COLORADO SPRINGS, COLORADO
CITY COUNCIL CHAMBERS
CITY HALL - 107 N. NEVADA AVENUE
FEBRUARY 10, 2009 – 1:00 P.M.

Council met in Regular Session.

There were present: Vice Mayor Small, Councilmembers Gallagher, Glenn, Hente, Martin, Purvis and Radford. Absent, Mayor Rivera, Councilmember Heimlicher. In the absence of Mayor Rivera, Vice Mayor Small presided over the meeting. Mayor Rivera and Councilmember Heimlicher arrived during the meeting. 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 Pastor Paul Peel, First Lutheran Church.

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

Councilmember Purvis called up Item No. 3-B-1 for separate consideration.

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6. **An emergency ordinance of the City of Colorado Springs, Colorado approving and authorizing the execution and delivery of the Revolving Loan Agreement between the City of Colorado Springs, Colorado and U.S. Bank National Association and the Revolving Promissory Note of the City relating thereto; ratifying certain action heretofore taken; and declaring an emergency.**

Motion by Radford, second by Purvis, that this item be withdrawn from the Agenda. The motion unanimously carried. Absent, Mayor Rivera, Councilmember Heimlicher.

CONSENT CALENDAR

3. The following items were acted upon by unanimous consent of the members present, with the exception of Item No. 3-B-1, which was acted upon separately:

SECOND PRESENTATION:

A-1. Ordinance No. 09-14 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 APPROPRIATION ORDINANCE) AND ORDINANCE NO. 08-212 (2009 TAX LEVY ORDINANCE) FOR THE GRANTS FUND IN THE AMOUNT OF $707,822 FOR IMPROVEMENTS TO THE SAND CREEK TRAIL" was presented for final passage.

A-2. Ordinance No. 09-15 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 APPROPRIATION ORDINANCE) AND ORDINANCE NO. 08-212 (2009 TAX LEVY

ORDINANCE) IN THE AMOUNT OF $300,000 FOR THE DESIGN AND CONSTRUCTION OF THE OPERATIONS AND COMMUNICATIONS CENTER AT THE COLORADO SPRINGS AIRPORT" was presented for final passage.

A-3. CPC ZC 08-00145: (Quasi-Judicial Matter) Ordinance No. 09-16 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 5.25 ACRES LOCATED AT 5660 BARNES ROAD" was presented for final passage. (A/AO-CAD to PBC/AO-CAD)

A-4. Ordinance No. 09-17 entitled "AN ORDINANCE SUBMITTING A CHARTER AMENDMENT TO THE ELECTORS OF THE CITY FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD APRIL 7, 2009 RELATING TO RECEIPT OF FEDERAL FUNDS AND THE DEFINITION OF AN ENTERPRISE, PROVIDING FOR THE FORM OF BALLOT TITLE, PROVIDING FOR CERTAIN MATTERS WITH RESPECT TO THE ELECTION AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE" was presented for final passage.

FIRST PRESENTATION:

B-1. **SEE ACTION TAKEN LATER IN THE MEETING.**

B-2. Resolution No. 44-09 was presented: "A RESOLUTION APPROVING AN AGREEMENT TO ANNEX AND TO PROVIDE WATER SERVICE OUTSIDE THE CITY LIMITS TO 5020 TOPAZ DRIVE IN THE ENCLAVE OF PARK VISTA ESTATES".

B-3. Ordinance No. 09-18 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 APPROPRIATION ORDINANCE) AND ORDINANCE NO. 08-212 (2009 TAX LEVY ORDINANCE) IN THE AMOUNT OF $500,000 FOR THE DESIGN OF A CHECKED BAGGAGE INSPECTION SYSTEM AT THE COLORADO SPRINGS AIRPORT" was introduced and read.

B-4. Ordinance No. 09-19 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 APPROPRIATION ORDINANCE) AND ORDINANCE NO. 08-212 (2009 TAX LEVY ORDINANCE) IN THE AMOUNT OF $250,000 FOR THE RELOCATION AND RECONFIGURATION OF ADMINISTRATIVE OFFICE AND CONFERENCE SPACE AT THE COLORADO SPRINGS AIRPORT" was introduced and read.

