

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

Date Drafted: June 30, 2009

**The Council of the City and County of Denver met in regular session
Monday, June 29, 2009 5:30 P.M.**

Pledge of Allegiance

Councilmember López led the pledge of allegiance.

Roll Call

Present: Brown, Faatz, Hancock, Johnson, Lehmann, Linkhart, López, Madison, Nevitt,
President Robb (10)
Late: Boigon (1)
Absent: Garcia, Montero (2) (Roll Call Serial #215)

Minutes-

The minutes of meeting date, Monday, June 22, 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)

None

Resolutions – (Series of 2009)

The Council Secretary read the following resolution by title. The Council President referred the resolution to the committee shown in parentheses after the resolution title.

Res. 72, Series of 2009, A resolution accepting and approving the plat of Stapleton Business Center North Filing No. 1. (PUBLIC WORKS)

Bills for Introduction – Postponed (Series of 2009)

C.B. 348, Series of 2009, A bill for an ordinance concerning the administrative assessment of civil penalties by the department of environmental health and fee setting regarding animals. (GREENPRINT)

Authorizes the Department of Environmental Health to administratively assess civil penalties for certain violations of Chapter 8 (Animals), Article II of Chapter 27 (Housing Code) and Chapter 36 (Noise Control); and amend Chapter 8 (Animals) of the Denver Code and authorizes the Board of Environmental Health to establish fees for Animal Care and Control services, including vaccinations, licensing, permitting, animal impounding, pet adoption, and other services by rules and regulations, rather than by ordinance. Also restructures and adjusts certain fees for services provided by Animal Care & Control. The Committee approved filing this bill at its meeting on 4-21-09.

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. 359, Series of 2009, A bill for an ordinance approving a proposed Agreement between the City and County of Denver and 3M Company to purchase and install a Selfcheck System for the Denver Public Library. (BOND IMPLEMENTATION)

C.B. 360, Series of 2009, A bill for an ordinance amending Ordinance No. 271, Series of 2009, concerning the “Preservation of Affordable Housing” project. (FINANCE)

C.B. 361, Series of 2009, A bill for an ordinance approving a proposed Amendatory Agreement between the City and County of Denver and the Regents of the University of Colorado for employment and training services and family counseling services. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

C.B. 362, Series of 2009, A bill for an ordinance approving a Second Amendatory Agreement between the City and County of Denver and Mental Health Center of Denver, to provide mental health treatment services and housing assistance to chronically homeless individuals. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

C.B. 363, Series of 2009, A bill for an ordinance approving a proposed Agreement between the City and County of Denver and Live Nation Worldwide, Inc. (“Live Nation”), to provide Live Nation with an incentive to promote and book concerts and live events at the City’s venues. (PUBLIC AMENITIES)

C.B. 364, Series of 2009, A bill for an ordinance approving a proposed Agreement between the City and County of Denver and AEG Live – Rocky Mountains, LLC (“AEG Live”), to provide AEG Live with an incentive to promote and book concerts and live events at the City’s venues. (PUBLIC AMENITIES)

C.B. 365, Series of 2009, A bill for an Ordinance revoking the existing revocable permit granted by Ordinance No. 1095, Series of 1994, to encroach into South Valentia Street. (PUBLIC WORKS)

C.B. 366, Series of 2009, A bill for an ordinance vacating portions of an alley behind 1830-48 West 38th Avenue, 1837-25 West 37th Avenue, 3704 Shoshone Street, and 3711-29 Quivas Street, with reservations. (PUBLIC WORKS)

C.B. 367, Series of 2009, A bill for an ordinance relinquishing certain easements established in Ordinance No. 355, Series of 2000 at West 29th Avenue and Inca Street. (PUBLIC WORKS)

Report of Standing Committees

C.B. 348, Series of 2009, A bill for an ordinance concerning the administrative assessment of civil penalties by the department of environmental health and fee setting regarding animals. (GREENPRINT)

