COLORADO SPRINGS, COLORADO
CITY COUNCIL CHAMBERS
CITY HALL - 107 N. NEVADA AVENUE
SEPTEMBER 22, 2009 – 1:00 P.M.

Council met in Regular Session.

There were present: Mayor Rivera, Councilmembers Gallagher, Heimlicher, Hente, Herpin, Martin, Purvis and Small. Absent, Councilmember Glenn. 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 Reverend Albert Loma, Victory Outreach Church, National Anthem sung by Graham Gale, accompanied by teacher, Charla McGaugh, who played the flute and Proclamation.

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

12. **A resolution authorizing distribution of Factual Summaries under the Fair Campaign Practices Act to the electors of the city of Colorado Cprings regarding ballot questions for the coordinated election to be held November 3, 2009**.

Motion by Herpin, second by Gallagher, that this item be withdrawn from the agenda. The motion unanimously carried. Absent, Councilmember Glenn.

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Councilmember Gallagher called up Item No. 3-B-9 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-9, which was acted upon separately:

FIRST PRESENTATION:

B-1. Resolution No. 200-09 was presented" "A RESOLUTION ACCEPTING AN ADDITIONAL GRANT FROM THE GOVERNOR'S ENERGY OFFICE OF THE STATE OF COLORADO".

B-2. Resolution No. 201-09 was presented: "A RESOLUTION ACCEPTING A FOREST FUELS REDUCTION GRANT FROM THE COLORADO STATE FOREST SERVICE FRONT RANGE FUELS TREATMENT PARTNERSHIP".

B-3. Resolution No. 202-09 was presented: "A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE LOWER ARKANSAS VALLEY WATER CONSERVANCY DISTRICT, THE CITY OF COLORADO SPRINGS, AND THE FOUNTAIN CREEK WATERSHED, FLOOD CONTROL AND GREENWAY DISTRICT".

B-4. Resolution No. 203-09 was presented: "A RESOLUTION AUTHORIZING FREE PARKING SATURDAY, NOVEMBER 7, 2009 FOR THE VETERAN'S DAY PARADE".

B-5. Resolution No. 204-09 was presented: "A RESOLUTION AUTHORIZING FREE ON-STREET METERED PARKING SATURDAY, DECEMBER 5; SATURDAY, DECEMBER 12 AND SATURDAY, DECEMBER 19".

B-6. Resolution No. 205-09 was presented: "A RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENTS FOR DISASTER MUTUAL AID BETWEEN THE CITY OF COLORADO SPRINGS, A COLORADO MUNICIPAL CORPORATION AND HOME RULE CITY; AND CHAFFEE COUNTY; DOUGLAS COUNTY; EL PASO COUNTY; LAKE COUNTY; PARK COUNTY AND TELLER COUNTY".

B-7. Resolution No. 206-09 was presented: "A RESOLUTION AUTHORIZING THE COLORADO SPRINGS AIRPORT DIRECTOR OF AVIATION TO ACCEPT AND EXECUTE GRANTS AND EQUIPMENT TRANSFERS IN THE ESTIMATED AMOUNT OF $9,602,000 AND ANY FUTURE GRANT AMENDMENTS FROM THE TRANSPORTATION SECURITY ADMINISTRATION FOR THE CHECKED BAGGAGE INSPECTION SYSTEM PROJECT AT THE COLORADO SPRINGS AIRPORT".

B-8. Ordinance No. 09-110 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 APPROPRIATION ORDINANCE) IN THE AMOUNT OF $5,707,000 FOR THE CONSTRUCTION AND INSTALLATION OF THE CHECKED BAGGAGE INSPECTION SYSTEM AT THE COLORADO SPRINGS AIRPORT" was introduced and read.

B-9. **SEE ACTION TAKEN LATER IN THE MEETING.**

B-10. Ordinance No. 09-111 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 09-33 (2009 AMENDED APPROPRIATION ORDINANCE) FOR THE 2009 GENERAL FUND CIP BUDGET IN THE AMOUNT OF $58,663" was introduced and read.

