COLORADO SPRINGS, COLORADO CITY COUNCIL CHAMBERS CITY HALL - 107 N. NEVADA AVENUE MAY 12, 2009 – 1:00 P.M.

Council met in Regular Session.

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

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1. <u>Invocation and Pledge of Allegiance.</u>

The meeting was opened with an invocation by Pastor Herbert Lofton, Phillippian Church of God.

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- 2. Changes to Agenda/Postponement.
- 3-B-2. A resolution authorizing lease of certain real property for Southern Delivery System Project Reservoir Engineering Analysis.

Motion by Hente, second by Purvis, that this item be withdrawn from the agenda. The motion unanimously carried.

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

Councilmember Herpin called-up Item No. 3-B-7 for separate consideration.

Councilmember Hente 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. 09-52 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 APPROPRIATION ORDINANCE) FOR THE GRANTS FUND IN THE AMOUNT OF \$1,540,184 FOR THE OPERATION OF THE FRONT RANGE EXPRESS (FREX)" was presented for final passage.
- A-2. Ordinance No. 09-53 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 09-33 (2009 AMENDED APPROPRIATION ORDINANCE) FOR THE GENERAL FUND IN THE TOTAL

AMOUNT OF \$85,000 FOR THE PURPOSE OF AUTHORIZING TWO ADDITIONAL FULL-TIME EQUIVALENT EMPLOYEES IN THE OFFICE OF THE CITY AUDITOR" was presented for final passage.

FIRST PRESENTATION:

- B-1. Resolution No. 101-09 was presented: "A RESOLUTION DETERMINING THE NECESSITY, AND AUTHORIZING THE ACQUISITION OF, AND ENTRY INTO POSSESSION AND USE AGREEMENTS FOR, CERTAIN REAL PROPERTY FOR SOUTHERN DELIVERY SYSTEM PROJECT IMPROVEMENTS IN THE "NORTHERN ALIGNMENT"".
- B-2. SEE ACTION TAKEN EARLIER IN THE MEETING.
- B-3. Ordinance No. 09-55 entitled "AN ORDINANCE REPEALING PART 1 (MASSAGE BUSINESSES) OF ARTICLE 3 (SALES OF GOODS AND SERVICES) OF CHAPTER 2 (BUSINESS LICENSING, LIQUOR REGULATION AND TAXATION) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO MASSAGE LICENSES" was introduced and read.
- B-4. Resolution No. 102-09 was presented: "A RESOLUTION ENDORSING AND SUPPORTING THE NOMINATION OF VICE-MAYOR LARRY SMALL TO THE COLORADO MUNICIPAL LEAGUE EXECUTIVE BOARD".
- B-5. Ordinance No. 09-56 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 09-33 (2009 AMENDED APPROPRIATION ORDINANCE) FOR THE GENERAL FUND IN THE TOTAL AMOUNT OF \$53,000 FOR CONTRACTING SERVICES FOR FEDERAL STIMULUS PROJECTS FOR THE AMERICAN RECOVERY & REINVESTMENT ACT (ARRA)" 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. Resolution No. 103-09 was presented: "A RESOLUTION APPROVING THE 2009 INTERGOVERNMENTAL AGREEMENT FOR HUMAN SERVICES BETWEEN THE CITY OF COLORADO SPRINGS AND EL PASO COUNTY, COLORADO".
- B-10. Resolution No. 104-09 was presented: "A RESOLUTION RATIFYING AN INTERGOVERNMENTAL AGREEMENT CONCERNING JOINT FUNDING OF A YEAR 2008 PPACG MOBILITY MANAGER POSITION".
- B-11. Ordinance No. 09-57 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 APPROPRIATION ORDINANCE) FOR THE 2009 GRANTS FUND IN THE AMOUNT OF \$1,350,000, AND; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE CONTRACT, CONTRACT AMENDMENTS AND SUBSEQUENT OPTION LETTERS AS DESCRIBED IN THE CONTRACT BETWEEN THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) AND THE CITY OF COLORADO SPRINGS FOR THE BRIDGE

REHABILITATION PROJECT ON THE NEVADA AVENUE BRIDGES AT THE VAN BUREN DRAINAGE" was introduced and read.