A motion offered by Councilmember López, duly seconded by Councilmember Linkhart, that **C.B. 348, Series of 2009**, be ordered published, was followed by a motion offered by Councilmember Nevitt, duly seconded by Councilmember Boigon, that **C.B. 348, Series of 2009**, be amended in the following particulars:

On page 1, strike lines line 29-35 and on page 2 strike lines 1-9, insert the following new sections (e), (f), and (g) and reorder sections accordingly: (e) The board is hereby authorized to adopt regulations, in connection with a public rulemaking hearing, to establish or modify a schedule of the amounts, or to specify a range of amounts, of civil penalties to be assessed administratively. (f) The manager of the department of environmental health may issue an administrative citation for the assessment of civil penalties in particular cases in accordance with the regulations adopted by the board. (g) A civil penalty assessed by means of an administrative citation shall be payable directly to the manager of finance. If not timely paid, a late fee of up to twenty-five dollars (\$25.00) may be assessed and interest at the rate of ten percent (10%) per annum. If the responsible party fails to pay all penalties and charges assessed within thirty (30) days of assessment, the manager may refer the matter for collection by any and all means available to the city.

which motion to amend, carried by the following vote: (Roll Call Serial #217)

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

Nays: None

Abstain: None

A motion offered by Councilmember López, duly seconded by Councilmember Boigon, that **C.B. 348, Series of 2009**, be ordered published as amended, **carried** by the following vote: (Roll Call Serial #218)

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

Nays: None

Abstain: None

There being no objections from members of Council, Council President Robb ordered the following bills published: **C.B.s 359, 360, 361, 362, 363, 364, 365, 366, and 367, Series of 2009.**

Final Consideration

A motion offered by Councilmember López, duly seconded by Councilmember Boigon, that the following resolutions be adopted: **Res. 72, Series of 2009, carried** by the following vote: (Roll Call Serial #219)

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

Nays: None

Abstain: None

A motion offered by Councilmember López, duly seconded by Councilmember Lehmann, that the following bills be placed upon their final passage and do pass en bloc: **C.B.s 343, 344, 345, 346, 347, 349, 350, 351, 352, 353, 354, 355, 356, 357, and 358, Series of 2009, carried** by the following vote: (Roll Call Serial #220)

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

Nays: None

Abstain: None

C.B. 722, Series of 2008, A bill for an ordinance designating the John F. Kennedy Childhood Development Center/ B.F. Stolinsky Research Labs, located at 4399 East 8th Avenue, as a structure for preservation. (BLUEPRINT DENVER)

A motion offered by Councilmember Johnson, duly seconded by Councilmember Boigon, that **C.B. 722, Series of 2008**, be taken out of order, **carried** by the following vote: (Roll Call Serial #221)

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

A motion offered by Councilmember López, duly seconded by Councilmember Linkhart, that **C.B. 722, Series of 2008**, be placed upon final consideration and do pass, was followed by Council sitting as a Committee of the Whole commencing at 6:19 p.m., Council President Robb presiding, to hear speakers either for or against the bill. Jamie White, Alan Gass, Frances Mishler, Michael Hughes, James Hare, Jim Lindberg, Karen Brody, Francine Haber, Carla McConnell, and Chris Murata signed up to speak in favor of the bill. Ray Allen, Marvia Valdez, Lynn Moore, Julie Eck, Peter Culshaw, Doug Scott, Mary Nell Wolff, Dave Witte, Brian Wert, Jeff Willis, Antonio “Tony” Ruiz, Bradley Zveg, Karen Kidneigh, Marcus Pachner, and Tom Ragonetti signed up to speak against the bill. Tyler Gibbs, George Gause, and Tina Axelrad of Community Planning and Development delivered the Staff Report with an overview and recommendation for approval by the Landmark Designation and a recommendation for rejection by the Planning Section of Community Planning and Development. The public hearing was declared closed.

