COLORADO SPRINGS, COLORADO
CITY COUNCIL CHAMBERS
CITY HALL - 107 N. NEVADA AVENUE
NOVEMBER 10, 2008 – 1:00 P.M.

Council met in Regular Session.

There were present: Mayor Rivera, Councilmembers Gallagher, Glenn, Heimlicher, Hente, Martin, Purvis, Radford and Small. Also present, City Manager Culbreth-Graft and City Attorney/Chief Legal Advisor Kelly.

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1. **Invocation and Pledge of Allegiance.**

The meeting was opened with an invocation by Rich Breidenbach, The Free Thinkers of Colorado Springs.

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2. **Changes to Agenda/Postponement.**

Councilmember Hente called up Item No. 3-B-6 for separate consideration.

Don Ortega called up Item No. 3-B-7 for separate consideration.

Councilmember Glenn called up Item No. 3-B-8 for separate consideration.

CONSENT CALENDAR

3. The following items were acted upon by unanimous consent of the members present, with the exception of Item Nos. 3-B-6, 3-B-7 and 3-B-8, which were acted upon separately:

SECOND PRESENTATION:

A-1. Ordinance No. 08-176 entitled "AN ORDINANCE FOR A PARTIAL VACATION AND REPLAT OF BURIAL SPACES 505-528 AND 2517-2540 IN BLOCK 210 IN EVERGREEN CEMETERY" was presented for final passage.

A-2. Ordinance No. 08-177 entitled "AN ORDINANCE PROVIDING FOR THE REPLATTING OF BLOCK 10-A IN EVERGREEN CEMETERY" was presented for final passage.

A-3. Ordinance No. 08-178 entitled "AN ORDINANCE AMENDING SECTION 405 (BOARDS AND COMMITTEES; APPOINTMENTS, ORGANIZATION AND MEETINGS) OF PART 4 (BOARD OF REVIEW) OF ARTICLE 10 (BUILDING CODE ADMINISTRATION) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO TERMS OF SERVICE FOR REGIONAL BUILDING BOARDS AND COMMISSIONS" was presented for final passage.

A-4. Ordinance No. 08-179 entitled "AN ORDINANCE CREATING A NEW PART 4 (SPECIAL EVENTS ON PUBLIC PROPERTY) OF ARTICLE 2 (CITY PROPERTIES) OF CHAPTER 3 (PUBLIC PROPERTY AND PUBLIC WORKS) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO SPECIAL EVENTS" was presented for final passage.

A-5. Ordinance No. 08-180 entitled "AN ORDINANCE APPROVING AMENDMENTS TO THE REGIONAL BUILDING CODE PERTAINING TO ANNUAL PERMITS AND ANNUAL PERMIT FEES" was presented for final passage.

FIRST PRESENTATION:

B-1. Ordinance No. 08-182 entitled "AN ORDINANCE AMENDING SECTION 3 OF ORDINANCE NO. 79-241 PERTAINING TO THE OLD COLORADO CITY SECURITY AND MAINTENANCE DISTRICT" was introduced and read.

B-2. Resolution No. 193-08 was presented: "A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COLORADO SPRINGS AND EL PASO COUNTY, COLORADO, FOR THE PURPOSE OF SNOW REMOVAL AND SNOW AND ICE CONTROL ON ROADWAY SEGMENTS".

B-3. Ordinance No. 08-183 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 07-206 (2008 APPROPRIATION ORDINANCE) AND ORDINANCE NO. 07-205 (2008 TAX LEVY ORDINANCE) FOR THE GRANTS FUND IN THE AMOUNT OF $1,126,198 FOR THE STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT AGREEMENT WITH THE CITY OF COLORADO SPRINGS" was introduced and read.

