

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 Pastor Daniel Stephens, Relevant Word Ministry.

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

Councilmember Radford called up Item No. 3-B-11 for separate consideration.

CONSENT CALENDAR

3. The following items were acted upon by unanimous consent of the members present, with the exception of Item No. 3-B-11 which was acted upon separately:

SECOND PRESENTATION:

- A-1. Ordinance No. 09-26 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 APPROPRIATION ORDINANCE) AND ORDINANCE NO. 08-212 (2009 TAX LEVY ORDINANCE) FOR THE TRAILS, OPEN SPACE AND PARKS (TOPS) FUND IN THE AMOUNT OF \$1,194,441, FOR MAINTENANCE COSTS INCURRED BY THE GENERAL FUND FROM YEARS 2003 TO 2008 AS PROVIDED BY THE 6% MAINTENANCE PROVISION WITHIN THE TOPS ORDINANCE" was presented for final passage.
- A-2. CPC ZC 08-00137: Ordinance No. 09-27 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 6.88 ACRES LOCATED SOUTHEAST OF RANGEWOOD DRIVE AND EAST WOODMEN ROAD" was presented for final passage. (PIP-1/AO-CAD to PBC/AO-CAD)
- A-3. CPC ZC 08-00138: Ordinance No. 09-28 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 4.63 ACRES LOCATED SOUTHEAST OF RANGEWOOD DRIVE AND EAST WOODMEN ROAD" was presented for final passage. (PIP-1/AO-CAD to OC/AO-CAD)
- A-4. CPC ZC 08-00139: (Quasi-Judicial Matter) Ordinance No. 09-29 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO

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20.94 ACRES LOCATED SOUTHEAST OF RANGEWOOD DRIVE AND EAST WOODMEN ROAD” was presented for final passage. (PIP-1/AO-CAD/SS to OC/AO-CAD/SS)

- A-5. CPC ZC 08-00140: (Quasi-Judicial Matter) Ordinance No. 09-30 entitled “AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 9.81 ACRES LOCATED SOUTHEAST OF RANGEWOOD DRIVE AND EAST WOODMEN ROAD” was presented for final passage. (PIP-1/AO-CAD/SS to PBC/AO-CAD/SS)
- A-6. CPC ZC 08-00141: (Quasi-Judicial Matter) Ordinance No. 09-31 entitled “AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 6.46 ACRES LOCATED SOUTHEAST OF RANGEWOOD DRIVE AND EAST WOODMEN ROAD” was presented for final passage. (OC/AO-CAD/SS to PBC/AO-CAD/SS)

FIRST PRESENTATION:

- B-1. Resolution No. 66-09 was presented: “A RESOLUTION ACCEPTING A GRANT FROM THE COLORADO TREE COALITION FOR THE PURCHASE OF STREET TREES”.
- B-2. Ordinance No. 09-35 entitled “AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 APPROPRIATION ORDINANCE) AND ORDINANCE NO. 08-212 (2009 TAX LEVY ORDINANCE) FOR THE SENIOR PROGRAM FUND IN THE AMOUNT OF \$73,000 FOR SENIOR PROGRAMS AT THE COLORADO SPRINGS SENIOR CENTER” was introduced and read.
- B-3. Ordinance No. 09-36 entitled “AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 APPROPRIATION ORDINANCE) AND ORDINANCE NO. 08-212 (2009 TAX LEVY ORDINANCE) IN THE AMOUNT OF \$658,076.05 FOR PRINCIPAL AND INTEREST PAYMENTS ON LOANS FROM THE STATE OF COLORADO (CDOT) TO BE PAID IN CALENDAR YEAR 2009” was introduced and read.
- B-4. Ordinance No. 09-37 entitled “AN ORDINANCE AMENDING THE 2009 OPERATING AND OCCUPANCY RATES FOR NON-SIGNATORY AIRLINES AND OTHER USERS AT THE COLORADO SPRINGS MUNICIPAL AIRPORT” was introduced and read.
- B-5. Resolution No. 67-09 was presented: “A RESOLUTION TO CHANGE THE NAME AND THE FUNDING SOURCES FOR A PROJECT ASSOCIATED WITH THE REHABILITATION OF TAXIWAYS E, G, AND H AT THE COLORADO SPRINGS AIRPORT”.
- B-6. Resolution No. 68-09 was presented: “A RESOLUTION APPROVING A 2009 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COLORADO SPRINGS AND HARRISON SCHOOL DISTRICT 2 FOR FUNDING OF A SCHOOL ZONE PEDESTRIAN SAFETY PROGRAM”.
- B-7. Resolution No. 69-09 was presented: “A RESOLUTION APPROVING A 2009 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COLORADO SPRINGS AND ACADEMY SCHOOL DISTRICT 20 FOR FUNDING OF A SCHOOL ZONE PEDESTRIAN SAFETY PROGRAM”.
- B-8. Resolution No. 70-09 was presented: “A RESOLUTION APPROVING A 2009 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COLORADO SPRINGS