B-5. Ordinance No. 09-20 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 APPROPRIATION ORDINANCE) AND ORDINANCE NO. 08-212 (2009 TAX LEVY ORDINANCE) FOR THE 2009 GENERAL FUND BUDGET IN THE AMOUNT OF $10,000 FROM THE COLORADO ASPHALT PAVING ASSOCIATION (CAPA)" was introduced and read.

B-6. Ordinance No. 09-21 entitled "AN ORDINANCE INCLUDING CERTAIN PROPERTY INTO THE BOUNDARIES OF THE INTERQUEST SOUTH BUSINESS IMPROVEMENT DISTRICT" was introduced and read.

B-7. **Compassion International**

B-7A. **CPC MP 04-00254-A1MJ08: Request by N.E.S. Inc. on behalf of Classic Homes for approval of a major amendment to 13 acres of the 475-acre Allison Valley Plan located northwest of Voyager Parkway and New Life Drive.**

B-7B. Ordinance No. 09-22 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 12.84 ACRES LOCATED NORTHWEST OF VOYAGER PARKWAY AND NEW LIFE DRIVE" was introduced and read. (A to PIP-1/HR)

B-7C. **CPC CP 08-00175: (Quasi-Judicial Matter) Request by N.E.S. Inc. on behalf of Classic Homes for approval of the Compassion International Concept Plan located northwest of Voyager Parkway and New Life Drive.**

B-7D. **CPC FP 08-00176: (Quasi-Judicial Matter) Request by N.E.S. Inc. on behalf of Classic Homes for approval of a final subdivision plat for Allison Valley Filing No. 7 consisting of one lot located northwest of Voyager Parkway and New Life Drive.**

B-8. **CPC MP 05-00080-A1MJ08: Request by Academy School District Twenty for approval of a major amendment to the Wolf Ranch Master Plan consisting of 1,982 acres located southwest of Research Parkway and Black Forest Road.**

B-9. **First and Main East**

B-9A. CPC ZC 08-00159: (Quasi-Judicial Matter) Ordinance No. 09-23 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 9.3 ACRES LOCATED SOUTHWEST OF TUTT BOULEVARD AND NORTH CAREFREE CIRCLE" was introduced and read. (PBC/AO-CAD and A/AO-CAD to PBC/AO-CAD)

B-9B. **CPC CP 08-00160: (Quasi-Judicial Matter) Request by Nass Design Associates on behalf of First and Main LLC for approval of the First and Main East Concept Plan consisting of 9.3 acres located southwest of Tutt Boulevard and North Carefree Circle.**

B-10. **Patriot Park**

B-10A. CPC PUZ 08-00156: (Quasi-Judicial Matter) Ordinance No. 09-24 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 99.67 ACRES LOCATED NORTHWEST OF PLATTE AVENUE AND POWERS BOULEVARD" was introduced and read. (PIP-1/AO-CAD/SS to PUD/AO-CAD/SS)

B-10B. **CPC PUP 08-00157: (Quasi-Judicial Matter) Request by Nass Design Associates on behalf of COPT Patriot Park at Galley LLC for approval of the Patriot Park PUD Plan consisting of 99.67 acres located northwest of Platte Avenue and Powers Boulevard.**

B-11. **Moothart Subdivision**

B-11A. CPC PUZ 08-00073: (Quasi-Judicial Matter) Ordinance No. 09-25 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 4.91 ACRES LOCATED AT THE SOUTHEAST TERMINUS OF THE PEGASUS DRIVE CUL-DE-SAC" was introduced and read. (A/HS to PUD/HS)

B-11B. **CPC PUD 08-00074: (Quasi-Judicial Matter) Request by N.E.S. Inc. on behalf of Retirement Investment Partnership II c/o Colorado Springs Cardiologists for approval of the Moothart Planned Unit Development Plan located at the southeast terminus of the Pegasus Drive cul-de-sac.**

B-11C. **CPC FP 08-00075: (Quasi-Judicial Matter) Request by N.E.S. Inc. on behalf of Retirement Investment Partnership II c/o Colorado Springs Cardiologists for approval of a final subdivision plat for Moothart Filing No. 1 consisting of 3 lots located at the southeast terminus of the Pegasus Drive cul-de-sac.**

Motion by Radford, second by Hente, that all matters on the Consent Calendar, with the exception of Item No. 3-B-1, which was acted upon separately, be passed, adopted and approved by unanimous consent of the City Council.

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

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4. **Resolutions of Appreciation**

There were none.

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Councilmember Heimlicher arrived.

