COLORADO SPRINGS, COLORADO CITY COUNCIL CHAMBERS CITY HALL - 107 N. NEVADA AVENUE JUNE 23. 2009 – 1:00 P.M.

Council met in Regular Session.

There were present: Vice Mayor Small, Councilmembers Gallagher, Heimlicher, Hente, Herpin, Martin and Purvis. Absent, Mayor Rivera, Councilmember Glenn. In the absence of Mayor Rivera, Vice Mayor Small presided over the meeting. Mayor Rivera arrived during the meeting. 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 Marv Vose, Sunrise United Methodist Church.

2. Changes to Agenda/Postponement.

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

Motion by Hente, second by Gallagher, that Council give leave for immediate consideration of the Extra Item Agenda. The item to be heard under Consent Calendar. The motion unanimously carried.

CONSENT CALENDAR

3. The following items, with the addition of Extra Item No. 3-B-17, 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. 09-82 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 REVENUE AND APPROPRIATION ORDINANCE) TO INCREASE REVENUE IN THE STORMWATER ENTERPRISE FUND BY THE AMOUNT OF \$80,000 FOR THE FOUNTAIN CREEK WATERSHED RAINFALL CHARACTERIZATION STUDY" was presented for final passage.
- A-2. CPC FBZ 09-00028: (Quasi-Judicial Matter) Ordinance No. 09-83 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO

THE DOWNTOWN COLORADO SPRINGS AREA, FROM MULTIPLE ZONING DESIGNATIONS" was presented for final passage. (FBZ/HP/SS)

FIRST PRESENTATION:

- B-1. SEE ACTION TAKEN LATER IN THE MEETING.
- B-2. Resolution No. 141-09 was presented: "A RESOLUTION APPROVING AMENDMENTS TO THE RULES OF THE COLORADO SPRINGS CIVIL SERVICE COMMISSION FOR THE MUNICIPAL POLICE AND FIRE FORCES".
- B-3. Resolution No. 142-09 was presented: "A RESOLUTION AUTHORIZING THE COLORADO SPRINGS AIRPORT DIRECTOR OF AVIATION TO ACCEPT AND EXECUTE A GRANT IN THE AMOUNT OF \$770,850 AND ANY FUTURE GRANT AMENDMENTS FROM THE FEDERAL AVIATION ADMINISTRATION TO REHABILITATE A PORTION OF TAXIWAY G AND A PORTION OF TAXIWAY H (PHASE II) AT THE COLORADO SPRINGS AIRPORT".
- B-4. Resolution No. 143-09 was presented: "A RESOLUTION AUTHORIZING THE COLORADO SPRINGS AIRPORT DIRECTOR OF AVIATION TO ACCEPT AND EXECUTE A GRANT IN THE AMOUNT OF \$540,000 AND ANY ASSOCIATED GRANT AMENDMENTS FROM THE FEDERAL AVIATION ADMINISTRATION FOR THE DESIGN PHASE OF THE RECONSTRUCTION OF RUNWAY 12/30 PROJECT AT THE COLORADO SPRINGS AIRPORT".
- B-5. Ordinance No. 09-84 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 APPROPRIATION ORDINANCE) FOR THE SUPPORT SERVICES FUND IN THE TOTAL AMOUNT OF \$185,934 FOR COMPLETION OF THE PPRCN WESTSIDE SITE PROJECT" was introduced and read.

B-6. **Development Related Fees**

- B-6A. Resolution No. 144-09 was presented: "A RESOLUTION REPEALING RESOLUTION NO. 221-08, AND MODIFYING THE DEVELOPMENT APPLICATION FEES AND CHARGES FOR THE LAND USE REVIEW DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT".
- B-6B. Resolution No. 145-09 was presented: "A RESOLUTION REPEALING RESOLUTION NO. 220-08, AND MODIFYING THE CITY ENGINEERING 2009 DEVELOPMENT REVIEW AND INSPECTION FEE SCHEDULE".
 - B-7. Resolution No. 146-09 was presented: "A RESOLUTION AUTHORIZING THE USE OF THE REMAINING \$783,656 FROM THE FOUNTAIN CREEK PROJECT FUNDED BY THE SPRINGS COMMUNITY IMPROVEMENTS PROGRAM (SCIP) AS A PORTION OF THE CITY'S SHARE OF THE FOUNTAIN CREEK RESTORATION GOLD HILL MESA PROJECT THAT LIES WITHIN THE VOTER-APPROVED PROJECT AREA".
 - B-8. Resolution No. 147-09 was presented: "A RESOLUTION APPROVING CITY SPONSORSHIP FOR THE RED WHITE AND BRAVE WELCOME HOME PARADE".