A motion offered by Councilmember Madison, duly seconded by Councilmember Hancock, that **C.B. 722, Series of 2008**, be amended in the following particulars:

On page 1, line 23, strike “1968” and insert “1967”.

which motion to amend, **carried** by the following vote: (Roll Call Serial #223)

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

A motion offered by Councilmember López, duly seconded by Councilmember Hancock, that **C.B. 722, Series of 2009**, be placed upon final consideration and do pass as amended, **failed to carry** by the following vote: (Roll Call Serial #224)

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

A motion offered by Councilmember López, duly seconded by Councilmember Madison, that **C.B. 722, Series of 2008**, be placed upon final consideration and do pass as amended, **failed to carry** by the following vote: (Roll Call Serial #225)

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

C.B. 721, Series of 2008, A bill for an ordinance designating the CU Medical Center Children's Psychiatric Day Care Building, located at 4301 East 8th Avenue, as a structure for preservation. (BLUEPRINT DENVER)

A motion offered by Councilmember López, duly seconded by Councilmember Boigon, that **C.B. 721, Series of 2008**, be placed upon final consideration and do pass, was followed by Council sitting as a Committee of the Whole commencing at 8:37 p.m., Council President Robb presiding, to hear speakers either for or against the bill. Jamie White, Brooks Waldman, Alan Gass, Frances Mishler, Michael Hughes, James Hare, Jim Lindberg, Karen Brody, Francine Haber, Carla McConnell, and Chris Murata signed up to speak in favor of the bill. Peter Culshaw, Doug Scott, Mary Nell Wolff, David F. Witte, Jeff Willis, Lynn Moore, Julie Eck, Ray Allen, Antonio "Tony" Ruiz, Karen Kidneigh, Brian Wert, Bradley Zveg, Marvia Valdez, Marcus Pachner, and Tom Ragonetti signed up to speak against the bill. George Gause and Tina Axelrad of Community Planning and Development delivered the Staff Report with an overview and recommendation for approval by the Landmark Designation and a recommendation for rejection by the Planning Section of Community Planning and Development. The public hearing was declared closed.

A motion offered by Councilmember Madison, duly seconded by Councilmember Boigon, that **C.B. 721, Series of 2008**, be amended in the following particulars:

On page 1, line 23, strike "1968" and insert "1962".

which motion to amend, **carried** by the following vote: (Roll Call Serial #227)

Ayes: Boigon, Brown, Hancock, Johnson, Lehmann, Linkhart, López, Madison, Nevitt,
President Robb (10)

Nays: None

Abstain: None

A motion offered by Councilmember López, duly seconded by Councilmember Boigon, that **C.B. 721, Series of 2008**, be placed upon final consideration and do pass as amended, **failed to carry** by the following vote: (Roll Call Serial #228)

Ayes: None

Nays: Boigon, Brown, Hancock, Johnson, Lehmann, Linkhart, López, Madison, Nevitt,
President Robb (10)

Abstain: None

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

A motion offered by Councilmember López, duly seconded by Councilmember Hancock, that **C.B. 287, Series of 2009**, be placed upon final consideration and do pass, was followed by Council sitting as a Committee of the Whole commencing at 9:30 p.m., Council President Robb presiding, to hear speakers either for or against the bill. Marcia M. Mueller 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 #229)

Ayes: Boigon, Brown, Hancock, Johnson, Lehmann, Linkhart, López, Madison, Nevitt,
President Robb (10)

Nays: None

Abstain: None

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)

A motion offered by Councilmember López, duly seconded by Councilmember Boigon, that **C.B. 288, Series of 2009**, be placed upon final consideration and do pass, was followed by Council sitting as a Committee of the Whole commencing at 9:39 p.m., Council President Robb presiding, to hear speakers either for or against the bill. Bob Gollick and Tom Wiens 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 #230)

Ayes: Boigon, Brown, Hancock, Johnson, Lehmann, Linkhart, López, Madison, Nevitt,
President Robb (10)

Nays: None

Abstain: None

Announcement

Council President Robb announced that due to the 4th of July holiday there will be no meeting next week. The next time Council will meet as a whole is Monday, July 13, 2009.

Adjourn

There being no further business before the City Council, Council President Robb adjourned the meeting at 9:45 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