

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

**Date Drafted: October 27, 2009**

**The Council of the City and County of Denver met in regular session  
Monday, October 26, 2009 5:30 P.M.**

**Pledge of Allegiance**

Councilmember Garcia led the pledge of allegiance.

**Roll Call**

Present: Boigon, Brown, Faatz, Garcia, Hancock, Johnson, Lehmann, Linkhart, López,  
Madison, Montero, Nevitt, President Robb (13)

Late: None

Absent: None (Roll Call Serial #353)

**Minutes-**

The minutes of meeting date, Monday, October 19, 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. 50, Series of 2009**, A proclamation celebrating the 9<sup>th</sup> annual Bicycle Film Festival in Denver, October 26-31, 2009 was read in its entirety by Councilmember Madison.

A motion offered by Councilmember Madison, duly seconded by Councilmember Boigon, that **Proc. 50, Series of 2009**, be adopted, **carried** by the following vote: (Roll Call Serial #354)

Ayes: Boigon, Brown, Faatz, Garcia, Hancock, Johnson, Lehmann, Linkhart, López,  
Madison, Montero, Nevitt, President Robb (13)

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. 117, Series of 2009**, A resolution granting a revocable permit to Public Broadcasting of Colorado, Inc., to encroach into the right-of-way with various items in South Pecos Street near Ruby Hill Park. (PUBLIC WORKS)

**Res. 118, Series of 2009**, A resolution granting a revocable permit to LBA Realty Fund III Company, to encroach into the right-of-way with various items at 999 18<sup>th</sup> Street. (PUBLIC WORKS)

**Res. 119, Series of 2009**, A resolution authorizing and approving the expenditure and payment from the appropriation account designated “liability claims,” the sum of Eleven Thousand Five Hundred Dollars (\$11,500.00) payable to LaBarre Law Offices P.C. COLTAF, in full payment and satisfaction of all claims in Civil Action No. 09-cv-01224-ZLW-KMT in the United States District Court for the District of Colorado. (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. 608, Series of 2009**, A bill for an ordinance approving a proposed Third Amendatory Agreement between the City and County of Denver and Wenk Associates, Inc. for on-call professional landscape architectural and related technical services. (BOND IMPLEMENTATION)

**C.B. 609, Series of 2009**, A bill for an ordinance approving a proposed First Amendment to Free Wireless Internet Access Pilot Project License Agreement between the City and County of Denver and FreeFi Networks, Inc. concerning wireless communications at Denver International Airport. (ECONOMIC DEVELOPMENT)

**C.B. 610, Series of 2009**, A bill for an ordinance approving a proposed Second Amendment to Agreement between the City and County of Denver and Nuance Global Traders (USA), Inc. concerning a duty free concession at Denver International Airport. (ECONOMIC DEVELOPMENT)

**C.B. 611, Series of 2009**, A bill for an ordinance approving a proposed First Amendment to Terminal Marketplace Concession Agreement between the City and County of Denver and Amore Fiori Flowers & Gifts, Inc. concerning a concession in the terminal at Denver International Airport. (ECONOMIC DEVELOPMENT)

**C.B. 612, Series of 2009**, A bill for an ordinance amending the 1963 Retirement Plan with regard to the actuarially required contribution. (FINANCE)

**C.B. 613, Series of 2009**, A bill for an ordinance making rescissions in the Winter Park Parks and Recreation Capital Fund, the Capital Improvements and Capital Maintenance Fund and the State Conservation Trust (Lottery) Fund to close out capital projects. (FINANCE)

**C.B. 614, Series of 2009**, A bill for an Ordinance Establishing Paid Time Off as a Leave Benefit in Lieu of Vacation and Sick Leave for Certain Employees and Officers. (GENERAL GOVERNMENT)

**C.B. 615, Series of 2009**, A bill for an ordinance approving and providing for the execution of a proposed grant agreement between the City and County of Denver and the United States of America concerning the "ARRA Head Start Program Expansion" and the funding therefor. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

**C.B. 616, Series of 2009**, A bill for an ordinance approving a proposed Agreement between the City and County of Denver and School District No. 1 in the City and County of Denver and the State of Colorado, acting by and through Emily Griffith Opportunity School, for training, case management, and employment services for TANF recipients. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

**C.B. 617, Series of 2009**, A bill for an ordinance approving and providing for the execution of a proposed grant agreement between the City and County of Denver and the United States of America concerning the "Projects With Industry FY09-10" program and the funding therefor. (NEIGHBORHOOD, COMMUNITY & BUSINESS REVITALIZATION)