B-4. Ordinance No. 08-184 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 07-206 (2008 APPROPRIATION ORDINANCE) AND ORDINANCE NO. 07-205 (2008 TAX LEVY ORDINANCE) FOR THE GRANTS FUND IN THE AMOUNT OF $311,585 FOR THE METROPOLITAN MEDICAL RESPONSE SYSTEM GRANT AGREEMENT WITH THE CITY OF COLORADO SPRINGS" was introduced and read.

B-5. Ordinance No. 08-185 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 07-206 (2008 APPROPRIATION ORDINANCE) AND ORDINANCE NO. 07-205 (2008 TAX LEVY ORDINANCE) FOR THE GRANTS FUND IN THE AMOUNT OF $24,085 FOR THE CITIZEN CORPS GRANT PROGRAM (CCP) GRANT AGREEMENT WITH THE CITY OF COLORADO SPRINGS" was introduced and read.

B-6. **SEE ACTION TAKEN LATER IN THE MEETING.**

B-7. **SEE ACTION TAKEN LATER IN THE MEETING.**

B-8. **SEE ACTION TAKEN LATER IN THE MEETING.**

B-9. Ordinance No. 08-186 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 07-206 (2008 APPROPRIATION ORDINANCE) AND ORDINANCE NO. 07-205 (2008 TAX LEVY ORDINANCE) IN THE AMOUNT OF $250,000 FOR INTERIOR SIGNAGE AT THE COLORADO SPRINGS AIRPORT" was introduced and read.

B-10. Ordinance No. 08-187 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 07-206 (2008 APPROPRIATION ORDINANCE) AND ORDINANCE NO. 07-205 (2008 TAX LEVY ORDINANCE) FOR THE GRANTS FUND IN THE TOTAL AMOUNT OF $47,812 FOR THE SECURE OUR SCHOOLS GRANT" was introduced and read.

B-11. The City Clerk reported that on September 18, 2008 there was filed with her a petition for the annexation of Tutt Corners Annexation. She stated that she has examined or caused to be examined the above mentioned petition and has determined that the petition is in substantial compliance with Section 31-12-107(1), C.R.S. The City Clerk herewith communicated such to City Council and recommended that the petition be referred to the City Administration for review and recommendation.

B-12. CPC A 08-00049: Resolution No. 192-08 was presented: "A RESOLUTION FINDING A PETITION FOR ANNEXATION OF THAT AREA KNOWN AS NORTHGATE ANNEXATION PLAT NO. 7 CONSISTING OF 0.68 ACRE TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S. AND SETTING A HEARING DATE OF DECEMBER 9, 2008 FOR THE COLORADO SPRINGS CITY COUNCIL TO CONSIDER THE ANNEXATION OF THE AREA".

B-13. CPC LUM 08-00153: Ordinance No. 08-188 entitled "AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN 2020 LAND USE MAP REFLECTING CHANGES FROM JULY 1, 2007 THROUGH JUNE 30, 2008" was introduced and read.

B-14. CPC ZC 08-00132: (Quasi-Judicial Matter) Ordinance No. 08-189 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 3.35 ACRES LOCATED SOUTHEAST OF ACADEMY BOULEVARD AND ACADEMY PARK LOOP" was introduced and read. (PBC/cr/AO-CAD to C-5/AO-CAD)

B-15. **DevCo Sorrento LLC**

B-15A. CPC ZC 07-00169: (Quasi-Judicial Matter) Ordinance No. 08-190 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 6.09 ACRES LOCATED SOUTH OF OLD RANCH ROAD AND EAST OF THE PROPOSED UNION BOULEVARD EXTENSION" was introduced and read. (A/cr TO PK)

B-15B. CPC PUZ 07-00170: (Quasi-Judicial Matter) Ordinance No. 08-191 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 96.94 ACRES LOCATED SOUTH OF OLD RANCH ROAD AND EAST OF THE PROPOSED UNION BOULEVARD EXTENSION" was introduced and read. (A/cr to PUD)