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AND CHEYENNE MOUNTAIN SCHOOL DISTRICT 12 FOR FUNDING OF A SCHOOL ZONE PEDESTRIAN SAFETY PROGRAM”.

B-9. Resolution No. 71-09 was presented: “A RESOLUTION APPROVING A 2009 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COLORADO SPRINGS AND COLORADO SPRINGS SCHOOL DISTRICT 11 FOR FUNDING OF A SCHOOL ZONE PEDESTRIAN SAFETY PROGRAM”.

B-10. Resolution No. 72-09 was presented: “A RESOLUTION APPROVING A 2009 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COLORADO SPRINGS AND FALCON SCHOOL DISTRICT 49 FOR FUNDING OF A SCHOOL ZONE PEDESTRIAN SAFETY PROGRAM”.

B-11. PLEASE SEE ACTION TAKEN LATER IN THE MEETING.

Motion by Hente, second by Radford, that all matters on the Consent Calendar, with the exception of Item No. 3-B-11 which was 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

Resolution No. 73-09 was presented: “A RESOLUTION BY THE COLORADO SPRINGS CITY COUNCIL IN SUPPORT OF RESTORATIVE JUSTICE”.

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

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

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A Proclamation was read “Commemorating the Life and Contributions of General William Jackson Palmer”.

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Scott Cuthbertson, of Liberty High School, and Dawn Elliott, of Palmer High School, were introduced as representatives of the Mayor’s 100 Teens.

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Gina Solazzi, Children's Literacy Center executive director, gave a presentation in recognition of Dr. Seuss' birthday and the National Education Association (NEA) Read Across America program.

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MathCounts 2009 recognition for 6th, 7th and 8th grade students throughout the community for their achievements; developed by the National Society of Professional Engineers.

CITIZEN DISCUSSION

Charles Barber asked citizens to buy lamps and hire light bulb changers so that lights can be illuminated in several areas of the city; Colorado Springs Utilities (CSU) has been studying his request since 2008.

Kristen Downs and Liberty Ebight spoke in support of parks citing the following comments: stated she has a passion for parks, working on Parks Sustainability committee in particular for Uncle Wilbur and the Julie Penrose Fountain; wants a long term solution to maintaining and keeping these community treasures viable and available; keep Julie Penrose Fountain with limited hours for this summer and allow the Sustainability committee an opportunity to make suggestions; we have a beautiful city and it is a shame to let these fountains wither away; message to visitors that Colorado Springs is a family-friendly town and will help attract businesses with this improvement to the quality of life in Colorado Springs; need to think creatively.

Paul Butcher, Parks, Recreation and Cultural Services Director, stated the Julie Penrose Fountain and Uncle Wilbur cost \$25,000 each for operation; Challenge grant from Lyda Hill to keep the Julie Penrose Fountain open; corporate sponsors being sought.