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Luke Contreras, of Air Academy High School, was introduced as a representative of the Mayor's 100 Teens.

CITIZEN DISCUSSION

Patty Wagnor, Justus Collins, Alphie Omar and Michelle McGowan, expressed concerns regarding proposed transit cuts citing the following comments: distributed a letter sent to the City Manager regarding service reductions of transit services, requested the link between employment and transportation be kept in mind as decisions are made; a viable transportation system is necessary and vital to a community's growth and sustainability; wanted to know why transit is not its own entity; buses take over 1 ½ hours to get to any destination; system like Denver is needed; is disabled and use to work with the transit system; second budget cut; he and friends must get to school, appointments and with budget cuts, how are they to get around; find middle ground and keep up with the times; has seen and experienced better systems than Colorado Springs; on Special Olympic team, getting to practice will be very difficult; advocating for disabled community and their transportation needs; public transportation is a must and the primary way for the disabled to get around; Federal Government is the highest employer of the disabled; cuts affect the service areas where many disabled work and live;

Andrea Archer, Colorado Springs Independent Center, heard that City Council was not going to cut services for disabled and low-income persons; reminded City Council of that commitment.

Kevan Scott expressed concerns about transportation, cuts made today will affect dreams and hopes of people tomorrow; cuts will affect disabled and low-income; transportation is a vital link to allow people an opportunity to live independently, i.e. go to doctor appointments and tend to their daily lives.

Dee Cunningham, Keep Colorado Springs Beautiful (KCSB), stated mission is to effectively eliminate litter in Colorado Springs with her Organization and maintain the beauty of Colorado Springs; KCSB is requesting no cuts.

Charles Barber stated there is not enough money for public safety; wants inquiry submitted to Colorado Springs Utilities (CSU) regarding special lighting for street lights, no response received yet (made April, 2008), made proposal for a reward.

Zach Hoins stated it is a vital option to save money for recreation leagues; his company runs adult leagues and can be a solution for City budget problems; can present proposals and has been in contact with Parks, Recreation and Cultural Services.

Lee Wolf, Friends at Cheyenne Cañon president, Chris Beyer, Friends at Cheyenne Cañon board member, and Pete Page, expressed concerns regarding proposed Parks, Recreation and Cultural Services cuts citing the following comments: advocating for Helen Hunt Falls; Visitors Center contributes money to the City; people come to Colorado to see mountains, water falls and natural beauty; close other facilities, not one that generates revenue for the City; here to maintain status quo at Cheyenne Cañon; students at Ivywild Elementary School visit the Cañon for school field trips; 3,600 students participate generating a $2.00 fee cycled back to Friends at Cheyenne Cañon employees who are guides for the Parks program; Junior Ranger program is one of few nation wide; closing Starsmore will eliminate Butterfly Festival that occurs annually.

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Mayor Rivera arrived.

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John Fuller and Betty Large read letters of support for Cheyenne Cañon, Helen Hunt Falls and Starsmore Discovery Center; affects businesses, community connectivity; Starsmore Discovery Center will need public safety involvement; stopping and starting a program is not the answer; oldest city park.

Don Ortega asked for improved communication between the City and citizens; made written records requests; problem with meeting statutory deadline to obtain the information, 3 – 7 days or pay fine; access to City Administration Building denied because of requirement to sign-in, unable to get information regarding security plans, rules and regulations, for all City employees, wants City Council to direct the City Attorney and City Manager to investigate and prosecute accordingly.

City Council directed the City Manager and CSU Chief Executive Officer Jerry Forte, to follow-up and provide a report to City Council to include access policy into the City and CSU buildings.

Michael Hannigan, Pikes Peak Community Foundation (PPCF), stated budget cuts are a weapon against ourselves; endowment at PPCF for Starsmore Discovery Center, if the City cuts funds, the endowment goes away and is redirected to something else; ability to help.

Sally Martin, Mike Davison and Amiel Krimmel expressed concerns regarding proposed transit cuts citing the following comments: Metro transit cuts #22 – Widefield/Security, worked hard for Pikes Peak Rural Transportation Authority (PPRTA), now back again because of cuts, seen problems with transit for over 30 years; transit not going away; find a permanent solution for bus problem; rides Metro Mobility; if cut, he will not be able to get around; do not cut Sunday transit service, ten cent per gallon tax should be imposed; mass transportation will become very important, preserve transit system.

