 2009**, be placed upon final consideration and do pass, was followed by Council sitting as a Committee of the Whole commencing at 6:50 p.m., Council President Pro-Tem Garcia presiding, to hear speakers either for or against the bill. Jane Hylan, Tim Dore, Anthony Bogacz, Jon Kroneberger, Phil Harris, and Mark A. Striegnitz signed up to speak in favor of the bill. Jennifer McDaniel signed up to speak against the bill. David Broadwell of the City Attorney's Office 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 #189)

Ayes: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, López, Montero, Nevitt, President Pro-Tem Garcia (11)  
Nays: None  
Abstain: None

**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)

A motion offered by Councilmember Boigon, duly seconded by Councilmember Montero, that **C.B. 249, Series of 2009**, be placed upon final consideration and do pass, was followed by Council sitting as a Committee of the Whole commencing at 7:55 p.m., Council President Pro-Tem Garcia presiding, to hear speakers either for or against the bill. Karen Cuthbertson, Charlie Busch, and Gertie Grant signed up to speak in favor of the bill. No speakers signed up to speak against the bill. Caryn Wenzara 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 #190)

Ayes: Boigon, Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, López, Montero, Nevitt, President Pro-Tem Garcia (11)  
Nays: None  
Abstain: None

## **Announcement**

Council President Pro-Tem Garcia announced that there will be public hearings on C.B.s 287 and 288, Series of 2009, on Monday, June 29, 2009. Any protests against C.B. 287 or 288, Series of 2009, must be filed in the Council Office no later than Monday, June 22, 2009.

## Adjourn

There being no further business before the City Council, Council President Pro-Tem Garcia adjourned the meeting at 8:35 p.m.

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President

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

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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