B-15C. **CPC PUD 07-00171: (Quasi-Judicial Matter) Request by Development Logic Inc. on behalf of DevCo Sorrento LLC for approval of a PUD development plan for Sorrento consisting of 96.94 acres located south of Old Ranch Road and east of the proposed Union Boulevard extension.**

B-15D. CPC ZC 07-00179: (Quasi-Judicial Matter) Ordinance No. 08-192 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 7.17 ACRES LOCATED SOUTH OF OLD RANCH ROAD AND EAST OF THE PROPOSED UNION BOULEVARD EXTENSION" was introduced and read. (A/cr to PBC)

B-15E. **CPC CP 07-00180: (Quasi-Judicial Matter) Request by Development Logic Inc. on behalf of DevCo Sorrento LLC for approval of a concept plan for PBC zoning consisting of 7.17 acres located south of Old Ranch Road and east of the proposed Union Boulevard extension.**

B-16. **Rockrimmon Development LLC c/o Core Land and Investments Inc. – Creekside at Rockrimmon**

B-16A. CPC ZC 08-00076: (Quasi-Judicial Matter) Ordinance No. 08-193 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 13.69 ACRES LOCATED NORTHWEST OF THE INTERSECTION OF DELMONICO DRIVE AND SOUTH ROCKRIMMON BOULEVARD" was introduced and read. (PBC/cr/HS/SS and OC/cr/HS/SS to PBC/HS/SS)

B-16B. CPC PUZ 08-00077: (Quasi-Judicial Matter) Ordinance No. 08-194 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 30.21 ACRES LOCATED NORTHWEST OF THE INTERSECTION OF DELMONICO DRIVE AND SOUTH ROCKRIMMON BOULEVARD" was introduced and read. (PUD/HS/SS to PUD/HS/SS)

B-16C. **CPC CP 08-00078: (Quasi-Judicial Matter) Request by William Guman and Associates on behalf of Rockrimmon Development LLC c/o Core Land and Investments Inc. for approval of a concept plan for Creekside at Rockrimmon consisting of 43.92 acres located northwest of the intersection of Delmonico Drive and South Rockrimmon Boulevard.**

B-16D. **CPC FP 08-00079: (Quasi-Judicial Matter) Request by William Guman and Associates on behalf of Rockrimmon Development LLC c/o Core Land and Investments Inc. for approval of the subdivision plat for Creekside at Rockrimmon Filing No. 1 consisting of 43.92 acres located northwest of the intersection of Delmonico Drive and South Rockrimmon Boulevard.**

B-17. **Northgate Properties, LLC – Northgate Auto Plaza Filing No. 2**

B-17A. CPC ZC 08-00057: (Quasi-Judicial Matter) Ordinance No. 08-195 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 1.62 ACRES LOCATED SOUTHEAST OF VOYAGER PARKWAY AND SPECTRUM LOOP" was introduced and read. (A to C-6/cr)

B-17B. **CPC DP 08-00058: (Quasi-Judicial Matter) Request by Executive Consulting Engineers, Inc. on behalf of Northgate Properties, LLC for approval of a development plan for Lot 1 Northgate Auto Plaza Filing No. 2 consisting of 1.62 acres located southeast of Voyager Parkway and Spectrum Loop.**

B-17C. CPC ZC 08-00059: (Quasi-Judicial Matter) Ordinance No. 08-196 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 1.64 ACRES LCOATED SOUTHEAST OF VOYAGER PARKWAY AND SPECTRUM LOOP" was introduced and read. (A to PBC)

B-17D. **CPC CU 08-00136: (Quasi-Judicial Matter) Request by Executive Consulting Engineers, Inc. on behalf of Northgate Properties, LLC for approval of a conditional use for Lot 2 Northgate Auto Plaza Filing No. 2 consisting of 1.64 acres located southeast of Voyager Parkway and Spectrum Loop.**