Carolyn Cook stated she is an advocate for seniors who lost bus service on Route No. 12 with North Hancock Avenue on the route that many seniors live; presented petition in favor of keeping the route.

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5. Motion by Heimlicher, second by Hente, that the Minutes of the Regular Council meeting of February 24, 2009 be approved as written. The motion unanimously carried.

CONSIDERATION OF ITEMS CALLED UP FROM CONSENT CALENDAR SECTION

- 3-B-11. Resolution No. 74-09 was presented: "A RESOLUTION ACKNOWLEDGING AN IN-KIND DONATION FROM BLOCK 260, LLP TO THE CITY FOR THE ACQUISITION OF PROPERTY NEEDED FOR PROBY PARKWAY, LOCATED SOUTHWEST OF DRENNAN ROAD AND HANCOCK EXPRESSWAY".

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

Andy Garten thanked Block 260 LLP for land donation for this project, \$2.2 million value and \$1.2 million in-kind contribution.

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

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

UNFINISHED BUSINESS

6. Ordinance No. 09-32 entitled “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” was brought up on second presentation.

Motion by Heimlicher, second by Gallagher, that the ordinance be finally passed.

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

Mayor Rivera declared the motion carried.

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7. Ordinance No. 09-33 entitled “AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 APPROPRIATION ORDINANCE) ADOPTING THE ANNUAL BUDGET AND APPROPRIATING MONIES FOR THE SEVERAL PURPOSES NAMED IN SAID BUDGET FOR THE YEAR ENDING DECEMBER 31, 2009” was brought up on second presentation.

Motion by Small, second by Hente, that the ordinance be finally passed.

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

Mayor Rivera declared the motion carried.

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8. CPC PUZ 07-00365: (Quasi-Judicial Matter) Ordinance No. 09-34 entitled “AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 45.6 ACRES LOCATED SOUTHEAST OF FILLMORE STREET AND MESA ROAD” was brought up on second presentation. (R/HS/SS to PUD/SS)

Motion by Heimlicher, second by Gallagher, that the ordinance be finally passed.

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

Mayor Rivera declared the motion carried.

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9. Motion by Radford, second by Hente, that Mark Watkins be appointed to a term as a member of the Emergency Services Agency (ESA), said term expiring September 12, 2011. The motion unanimously carried.

Motion by Small, second by Radford, that James Nakai be appointed to a term as a member of the Fire Board of Appeals, said term expiring April 28, 2010. The motion unanimously carried.

Motion by Radford, second by Hente, that Vice Mayor Larry Small be re-appointed to a term as a member of the Housing Authority, said term expiring April 1, 2011. The motion unanimously carried.

Motion by Small, second by Radford, that Kira Pasquesi be appointed to a term as a member of the Parks and Recreation Advisory Board, said term expiring July 8, 2010. The motion unanimously carried.

Motion by Small, second by Purvis, that Fred Johnny Garcia be appointed to a term as a member of the Regional Board – Board of Review, said term expiring March 1, 2012. The motion unanimously carried.

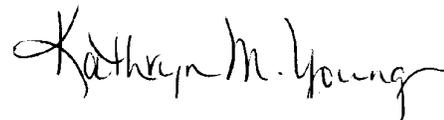
Motion by Small, second by Radford, that John Clarke be re-appointed and Thomas McDonald be appointed to terms as members of the Regional Board – Building Committee, said terms expiring March 1, 2012 and March 1, 2012. The motion unanimously carried.

Motion by Small, second by Purvis, that Joe Borcic be appointed to a term as a member of the Regional Board – Electrical Committee, said term expiring March 1, 2011. The motion unanimously carried.

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At 2:01 P.M., motion by Purvis, second by Martin, that Council adjourn. The motion unanimously carried, and

COUNCIL ADJOURNED



**Kathryn M. Young, CMC, CERA
City Clerk**