- B-12. Resolution No. 105-09 was presented: "A RESOLUTION APPROVING THE EXCHANGE OF CITY PROPERTY FOR PRIVATE PROPERTY WHICH IS NEEDED FOR THE PROBY PARKWAY PHASE 1 PROJECT AND AUTHORIZING THE CITY REAL ESTATE SERVICES MANAGER TO ENTER INTO A CONTRACT FOR AND CLOSE THE EXCHANGE OF REAL PROPERTY".
- B-13. Resolution No. 106-09 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM THE COLORADO DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$233,000 FOR THE AIRPORT ROAD SIDEWALK AND BICYCLE LANE PROJECT STE M240-110 (16372); AND, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE CONTRACT, SUBSEQUENT CONTRACT AMENDMENTS, AND OPTION LETTERS FOR THE PROJECT".
- B-14. Resolution No. 107-09 was presented: "A RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENTS BY THE METROPOLITAN MEDICAL RESPONSE SYSTEM AND THE CITY OF COLORADO SPRINGS FOR THE PROVISION OF EQUIPMENT AND SUPPLIES FOR THE EL PASO COUNTY SHERIFF'S OFFICE, EL PASO COUNTY EMERGENCY SERVICES AGENCY, PUEBLO CITY/COUNTY HEALTH DEPARTMENT, EL PASO COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT, AND EL PASO COUNTY CORONER".
- B-15. Resolution No. 108-09 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM THE STATE OF COLORADO, DEPARTMENT OF LOCAL AFFAIRS, DIVISION OF EMERGENCY MANAGEMENT IN THE AMOUNT OF \$17,000 FOR THE EMERGENCY MANAGEMENT PERFORMANCE GRANT AGREEMENT #9EM708H83; AND, AUTHORIZING THE OFFICE OF EMERGENCY MANAGEMENT DIVISION MANAGER TO EXECUTE THE CONTRACT TO SUPPORT EMERGENCY MANAGEMENT ACTIVITIES FOR THE CITY OF COLORADO SPRINGS".
- B-16. Resolution No. 109-09 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM THE STATE OF COLORADO, DEPARTMENT OF LOCAL AFFAIRS, DIVISION OF EMERGENCY MANAGEMENT IN THE AMOUNT OF \$66,000 FOR THE 2009 EMERGENCY MANAGEMENT PERFORMANCE GRANT AGREEMENT #9EM09L83; AND, AUTHORIZING THE OFFICE OF EMERGENCY MANAGEMENT DIVISION MANAGER TO EXECUTE THE CONTRACT TO SUPPORT EMERGENCY MANAGEMENT ACTIVITIES FOR THE CITY OF COLORADO SPRINGS".
- B-17. CPC CA 09-00025: Ordinance No. 09-58 entitled "AN ORDINANCE AMENDING SECTION 406.I.8.b (CAP ON NUMBER OF BILLBOARDS) OF PART 4 (SIGN REGULATIONS) OF ARTICLE 4 (SITE DEVELOPMENT STANDARDS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS, 2001, AS AMENDED, PERTAINING TO OFF PREMISE ADVERTISING (BILLBOARDS)" was introduced and read.

B-18. Red Rock Point Filing 2 and Garden of the Gods Club Estates Filing 1

- B-18A. CPC MPA 07-00308-A2MJ08: Request by Rockwell Consulting, Inc. on behalf of Garden of the Gods Club, LLC for approval of a major amendment to Garden of the Gods Club Master Plan consisting of 705 acres (9.92 acres being amended) located northwest of Centennial Boulevard and West Fillmore Street.
- B-18B. CPC PUZ 08-00179: (Quasi-Judicial Matter) Ordinance No. 09-59 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 2.35 ACRES LOCATED EAST OF HILL CIRCLE AND NORTH OF GRAND MARKET POINT" was introduced and read. (R to PUD)
- B-18C. CPC PUD 08-00180: (Quasi-Judicial Matter) Request by Rockwell Consulting, Inc. on behalf of Garden of the Gods Club, LLC for approval of the Red Rock Point at Garden of the Gods Club Filing No. 2 PUD Development Plan located east of Hill Circle and north of Grand Market Point.
- B-18D. CPC PUZ 08-00181: (Quasi-Judicial Matter) Ordinance No. 09-60 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 5.32 ACRES LOCATED SOUTH OF HILL CIRCLE AND EAST OF HILLBROOK LANE" was introduced and read. (R to PUD)
- B-18E. CPC PUD 08-00182: (Quasi-Judicial Matter) Request by Rockwell Consulting, Inc. on behalf of Garden of the Gods Club, LLC for approval of the Garden of the Gods Club Estates Filing No. 1 PUD Development Plan located south of Hill Circle and east of Hillbrook Lane.
 - B-19. **335 SOUTH WAHSATCH**
- B-19A. CPC ZC 08-00170: (Quasi-Judicial Matter) Ordinance No. 09-61 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 1.11 ACRES LOCATED AT 315, 325, 329 AND 335 SOUTH WAHSATCH AVENUE" was introduced and read. (M-1 and R-5 to PF)
- B-19B. CPC DP 08-00171: (Quasi-Judicial Matter) Request by Colorado Springs Housing Authority for approval of the 335 South Wahsatch Avenue Development Plan consisting of 1.11 acres located at 315, 325, 329 and 335 South Wahsatch Avenue.
- B-19C. CPC FP 08-00172: (Quasi-Judicial Matter) Request by Colorado Springs Housing Authority for approval of the final subdivision plat for Housing Authority 335 Subdivision consisting of one lot on 1.11 acres located at 315, 325, 329 and 335 South Wahsatch Avenue.