B-17E. CPC ZC 08-00061: (Quasi-Judicial Matter) Ordinance No. 08-197 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 0.92 ACRE LOCATED SOUTHEAST OF VOYAGER PARKWAY AND SPECTRUM LOOP" was introduced and read. (A to PF)

B-17F. **CPC DP 08-00062: (Quasi-Judicial Matter) Request by Executive Consulting Engineers, Inc. on behalf of Northgate Properties, LLC for approval of a development plan for Lot 3 Northgate Auto Plaza Filing No. 2 consisting of 0.92 acre located southeast of Voyager Parkway and Spectrum Loop.**

B-17G. **CPC FP 08-00063: (Quasi-Judicial Matter) Request by Executive Consulting Engineers, Inc. on behalf of Northgate Properties, LLC for approval of a final subdivision plat for Northgate Auto Plaza Filing No. 2 consisting of 4.18 acres located southeast of Voyager Parkway and Spectrum Loop.**

Motion by Radford, second by Heimlicher, that all matters on the Consent Calendar, with the exception of Item Nos. 3-B-6. 3-B-7 and 3-B-8, which were acted upon separately, be passed, adopted and approved by unanimous consent of the City Council.

Ayes: Gallagher, Glenn, Heimlicher, Hente, Martin, Purvis, Radford, Rivera, Small
Noes: None
Absent: None

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4. **Resolutions of Appreciation**

There were none.

CITIZEN DISCUSSION

Don Ortega expressed concerns with bicycle safety --- wants a clearly defined ordinance for all city street speed limits of 25 miles per hour; street with more than one lane outside lane is designated as a bike lane (entire far right lane) with distance requirements for passing a bicycle.

City Council referred the matter to City Administration and City Attorney for review.

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Councilmember Radford was excused.

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5. Motion by Hente, second by Gallagher, that the Minutes of the Regular Council meeting of October 28, 2008 be approved as written. The motion unanimously carried. Absent, Councilmember Radford.

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Councilmember Radford returned.

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CONSIDERATION OF ITEMS CALLED UP FROM CONSENT CALENDAR SECTION

3-B-6. Resolution No. 194-08 was presented: "A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY OWNED BY JSH PROPERTIES, LLC, THAT IS NECESSARY FOR THE WOODMEN ROAD CORRIDOR IMPROVEMENT PROJECT".

Cam McNair, City Engineer, entered his appearance and answered questions.

Motion by Hente, second by Radford, that the resolution be adopted.

Ayes: Gallagher, Glenn, Heimlicher, Hente, Martin, Purvis, Radford, Rivera, Small
Noes: None
Absent: None

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3-B-7. Resolution No. 195-08 was presented: "A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY OWNED BY COLORADO SPRINGS UTILITIES, LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF WOODMEN ROAD AND BLACK FOREST ROAD. LAND PARCELS TO BE USED BY THE TRANSIT SERVICES DIVISION OF THE CITY OF COLORADO SPRINGS FOR CONSTRUCTION OF A PARK-N-RIDE FACILITY".

Mr. Ortega requested the item be postponed to a later date; documents indicate a 20% in-kind contract from Colorado Springs Utilities (CSU); questioned amount CSU is getting for this property; ballot question for April 2009.

Sherre Ritenour, Transit Services Manager, stated a grant was received for $1.7 million by Pikes Peak Area Council of Governments (PPACG); no narrow interpretation of ridership includes ride shares, transit, etc., use for capital funds projects only; complies with 2030 Transit Plan.

Motion by Small, second by Hente, that the resolution be adopted.

Ayes: Glenn, Heimlicher, Hente, Martin, Purvis, Radford, Rivera, Small
Noes: Gallagher
Absent: None

Mayor Rivera declared the motion carried.

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3-B-8. Ordinance No. 08-198 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 07-206 (2008 APPROPRIATION ORDINANCE) AND ORDINANCE NO. 07-205 (2008 TAX LEVY ORDINANCE) FOR THE GRANTS FUND IN THE AMOUNT OF $95,000 TO CONTINUE TRANSIT SERVICES TO THE CITY OF FOUNTAIN THROUGH 2008" was introduced and read.