Shanti Toll expressed concerns regarding proposed fee increase for the City Auditorium citing the following comments: proposed increase is 40%; prices to public are relatively low compared to other venues, wants City Council to re-look at the fee increase.

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5. Motion by Purvis, second by Hente, that the Minutes of the Regular Council meeting of January 27, 2009 be approved as written. The motion unanimously carried.

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Councilmember Hente was excused.

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CONSIDERATION OF ITEMS CALLED UP FROM CONSENT CALENDAR SECTION

3-B-1. The City Clerk reported that on January 16, 2009 there was filed with her a petition for the annexation of White Acres. 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.

Paul Howard, Proverbs 3:5 LLC manager; owns parcel commonly known as White Acres; wanted to preserve this area as open space, wants item postponed so discussions with the City may continue.

Don Alice spoke in opposition of a postponement.

Rita Ague introduced Timothy and read a poem written by Timothy about White Acres.

Motion by Purvis, second by Heimlicher, that this matter be continued to the City Council meeting of February 24, 2009. The motion unanimously carried. Absent, Councilmember Hente.

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Councilmember Hente returned.

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UTILITIES BUSINESS

6. **SEE ACTION TAKEN EARLIER IN THE MEETING.**

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7. Resolution No. 45-09 was presented: "A RESOLUTION SUPPORTING A MODIFIED AND RESTATED WASTEWATER FACILITIES PARTICIPATION, UTILIZATION AND SERVICE AGREEMENT AND AFFIRMING COLORADO SPRINGS UTILITIES' CHIEF EXECUTIVE OFFICER'S AUTHORITY TO EXECUTE SAID AGREEMENT".

Brent Schubloom, CSU Systems Extension Manager, reviewed the Banning Lewis Ranch 1998 annexation agreement; approximately 24,000 acres; requires Developer to fund wastewater collection system and treatment; new plan is to expand existing infrastructure over a period of time; summarized wastewater system improvement; per capita wastewater flow decrease; benefits equal savings to annexors and CSU customers, money helps neighbors and regional interests; reduces need for additional staff; public process.

Jeff Daniel, CSU Managing Engineer, reviewed the technical aspects of the plan; treatment capacities for J.D. Phillips and Las Vegas treatment plants; costs and savings for capital, operations and maintenance total $92 million; water charges split into two separate components, sludge and treatment.

Mr. Schubloom reviewed the wastewater agreement; key business concepts follow the annexation agreement; Banning Lewis Ranch Company is annexor first in need for infrastructure, annexors cost; next step is to execute the wastewater agreement; future City Council action includes the Banning Lewis Ranch Company to pursue Metro District No. 6 --- reinstate and amend Service Plan; City Council approves agreement and resolution.

Gary Rapp, Recycling Coalition of Colorado Springs representative, supports agreement with the Banning Lewis Ranch Company; enhances ability to provide quality non-potable water in the city in the future; wants protection of Las Vegas expansion to be in the 100 year flood plane; wants state of the art cleansing.

Steve Mulliken, Marksheffel Woodmen Investments representative, stated proposal is consistent with other talks held with CSU regarding other Banning Lewis Ranch properties; major step forward, opens south end of Banning Lewis Ranch; supports resolution.

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

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

NEW BUSINESS

8. **Certification of candidates and ballot issues as they will appear on the April 7, 2009 General Municipal Mail Ballot Election.**

City Clerk Kathryn Young stated the Candidate list is currently as presented and that nomination petitions are due Wednesday, February 11, 2009 at 5:00 p.m. Should the listing change, City Council will be notified via email of the applicable changes; the Ballot issues will appear in the following order:

ISSUE 1A - JOBS

ISSUE 1B – REVENUE RETENTION FOR ESSENTIAL CITY SERVICES

ISSUE 1C – EXPANSION OF TOPS MAINTENANCE RESPONSIBILITIES

ISSUE 1D – FEDERAL GRANTS AND FEDERAL FUNDS

Motion by Small, second by Radford, that the certification of candidates and ballot issues for the April 7, 2009 General Municipal Mail Ballot Election be accepted. The motion unanimously carried.

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At 3:31 P.M., motion by Hente, second by Glenn, that Council adjourn. The motion unanimously carried, and

COUNCIL ADJOURNED

Kathryn M. Young

Kathryn M. Young, CMC, CERA
City Clerk