- B-9. Resolution No. 148-09 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE (DOJ), OFFICE OF JUSTICE PROGRAMS (OJP) IN THE AMOUNT OF \$1,957,784 FOR THE FY 09 RECOVERY ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM LOCAL SOLICITATION; AND, AUTHORIZING THE CHIEF OF POLICE TO EXECUTE, IN COLLABORATION WITH THE EL PASO COUNTY SHERIFF'S OFFICE (EPSO), THE CONTRACT OF THE JAG ALLOCATION FOR A VARIETY OF STIMULUS PROJECTS".
- B-10. Resolution No. 149-09 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) IN THE AMOUNT OF \$4,800 FOR THE 2009 MINI CHECKPOINT COLORADO INITIATIVE; AND, AUTHORIZING THE CHIEF OF POLICE TO EXECUTE THE CONTRACT TO FUND PERSONNEL AND CONTRACTUAL EXPENSES TO PERFORM ONE DUI CHECKPOINT DURING THE PERIOD OF JUNE 19 THROUGH JUNE 22, 2009 TO MAXIMIZE AWARENESS OF DRIVING WHILE IMPAIRED".
- B-11. Resolution No. 150-09 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP) FY 09 RECOVERY ACT INTERNET CRIMES AGAINST CHILDREN (ICAC) TASK FORCE PROGRAM GRANTS PROGRAM IN THE AMOUNT OF \$675,991 FOR THE COLORADO ICAC TASK FORCE; AND, AUTHORIZING THE CHIEF OF POLICE TO EXECUTE THE CONTRACT TO FUND PERSONNEL AND CONTRACTUAL EXPENSES TO COORDINATE AND OVERSEE THE OPERATIONS AND ACTIVITIES OF THE COLORADO INTERNET CRIMES AGAINST CHILDREN TASK FORCE UNDER THE DIRECTION OF THE COLORADO ICAC TASK FORCE COMMANDER".
- B-12. Resolution No. 151-09 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY (ONDCP) IN THE AMOUNT OF \$66,300 FOR THE ROCKY MOUNTAIN HIGH INTENSITY DRUG TRAFFICKING AREA GRANT; AND, AUTHORIZING THE CHIEF OF POLICE TO EXECUTE THE CONTRACT TO FUND PERSONNEL AND CONTRACTUAL EXPENSES TO COORDINATE ACTIVITIES ASSOCIATED WITH DRUG ENFORCEMENT IN THE COLORADO SPRINGS METRO AREA".
- B-13. Resolution No. 152-09 was presented: "A RESOLUTION AMENDING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE PIKES PEAK RURAL TRANSPORTATION AUTHORITY (PPRTA) DATED JANUARY 1, 2005 AMENDED AND RESTATED JULY 12, 2006, TO PERMIT EITHER PARTY TO PAY VENDORS, CONTRACTORS, AND MATERIALMEN DIRECTLY FOR PUBLIC IMPROVEMENT PROJECTS".
- B-14. Resolution No. 153-09 was presented: "A RESOLUTION AUTHORIZING THE REGIONAL BUILDING DEPARTMENT TO SUBLEASE A PORTION OF THE PIKES PEAK REGIONAL DEVELOPMENT CENTER TO ANOTHER GOVERNMENT ENTITY".
- B-15. Resolution No. 154-09 was presented: "A RESOLUTION AMENDING THE RULES OF THE LIQUOR AND BEER LICENSING BOARD RELATING TO FEES".

- B-16. Club at Garden of the Gods
- B-16A. CPC DP 03-278-A6MJ07: Request by Rockwell Consulting Inc. on behalf of Garden of the Gods Club, LLC for approval of a major amendment to The Club at Garden of the Gods Club Filing No. 1 Development Plan consisting of 23.75 acres located northwest of Fillmore Street and Mesa Road.
- B-16B. CPC FP 07-00372: (Quasi-Judicial Matter) Request by Rockwell Consulting Inc. on behalf of Garden of the Gods Club, LLC for approval of a final plat for The Club at Garden of the Gods Club Filing No. 1 consisting of 8 lots on 23.75 acres located northwest of Fillmore Street and Mesa Road.
 - B-17. Resolution No. 155-09 was presented: "A RESOLUTION AUTHORIZING THE COLORADO SPRINGS AIRPORT DIRECTOR OF AVIATION TO ACCEPT AND EXECUTE A GRANT IN THE AMOUNT OF \$1,500,000 AND ANY ASSOCIATED GRANT AMENDMENTS FROM THE FEDERAL AVIATION ADMINISTRATION TO CONDUCT AN AIRPORT MASTER PLAN STUDY AT THE COLORADO SPRINGS AIRPORT".

Motion by Herpin, second by Heimlicher, 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, Heimlicher, Hente, Herpin, Martin, Purvis, Rivera, Small

Noes: None Absent: Glenn

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4. Resolutions of Appreciation

There were no resolutions.

CITIZEN DISCUSSION

Luther Floore expressed concerns over the weeds that need to be cut at 8th Street and Rio Grande Street --- use people in jail to save money; World War II Veteran told him he was not eligible for VA benefits --- more of a County and Federal issue, wanted to let City Council be aware also; thanked City Staff for their work with disabled citizens.