Motion by Radford, second by Small, that the ordinance be passed as introduced.

Ayes: Martin, Purvis, Radford, Rivera, Small
Noes: Gallagher, Glenn, Heimlicher, Hente
Absent: None

Mayor Rivera declared the motion carried.

UNFINISHED BUSINESS

6. **An ordinance repealing and reordaining Section 804 (Retailer's Fee; Timely Filing of Return) of Part 8 (Tax Returns and Payments) of Article 7 (Sales and Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Retailer's fees.**

Terri Velasquez, Chief Financial Officer, summarized the item and answered questions.

Candice Bridgers, Revenue and Collections Manager, stated the proposed action will impact approximately 6% of the licensees and would affect someone in sales making more than $200,000 a month.

Mike Jorgensen, Red Noland Cadillac representative, and Dave Csintyan, Greater Colorado Springs Chamber of Commerce Chief Executive Officer, spoke in opposition citing the following: car dealers are different in that tax is determined by where people live; not a source of revenue for dealers but a deduction for preparation; wants car dealers exempted; Chamber feels this is counter-intuitive; wrong message at wrong time; look for other sources of revenue.

Councilmember Small suggested looking for other sources of funds; in Item No. 11 used an additional $138,000 to support Item No. 3 because $138,000 had already been used to support something else in budget balancing process; between $535,755 and the $138,000 it absorbs $673,755 of Item No. 11 leaving $397,755; also have Item No. 37 to eliminate facilities repair funding of $244,000; can defer both items for a year totaling $641,755 leaving the City Manager a challenge of $158,245 to equal $1.2 million; opportunity to take more money from reserves, if necessary.

Mayor Rivera stated he would not support the motion; will not support taking more funds from the reserves; cap for one year and expire at end of next year.

Councilmember Martin offered a third alternative; Colorado Springs is one of few cities charging vender fee; compromise 1% if needed.

Motion by Heimlicher, second by Gallagher, that this item be withdrawn from the agenda.

Ayes: Gallagher, Glenn, Heimlicher, Hente, Purvis, Radford, Small
Noes: Martin, Rivera
Absent: None

Mayor Rivera declared the motion carried.

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Councilmember Purvis was excused.

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NEW BUSINESS

7. Resolution No. 196-08 was presented: "A RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN FOR THE WOODMEN VALLEY SHOPPING CENTER LOCATED AT 6902 NORTH ACADEMY BOULEVARD, COLORADO SPRINGS, CO, 80918, TO BE USED FOR THE WOODMEN ROAD CORRIDOR IMPROVEMENT PROJECT".

Mike Anderson, Assistant City Manager, spoke to issues of concern with King Soopers and other tenants of the Woodmen Valley Shopping Center; issue is access; interchange part of Pikes Peak Rural Transportation Authority (PPRTA) ballot issue in 2004.

Mr. McNair stated the value of the property to be purchased is $2 million; asked for eminent domain so that the Court can determine the fair compensation for this property; owners will not allow appraisers on property; design similar to the one recently completed at Union Boulevard and Austin Bluffs Parkway intersection.

Robin Kidder, Roadway Engineering Manager, reviewed signalization at the intersection from all directions; three access points will remain; with new access at York Road and frontage road for residential access; reviewed loading dock concerns of King Soopers, signage and signalized areas, parking capacity; suggestion of alternate access road; City would be required to acquire land of over $4.6 million, relocated 16 businesses, area is approximately 200' in distance apart from the proposed access driveway; four points of concern include issues with parking, signage, construction and timeline alternatives.

Les Gruen, Urban Strategies, Inc., stated the project as proposed is not what was approved by voters, City's proposal is not conducive to the strategic goals of City Council; Colorado Department of Transportation (CDOT) indicated more time is needed.