Motion by Hente, second by Purvis, 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.

F	Aves: (Gallagher.	, Glenn,	, Heimlicher.	Hente,	Herpin.	, Martin	, Purvis	, Rivera	, Smal

Noes: None Absent: None

4. Resolutions of Appreciation

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Resolution No. 110-09 was presented: "A RESOLUTION OF APPRECIATION RECOGNIZING NATIONAL PUBLIC WORKS WEEK".

Motion by Small, second by Hente, that the resolution be adopted.
Ayes: Gallagher, Glenn, Heimlicher, Hente, Herpin, Martin, Purvis, Rivera, Small Noes: None Absent: None
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Gretchen Rachlis, of Palmer High School and Amanda Mills, of Liberty High School, were introduced as representatives of the Mayor's 100 Teens.
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Mayor Rivera recognized Sara Sullivan and Arianna Maloney, of Challenger Middle School, who were recipients of a gift certificate for spending an afternoon at City Council.
CITIZEN DISCUSSION
Charles Barber requested City Council reward citizens for not using garbage disposals in their homes; wants Colorado Springs Utilities (CSU) to break out actual cost for food.
City Council directed CSU Administration to respond.
Terry Sanchez received a ticket for parking by the Pikes Peak Center, called the Colorado Springs Police Department (CSPD) and El Paso County Sheriff's Office and was told since the County building is closed on Saturdays, no tickets would be distributed; forwarded to several different departments in effort to resolve this ticket; wants City Council to direct City Manager and the City Attorney to recall the issuance of this ticket and any others issued on Saturday, May 9, 2009, in and around the Pikes Peak Center and to speak with the Court Referee regarding the ticket.
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Motion by Herpin, second by Purvis, that the Minutes of the Regular Council meeting of April 28, 2009 be approved as written. The motion unanimously carried.
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Councilmember Martin was excused.
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CONSIDERATION OF ITEMS CALLED UP FROM CONSENT CALENDAR SECTION

3-B-6. Resolution No. 111-09 was presented: "A RESOLUTION TO APPROVE A CONVEYANCE AGREEMENT FOR THE OWNERSHIP TRANSFER OF PROPERTY OWNED BY COLORADO SPRINGS SCHOOL DISTRICT NO. 11 KNOWN AS BUENA VISTA ELEMENTARY SCHOOL TO THE CITY OF COLORADO SPRINGS FOR THE PURPOSES OF THE RELOCATION OF THE WEST CENTER FOR INTERGENERATION LEARNING AND OTHER ASSOCIATED PROGRAMS".

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

Ayes: Noes: Absent:	Gallagher, Glenn, Heimlicher, Hente, Herpin, Purvis, Rivera, Small None Martin
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	Councilmember Martin returned.
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3-B-7. Ordinance No. 09-62 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 APPROPRIATION ORDINANCE) FOR THE GRANTS FUND IN THE AMOUNT OF \$860,000 FOR CONSTRUCTION OF A UNIVERSALLY ACCESSIBLE PLAYGROUND IN MEMORIAL PARK" was introduced and read.

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

Ayes: Gallagher, Glenn, Heimlicher, Hente, Herpin, Martin, Purvis, Rivera, Small

Noes: None Absent: None

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3-B-8. Resolution No. 112-09 was presented: "A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE CITY OF COLORADO SPRINGS (CITY) AND THE STATE OF COLORADO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION (STATE) FOR THE OPERATION AND MAINTENANCE OF CITY-OWNED OPEN SPACE AS PART OF CHEYENNE MOUNTAIN STATE PARK".

Chris Lieber, Parks, Recreation and Cultural Services Design, Development & TOPS Manager, entered his appearance and answered questions.

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

Ayes: Gallagher, Glenn, Heimlicher, Hente, Herpin, Martin, Purvis, Radford, Small

Noes: None Absent: None

UNFINISHED BUSINESS

6. Motion by Small, second by Purvis, that Mike Hassel, Roger Sauerhagen and Steve Engel be re-appointed to terms as members of the Colorado Springs Downtown Development Authority (DDA), said terms expiring July 30, 2013, respectively. The motion unanimously carried.

Motion by Small, second by Purvis, that Ralph Hibbard and Steve Condon be re-appointed to terms as members of the Greater Downtown Business Improvement District Board of Directors, said terms expiring July 24, 2012, respectively. The motion unanimously carried.