**C.B. 618, Series of 2009**, A bill for an ordinance vacating the portion of 44<sup>th</sup> Avenue, with reservations. (PUBLIC WORKS)

**C.B. 619, Series of 2009**, A bill for an Ordinance approving a proposed purchase by the City and County of Denver of insurance coverage from Kaiser Permanente Health Plan of Colorado, Standard Insurance Company of Colorado, Inc. and Delta Dental of Colorado. (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 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, and 619, Series of 2009.**

## Final Consideration

**C.B. 599, Series of 2009, A bill for an ordinance to amend Chapter 32 to update retail license fees and to add occupational privilege tax registration fees. (FINANCE)**

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Garcia, that **C.B. 599, Series of 2009**, be placed upon final consideration and do pass, **carried** by the following vote: (Roll Call Serial #355)

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

Nays: Brown, Faatz (2)

Abstain: None

## Council Convened as the Board of Equalization

### Board of Equalization Public Hearings:

Delgany Street Pedestrian Mall

The Board of Equalization continued its public hearing on the **Delgany Street Pedestrian Mall**.

No speakers signed up to speak.

A motion offered by Councilmember Montero, duly seconded by Councilmember Hancock, that the public hearing be continued to Monday, November 16, 2009, **carried** by the following vote: (Roll Call Serial #356)

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

Nays: Brown, Faatz, Nevitt (3)

Abstain: None

## Council Reconvened and Resumed its Regular Session

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Garcia, that the following resolution be adopted en bloc: **Res. 117, 118, and 119, Series of 2009, carried** by the following vote: (Roll Call Serial #357)

Ayes: Boigon, Brown, Faatz, Garcia, Hancock, Johnson, Lehmann, Linkhart, López, Madison, Montero, Nevitt, President Robb (13)

Nays: None

Abstain: None

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Montero, that the following bills be placed upon their final passage and do pass en bloc: **C.B.s 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 600, 601, 602, 603, 604, 605, 606, and 607, Series of 2009, carried** by the following vote: (Roll Call Serial #358)

Ayes: Boigon, Brown, Faatz, Garcia, Hancock, Johnson, Lehmann, Linkhart, López, Madison, Montero, Nevitt, President Robb (13)

Nays: None

Abstain: None

## Public Hearing – Mayor’s Proposed 2010 Budget

Council sitting as a Committee of the Whole commencing at 6:10 p.m., Council President Robb presiding, heard speakers regarding the Mayor’s Proposed 2010 Budget. Esequiel “Kelly” Lovato, Rudy Gonzales, Tammy Bellofatto Sundberg, Reuben Aguirre, Meaghan Carabello, Chris Padilla, Ted Kallman, Kelly Causey, Silvia Gonzalez, Thomas E. Fender, Colter Anthony, Tom Anthony, Sal Arrietta, Dennis Lovato, and Brian Barhaugh signed up to speak. Ed Scholtz of the Budget Office delivered the Staff Report with an overview. The public hearing was closed.

**C.B. 586, Series of 2009**, A bill for an ordinance placing a moratorium on certain development on properties currently zoned R-2 in three areas of North West Denver currently bounded by approximately: 1) Tennyson Street, 46th Avenue, Lowell Boulevard and 41st Avenue; 2) Tennyson Street, 35th Avenue, Lowell Boulevard and 32nd Avenue; and 3) Irving Street, 38th Avenue, Federal Boulevard and Highland Park Place. (BLUEPRINT DENVER)

A motion offered by Councilmember Nevitt, duly seconded by Councilmember Garcia, that **C.B. 586, Series of 2009**, be placed upon final consideration and do pass, was followed by Council sitting as a Committee of the Whole commencing at 7:02 p.m., Council President Robb presiding, to hear speakers either for or against the bill. Sue Mahaney, Andrew Barrett, Traci Garner, Elizabeth Wheeler, and Tony Cooper signed up to speak in favor of the bill. Joe Simmons signed up to speak against the bill. Theresa Lucero of Community Planning and Development delivered the Staff Report with an overview and recommendation for approval. The motion **carried** by the following vote: (Roll Call Serial #359)

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

Nays: Brown, Faatz (2)

Abstain: None

## Announcement

None

## Adjourn

There being no further business before the City Council, Council President Robb adjourned the meeting at 8:00 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