B-11. Resolution No. 207-09 was presented: "A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COLORADO SPRINGS AND SCHOOL DISTRICT 2, SCHOOL DISTRICT 11, SCHOOL DISTRICT 12, SCHOOL DISTRICT 20, SCHOOL DISTRICT 49 AND THE COLORADO SCHOOL FOR THE DEAF AND BLIND FOR THE FUNDING, IMPLEMENTATION AND ADMINISTRATION OF PARTNERSHIP PROGRAMS INVOLVING POLICE OFFICERS IN SCHOOLS".

B-12. Resolution No. 208-09 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM THE COLORADO DIVISION OF CRIMINAL JUSTICE IN THE AMOUNT OF $54,066 FOR THE JUVENILE ACCOUNTABILITY BLOCK GRANT; AND, AUTHORIZING THE CHIEF OF POLICE TO EXECUTE THE CONTRACT TO PARTNER WITH THE COMMUNITY PREP CHARTER SCHOOL TO FUND THE WRAPAROUND FACILITATOR AND TREATMENT SERVICES FOR PARTICIPATING YOUTH".

B-13. Resolution No. 209-09 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE (DOJ), OFFICE JUSTICE PROGRAMS (OJP) IN THE AMOUNT OF $476,444 FOR THE FY09 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM LOCAL SOLICITATION; AND APPROVING AN

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COLORADO SPRINGS AND EL PASO COUNTY TO PROVIDE GRANT FUNDS TO ACCOMPLISH THE GOALS OF THE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM".

B-14. Resolution No. 210-09 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) IN THE AMOUNT OF $10,000 FOR THE 2009 FALL FESTIVAL ENFORCEMENT MINI CHECKPOINT COLORADO INITIATIVE; AND, AUTHORIZING THE CHIEF OF POLICE TO EXECUTE THE CONTRACT TO FUND PERSONNEL AND CONTRACTUAL EXPENSES TO PERFORM OVERTIME ENFORCEMENT OF COLORADO'S IMPAIRED DRIVING LAWS".

B-15. Ordinance No. 09-112 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 APPROPRIATION ORDINANCE) FOR THE PATTY JEWETT GOLF FUND IN THE AMOUNT OF $188,000 TO CONSTRUCT A NON-POTABLE IRRIGATION LAKE AT PATTY JEWETT GOLF COURSE" was introduced and read.

B-16. CPC ZC 09-00068: (Quasi-Judicial Matter) Ordinance No. 09-113 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 0.24 ACRE LOCATED AT 601 NORTH TEJON" was introduced and read. (FB-T2A to FB-T2A/HP)

B-17. CPC ZC 09-00061: (Quasi-Judicial Matter) Ordinance No. 09-114 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 4.01 ACRES LOCATED NORTH OF THE INTERSECTION AT EAST WOODMEN ROAD AND TUTT BOULEVARD, APPROXIMATELY 400 FEET NORTHWEST OF THE TUTT BOULEVARD TRAFFIC CIRCLE" was introduced and read. (A/AO to PF/AO)

B-18. CPC ZC 09-00062: (Quasi-Judicial Matter) Ordinance No. 09-115 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 3.77 ACRES LOCATED NORTHEAST OF NORTH POWERS BOULEVARD AND EAST WOODMEN ROAD, APPROXIMATELY 900 FEET WEST OF THE SORPRESA LANE AND TUTT BOULEVARD INTERSECTION" was introduced and read. (A/AO to PF/AO)

Motion by Herpin, second by Hente, that all matters on the Consent Calendar, with the exception of Item No. 3-B-9, 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**

Resolution No. 211-09 was presented: "A RESOLUTION RECOGNIZING THE PIKES PEAK UNITED WAY FOR ITS GENEROUS SUPPORT OF THE MAYOR'S 100 TEENS PROGRAM".