Jessica Talbot requested an ordinance change to include dwarf, pigmy and mini goats; provide milk to many families; eat underbrush and noxious weeds; no goat to goat diseases; not noisy or stinky --- grow 24" tall, do not bite people, allowed by other cities.

Councilmember Herpin asked the City Attorney to look at the ordinance to allow goats, pros and cons and bring back to City Council for review.

Alison Childs stated she called the Colorado Springs Police Department (CSPD) for rape and robbery; told she waited too long to call Police and did nothing, saw the man at a bar, called Police and he was detained and let go; conducted her own investigation and found other

charges on this person; reported robbery and report taken, nothing has happened; CSPD is neglectful.

City Administration to provide a report regarding these allegations and CSPD conduct.

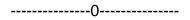
Shirley Fallis and Melanie Rush cited the following comments regarding the possible closure of swimming pools in the community: uses pool for her health since 1980 for a bad back; wants City Council to reconsider closing the pool for one summer, badly needed in the community; used by childcare providers and other families in the city; requesting pools not be closed.

Randolph Brown, owner of Sweet Georgia Brown's Southern food restaurant; encouraged a community center at 10,000 Maxwell Street (outside of city); wants City Council support to help build up the area and provide activities for families and children in this depressed area.

City Council will follow-up with El Paso County.

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5. Motion by Hente, second by Purvis, that the Minutes of the Regular Council meeting of June 9, 2009 be approved as written. The motion unanimously carried. Absent, Councilmember Glenn.



CONSIDERATION OF ITEMS CALLED UP FROM CONSENT CALENDAR SECTION

3-B-1. Resolution No. 156-09 was presented: "A RESOLUTION SETTING THE GAS COST ADJUSTMENT EFFECTIVE JULY 1, 2009".

Stella Chan, CSU Financial Planning & Pricing Manager, gave a brief presentation; submitted a Gas Cost Adjustment (GCA) of \$0.1338 per cubic foot; costs under collected by \$13.0 million; amend to change GCA increase from July 1 through December 31 and come back for further adjustment.

Motion by Herpin, second by Purvis, that the resolution be adopted as amended.

Ayes: Heimlicher, Herpin, Martin, Purvis, Rivera, Small

Noes: Gallagher, Hente

Absent: Glenn

Mayor Rivera declared the motion carried.

UNFINISHED BUSINESS

- 6. Horizon View
- 6A. AR DP 08-00133: (Quasi-Judicial Matter) Public hearing on an appeal by James W. Kin of Gaddis, Kin & Herd, P.C. on behalf of the Rawles Open Space Neighborhood

regarding the Planning Commission action of March 19, 2009 for the Horizon View Development Plan consisting of 5 acres located at 1635 Mesa Road.

James Mayerl, Senior Planner, introduced the item and answered questions.

Motion by Hente, second by Gallagher, that this matter be continued to the City Council meeting of October 27, 2009. The motion unanimously carried.

6B. AR FP 08-00134: (Quasi-Judicial Matter) Public hearing on an appeal by James W. Kin of Gaddis, Kin & Herd P.C. on behalf of the Rawles Open Space Neighborhood regarding the Planning Commission action of March 19, 2009 for the Horizon View final subdivision plat consisting of 5 acres located at 1635 Mesa Road.

Mr. Mayerl introduced the item and answered questions.

Motion by Hente, second by Gallagher, that this matter be continued to the City Council meeting of October 27, 2009. The motion unanimously carried.

NEW BUSINESS

7. Resolution No. 157-09 was presented: "A RESOLUTION AUTHORIZING THE CITY OF COLORADO SPRINGS TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH THE CITY OF MANITOU SPRINGS FOR THE PURPOSE OF IDENTIFYING ISSUES RELATED TO POTENTIAL PUBLIC USE OF MT. MANITOU INCLINE".

Paul Butcher, Parks, Recreation and Cultural Services Director, summarized issues regarding the incline; showed pictures of the incline condition stabilization issues, drainage problems, exposed drainage pipes; used in winter and could be hazardous for climbers; IGA not to open but to investigate the possibility of opening the incline; Management Plan, Marketing Plan and revenue generated; Great Outdoors Colorado (GOCO) funds may be available; only staff time to be used; agreement non-binding.

Dan Folke, Manitou Springs Planning Director, discussed the parking lot issues, IGA an opportunity to work together to develop a Management Plan.

Vice Mayor Small suggested if revenue is generated, use for maintenance and not become part of the General Fund; any modifications must keep the challenge of the incline.

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

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

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At 2:07 P.M., motion by Gallagher, second by Heimlicher, that Council adjourn. The motion unanimously carried, and

COUNCIL ADJOURNED

Kathryn M. Young, CMC, CERA City Clerk

Kathren M. Young