Motion by Small, second by Purvis, that Councilmember Jan Martin (Alternate to Regular) be appointed to a term as a member of the Pikes Peak Rural Transportation Authority (PPRTA), said term expiring December 31, 2009. The motion unanimously carried.

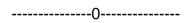
UTILITIES BUSINESS

7. Resolution No. 113-09 was presented: "A RESOLUTION APPOINTING SCOTT CAMPBELL AS BOARD MEMBER OF THE FOUNTAIN VALLEY AUTHORITY TO FILL THE REMAINDER OF THE THREE (3) YEAR TERM VACATED BY CURTIS MITCHELL EFFECTIVE MAY 12, 2009 AND ENDING DECEMBER 31, 2010".

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

Ayes: Gallagher, Glenn, Heimlicher, Hente, Herpin, Martin, Purvis, Rivera, S	Ayes:	Gallagher.	Glenn.	Heimlicher.	Hente.	Herpin.	. Martin.	Purvis	. Rivera.	. Sn
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Noes: None Absent: None



<u>Mayor Rivera was excused.</u> <u>In the absence of Mayor Rivera, Vice Mayor Small presided.</u>

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8. Ordinance No. 09-54 entitled "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" was introduced and read.

Bill Cherrier, CSU Interim Chief Planning & Finance Officer, gave a brief presentation and answered questions.

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

Aye Noe Abs	· · · · · · · · · · · · · · · · · · ·					
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	Mayor Rivera returned. Councilmember Purvis was excused.					
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	NEW BUSINESS					
EMI	solution No. 114-09 was presented: "A RESOLUTION AUTHORIZING THE USE OF INENT DOMAIN FOR PORTIONS OF SEVEN PROPERTIES NEEDED TO COMPLETE WOODMEN ROAD CORRIDOR IMPROVEMENT PROJECT".					
to s acq com mov	m McNair, City Engineer, stated an agreement was reached for two properties, York Road estments, LLC, and Horton Properties, LLC; Purchase and Use Agreement has been appleted; will continue to work on negotiations for the project; Woodmen Road to be widened six lanes from I-25 each to Marksheffel Road; bidding to begin in August; property juisition compensates property owner for land rights, improvements acquired and paying appensable damages to the remaining property; relocation program pays actual cost owing personal property from the right-of-way and re-establishment expenses up to the sutory minimum.					
	oin Kidder, Roadway Engineering Manager, summarized the status of the property juisition along the edges of the Sam's Club Shopping Center.					
Cor	n Krueger, Senior Civil Engineer, reviewed each of the remaining properties, Covendominiums, Woodmen Retail Center, LLC, Shada Enterprises, Bink'M Company, LLC and Development of Maryland, LLC, and answered questions.					
	tion by Heimlicher, second by Small, that the resolution be adopted with amendment to nove of York Road Investments, LLC, and Horton Properties, LLC, from the list.					
Aye Noe Abs						
May	yor Rivera declared the motion carried.					
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	Councilmember Purvis returned.					
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 Resolution No. 115-09 was presented: "A RESOLUTION AUTHORIZING THE CITY OF COLORADO SPRINGS TO ENTER INTO AN ECONOMIC DEVELOPMENT AGREEMENT WITH HEWLETT-PACKARD COMPANY".

Lisa Bigelow, Economic Development Director, entered her appearance and introduced the item.

Elena Nunez, Business Development Manager, announced Hewlett-Packard Company selected Colorado Springs as its Data Center site; economic impact analysis includes 150 jobs over five years, \$10.2 million circulating in the community, \$7.7 million in sales and use tax, \$3 million in city property tax, \$230,000 in Personal Property Tax Revenue (PPTR) and \$15.1 million in Payment in Lieu of Taxes (PILT).

David Stark, citizen employed by Hewlett-Packard Company, been in the city for 11 years; incentives are important.

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

Ayes:	Gallagher, Glenn, Heimlicher, Hente, Herpin, Martin, Purvis, Rivera, Small
Noes:	None
Absent:	None
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11. Resolution No. 116-09 was presented: "A JOINT RESOLUTION OF THE EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS AND THE CITY OF COLORADO SPRINGS CITY COUNCIL TO ESTABLISH A JOINT TASK FORCE TO CONSIDER SHARED SERVICES".

Ms. Culbreth-Graft commented on the Scope of Services --- to look at shared services in June, 2009; El Paso County Commissioner Clark and Councilmember Glenn are Co-Chairs.

Councilmember Glenn stated this was not an effort to merge the City and County, only certain services.

Commissioner Clark stated some services are already combined.

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

Ayes:	Gallagher, Glenn, Heimlicher, Hente, Herpin, Martin, Purvis, Rivera, Small
Noes:	None
Absent:	None
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At 2:21 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

Kathern M. Young