Mike Scheckel, King Soopers representative, gave history about the store location; has been open for over 28 years, profitable, long term left on lease; working on this project a long time; 60%-70% of business from Academy Boulevard and Woodmen Road, design will affect profitability and inconvenience of construction; no direct access from Academy Boulevard will affect ability for customers to get to the King Soopers; direct access is best for the business.

Councilmember Small suggested large signage at the corner of York Road and Academy Boulevard advertising stores within the mall area.

Councilmember Radford stated intersection safety is guaranteed with signal and access road.

Councilmember Martin emphasized the issue is eminent domain.

Councilmember Glenn encouraged continued conversations and agreement with staff; lack of progress will end project.

Alan Fox, ACF Property Management, Inc. president and major investor, stated there is no change in ownership as indicated by Staff; must wait --- plan to fit everyone needed and differences considered; signage not finalized, if King Soopers is destroyed, community is destroyed; no wishbone design, want better access to the Shopping Center; need more time to work with City Staff.

Tim McClough, Yorkshire Estates Homeowners Association president, Bernie Sergen, Woodmen Enhancement Committee Co-Chair, Ann Devere, Brookwood Estates Homeowners Association representative, Glen Frank and Vince Rusinak, property owner of shopping center north of Home Depot, spoke in opposition citing the following comments: agreed to Earl Drive, then presented the horseshoe affect; concerned about shopping center, property values and future of the area; concerned with traffic on York Road going into the neighborhoods on the frontage roads being considered; likes going to shopping center without getting on Academy Boulevard; wanted opportunity for retail and residential to work together, concerned that if King Soopers leaves, no other major retail Class A will be deterred from moving into this shopping center; other businesses are dependent upon King Soopers in order to remain viable and survive, if King Soopers goes, so do they; wants another vote to reconsider at an at-grade intersection at this location; concerned with median on Earl Drive to make a left turn; concern has always been an overpass; concerned with economic viability of the shopping center and businesses in the area; loss of one anchor will devastate this area; studied this area for a number of years; gateway to Colorado Springs; area not vibrant because of interchange concept; supports King Soopers proposal to move access road; tenants in shopping center across the street at Home Depot are already anticipating a decline, downturn in customers and revenue; defer decision, utilize money to do other construction phases on Woodmen Road and Academy Boulevard; make improvements on Woodmen Road to widen to Powers Boulevard and build intersections along the path.

Jeff Shada spoke in support citing the following comments: proponent for the proposal, owns property for proposed Earl Drive, not optimum but best for community good.

Motion by Small, second by Radford, that the resolution be adopted.

Ayes: Heimlicher, Martin, Radford, Rivera, Small
Noes: Gallagher, Glenn, Hente
Absent: Purvis

Mayor Rivera declared the motion carried.

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Councilmember Purvis returned.

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8. **An ordinance amending Article 7 (Regulation of Animals-General Provision), Article 8 (Regulation of Animals-Dogs and Cats), and Article 10 (Regulation of Animals-Impoundment, Redemption, and Disposal of Animals) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to ownership of cats.**

Ms. Velasquez introduced and summarized the item and answered questions.

Wes Metzler, Humane Society of the Pikes Peak Region (HSPPR) executive director, stated first-year funding will be applied to the "trap-neuter-release" feral cat program with sharing of funds.

Roth Monkaduce commented neutered cats get huge; if cats must be put down give them a shot, do not let them starve to death.

Wynetta Massey, Deputy City Attorney, reviewed the proposed ordinance with City Council and answered questions.

Motion by Glenn, second by Gallagher, that this matter be continued to the City Council meeting of November 25, 2008.

Ayes: Gallagher, Glenn, Martin, Purvis, Radford, Rivera, Small
Noes: Heimlicher, Hente
Absent: None

Mayor Rivera declared the motion carried.

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Councilmember Martin was excused.