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

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

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Resolution No. 212-09 was presented: "A RESOLUTION RECOGNIZING THE YMCA OF THE PIKES PEAK REGION FOR ITS GENEROUS SUPPORT OF THE MAYOR'S 100 TEENS PROGRAM".

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

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

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Resolution No. 213-09 was presented: "A RESOLUTION RECOGNIZING ENT FEDERAL CREDIT UNION FOR ITS GENEROUS SUPPORT OF THE MAYOR'S 100 TEENS PROGRAM".

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

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

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Resolution No. 214-09 was presented: "A RESOLUTION OF APPRECIATION ACCEPTING THE DONATION OF A MONUMENT COMMEMORATING THE SEQUICENTENNIAL YEAR OF THE FOUNDING OF COLORADO CITY".

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

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

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Resolution No. 215-09 was presented: "A RESOLUTION OF APPRECIATION TO CEDAR HEIGHTS COMMUNITY ASSOCATION FOR THEIR DONATION TO THE COLORADO SPRINGS FIRE DEPARTMENT IN SUPPORT OF THE WILDLAND RISK PROGRAM".

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

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

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Resolution No. 216-09 was presented: "A RESOLUTION OF APPRECIATION FOR JERRY HEIMLICHER FOR HIS 6 PLUS YEARS OF DEDICATED SERVICE TO THE COLORADO SPRINGS CITY COUNCIL".

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

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

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The Springs In Bloom 2009 Golden Trowel winners are: Individual category – In Honor of Kathy Fiorello (Wahsatch at Colorado); Business Category – Lockheed Martin (Memorial Park at War Memorial); Service Organization – Colorado College (Cascade at Colorado College); Best Individual Design – Friends of Stacy and Gary (Pioneer Museum East); Best Overall Bed – Centennial #58 Order of the Eastern Star (Cascade at Willamette).

CITIZEN DISCUSSION

Luther Floore thanked City Council for restoration of Prospect Lake; nine luxury vehicles broken into at his apartment complex, went to report the incidents and found the Police Substation empty, did find an Officer to file a report and the Colorado Springs Police Department (CSPD) did respond; begged City Council not to cut CSPD and Colorado Springs Fire Department (CSFD) any further --- needed so desperately in this community.

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5. Motion by Purvis, second by Hente, that the Minutes of the Regular Council meeting of September 22, 2009 be approved as written. The motion unanimously carried. Absent, Councilmember Glenn.

CONSIDERATION OF ITEMS CALLED UP FROM CONSENT CALENDAR SECTION

3-B-9. Ordinance No. 09-116 entitled "AN ORDINANCE ASSESSING COSTS FOR SNOW REMOVAL WORK PERFORMED ON ADJACENT SIDEWALKS AT 1902 S. CORONA AVE., 2651 LEAR DR., 680 WELSH CIR., 5642 MIRA LOMA CIR., 2123 CLARKSON DR., 530 N. INSTITUTE ST., 10693 BLACK KETTLE WY., AND 6431 GALWAY DR., AND CHARGING COSTS FOR THE WORK AGAINST THE PROPERTY UPON WHICH THE WORK WAS DONE AND ESTABLISHING A LIEN ON THE PROPERTY" was introduced and read.

Councilmember Gallagher expressed concern about dates reflecting January of 2008, effort may not be worth pursuing.

Robin Kidder, Roadway Engineering Manager, stated the list was revised pursuant to City Council direction, properties on list have not been paid, assessment filed against them.

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

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

Mayor Rivera declared the motion carried.