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9. **Case Property – Corral Bluffs area**

9A. Resolution No. 197-08 was presented: "A RESOLUTION AUTHORIZING THE ACQUISITION OF APPROXIMATELY 522.67 ACRES OF REAL PROPERTY KNOWN AS THE CASE PROPERTY LOCATED WITHIN THE CORRAL BLUFFS AREA".

Paul Butcher, Parks, Recreation and Cultural Services Director, introduced the item and the TOPS Manager.

Chris Lieber, Design Development & Trails and Open Space (TOPS) Manager, gave a presentation; area contains significant natural resource values of statewide importance;

showed slides of topographical aspects of the property; project timeline; terms of acquisition; next steps if property is acquired; Park Board discussions; annexation could be an option in the future since it is contiguous to the city.

Dale Watts, CSU Senior Environmental Engineer, stated years ago trash was just dumped on the property; no problem with ground water flow.

Dan Cleveland, TOPS Coalition executive director, commented this acquisition is of incredible historic and cultural value; east TOPS land purchases for open space very limited; open space master plan will review trails, trail heads; approximately 20 people stood in support.

Motion by Hente, second by Radford, that the resolution be adopted; City Council gave City Staff direction of intent, at this time, to annex property in the future.

Ayes: Glenn, Heimlicher, Hente, Purvis, Radford, Rivera, Small
Noes: Gallagher
Absent: Martin

Mayor Rivera declared the motion carried.

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9B. Ordinance No. 08-199 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 07-206 (2008 APPROPRIATION ORDINANCE) AND ORDINANCE NO. 07-205 (2008 TAX LEVY ORDINANCE) FOR THE TOPS FUND IN THE AMOUNT OF $1,000,000 FOR THE ACQUISITION OF 522.67 ACRES OF REAL PROPERTY KNOWN AS THE CASE PROPERTY LOCATED WITHIN THE CORRAL BLUFFS AREA" was introduced and read.

Motion by Hente, second by Radford, that the ordinance be passed as introduced; City Council gave City Staff direction of intent, at this time, to annex property in the future.

Ayes: Glenn, Heimlicher, Hente, Purvis, Radford, Rivera, Small
Noes: Gallagher
Absent: Martin

Mayor Rivera declared the motion carried.

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Mayor Rivera was excused.
In the absent of Mayor Rivera, Vice Mayor Small presided over the meeting.
Councilmembers Gallagher and Glenn were excused.

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10. Resolution No. 198-08 was presented: "A RESOLUTION APPROVING ENTERING INTO AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF COLORADO SPRINGS AND SKYWEST AIRLINES, INC.".

Lisa Bigelow, Budget and Economic Development Director, gave a presentation; subject to annual appropriation and approval by City Council.

Motion by Hente, second by Heimlicher, that the resolution be adopted.

Ayes: Heimlicher, Hente, Purvis, Radford, Small
Noes: None
Absent: Gallagher, Glenn, Martin, Rivera

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11. **Ratification of the 2009 Regional Building Department Budget.**

Ms. Bigelow gave a brief summary and answered questions.

Henry Yankowski, Regional Building Official, entered his appearance and answered questions.

Curtis Martinell, Regional Building Deputy Official, stated they anticipate a 30% decrease in commercial building activity; single-family alterations are strong and anticipate they will remain steady.

Motion by Hente, second by Radford, that the Ratification of the 2009 Regional Building Department Budget be approved. The motion unanimously carried. Absent, Mayor Rivera, Councilmembers Gallagher, Glenn, Martin.

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12. Ordinance No. 08-181 entitled "AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. 08-136 AUTHORIZING, AMONG OTHER MATTERS, ACTIONS CONCERNING THE EXECUTION AND DELIVERY OF THE COLORADO SPRINGS PUBLIC FACILITIES AUTHORITY CERTIFICATES OF PARTICIPATION (FIRE STATION/VENEZIA PARK PROJECTS) SERIES 2008 IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $26,000,000 TO FINANCE THE ACQUISITION AND CONSTRUCTION OF TWO FIRE STATION FACILITIES AND CERTAIN PARK FACILITIES; RATIFYING ACTION PREVIOUSLY TAKEN CONCERNING SUCH MATTERS; DECLARING AN EMERGENCY; AND PROVIDING FOR THE EFFECTIVE DATE" was introduced and read.

Motion by Purvis, second by Hente, that the ordinance be introduced, read and finally passed, adopted and approved as an emergency ordinance.

Ayes: Heimlicher, Hente, Purvis, Radford, Small
Noes: None
Absent: Gallagher, Glenn, Martin, Rivera

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Councilmember Glenn returned.

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13. Ordinance No. 08-200 entitled "AN ORDINANCE AMENDING ARTICLE 1 (GENERAL MUNICIPAL ELECTIONS) OF CHAPTER 5 (ELECTIONS) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, BY CREATING A NEW PART 6 PERTAINING TO MAIL BALLOT ELECTIONS" was introduced and read.

Kathryn Young, City Clerk, gave a presentation and answered questions.

Motion by Hente, second by Heimlicher, that the ordinance be passed as introduced.

Ayes: Heimlicher, Hente, Purvis, Radford, Small
Noes: Glenn
Absent: Gallagher, Martin, Rivera

Vice Mayor Small declared the motion carried.

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Mayor Rivera returned.
Councilmember Gallagher returned.
Councilmember Heimlicher was excused.

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14. **Bella Fortuna and Crestone Development – Palmer House Redevelopment**

14A. CPC ZC 08-00034: (Quasi-Judicial Matter) Ordinance No. 08-201 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 1.49 ACRES LOCATED AT THE NORTHWEST CORNER OF NORTH CHESTNUT DRIVE AND WEST FILLMORE STREET" be introduced and read. (PIP-2 and C-6 to C-6)

Dick Anderwald, Land Use Review Manager, reviewed the request, Planning Commission decision, development agreement and Staff recommendation; request for vesting of concept plan.

Tim Seibert, N.E.S., Inc. representative, entered his appearance and answered questions.

James Mayerl, Senior Planner, entered his appearance and answered questions.

Mr. Seibert stated he agreed with the Staff recommendation.

Motion by Hente, second by Gallagher, that the ordinance be passed as introduced.

Ayes: Gallagher, Glenn, Hente, Purvis, Radford, Rivera, Small
Noes: None
Absent: Heimlicher, Martin

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Councilmember Heimlicher returned.

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14B. **CPC CP 08-00035: (Quasi-Judicial Matter) Request by N.E.S., Inc., LLC on behalf of Bella Fortuna and Crestone Development for approval of a concept plan for the Palmer House Redevelopment consisting of 13.8 acres located at the northwest corner of North Chestnut Street and West Fillmore Street.**

Motion by Hente, second by Gallagher, that the concept plan for the Palmer House Redevelopment consisting of 13.8 acres located at the northwest corner of North Chestnut Street and West Fillmore Street be approved. The motion unanimously carried. Absent, Councilmember Martin.

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14C. **(Quasi-Judicial Matter) Request by N.E.S., LLC on behalf of Bella Fortuna and Crestone Development for approval of an agreement concerning right-of-way dedications and related matters for the Palmer House Redevelopment consisting of 13.8 acres located at the northwest corner of North Chestnut Street and West Fillmore Street.**

Motion by Hente, second by Gallagher, that the agreement concerning right-of-way dedications and related matters for the Palmer House Redevelopment consisting of 13.8 acres located at the northwest corner of North Chestnut Street and West Fillmore Street be approved. The motion unanimously carried. Absent, Councilmember Martin.

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At 7:04 P.M., motion by Heimlicher, second by Small, that Council adjourn. The motion unanimously carried, and

COUNCIL ADJOURNED

Kathryn M. Young

Kathryn M. Young, CMC, CERA
City Clerk