UTILITIES BUSINESS

6. Ordinance No. 09-109 entitled "AN EMERGENCY ORDINANCE OF THE CITY OF COLORADO SPRINGS, COLORADO PROVIDING FOR THE EXTENSION, BETTERMENT, OTHER IMPROVEMENT AND EQUIPMENT OF THE CITY OF COLORADO SPRINGS UTILITIES SYSTEM; PROVIDING FOR THE ISSUANCE AND SALE OF THE CITY OF COLORADO SPRINGS, COLORADO, UTILITIES SYSTEM IMPROVEMENT REVENUE BONDS, SERIES 2009D-1 AND SERIES 2009D-2 IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $62,000,000 PAYABLE SOLELY OUT OF THE NET REVENUES TO BE DERIVED FROM THE OPERATION OF THE UTILITIES SYSTEM; AUTHORIZING THE EXECUTION BY THE CITY OF A BOND PURCHASE AGREEMENT AND AN OFFICIAL STATEMENT; PROVIDING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY" was introduced and read.

Bill Cherrier, CSU Planning and Finance Division Finance Officer, entered his appearance and answered questions.

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

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

Mayor Rivera declared the motion carried.

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7. Motion by Hente, second by Herpin, that Yolanda Fennick, James Moore, Jeff Murrell and Linda Halbouty be reappointed as members of the Memorial Hospital Board, said terms expiring September 22, 2012, respectively. The motion unanimously carried. Absent, Councilmember Glenn.

Motion by Hente, second by Purvis, that Marshall Tuttle be reappointed and John Nuwer and Jeff Eichers be appointed to terms as members of the Telecommunications Policy Advisory Committee, said terms expiring October 9, 2012, respectively. The motion unanimously carried. Absent, Councilmember Glenn.

NEW BUSINESS

8. Ordinance No. 09-117 entitled "AN ORDINANCE PROVIDING FOR THE RE-PLATTING OF BLOCK 19-A IN EVERGREEN CEMETERY" was introduced and read.

Will DeBoer, Cemetery Manager, summarized the item; older section with irrigation system put in along with other improvements to aid in selling the property; property to be sold, does not contain sold plots; land does not have deeds, it is owned by the City.

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

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

Mayor Rivera declared the motion carried.

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9. **A resolution amending Resolution No. 203-06 fees and charges for Evergreen and Fairview cemeteries of the Parks, Recreation and Cultural Services Department**.

Mr. DeBoer stated the fees and charges are determined by prices within the region from other cemeteries; with price increases still low to provide the services offered by the City's two cemeteries; staff reduced from 11 to 7; cemeteries need to make more money; fee increase necessary to recover costs; weekend costs are higher due to overtime costs for employees.

Motion by Hente, second by Herpin, that this item be postponed to the City Council meeting of November 10, 2009; endowment not being increased appropriately; prepare and submit an appropriate proposal with business plan. The motion unanimously carried. Absent, Councilmember Glenn.

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10. Resolution No. 217-09 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT THROUGH THE STATE DIVISION OF LOCAL AFFAIRS IN THE AMOUNT OF $795,668 FOR THE PROVISION OF ELIGIBLE SERVICES UNDER THE HOMLESS PREVENTION AND RAPID RE-HOUSING GRANT PROGRAM; AND, AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE THE CONTRACT FOR ACCEPTANCE OF GRANT FUNDING TO FUND ACTIVITIES THAT MEET THE CDBG-R CRITERIA".

Lisa Bigelow, Economic Development Director, introduced the item.

Valorie Jordan, Housing and Community Development Manager, summarized the item; administration of federal grant from State; homeless prevention and rapid re-housing are the programs the funds will be utilized for; will work with other non-profit entities in the administration of the federal funds.

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

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

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11. Ordinance No. 09-118 entitled "AN ORDINANCE AMENDING THE INTERMODAL TRANSPORTATION PLAN TO INCLUDE REVISING THE TRUCK ROUTE PLAN MAP AND TO INCLUDE RECOMMENDATIONS TO THE FREIGHT ELEMENT SECTION" was introduced and read.

Ms. Bigelow introduced the item.

Craig Blewitt, Comprehensive Planning Manager, reviewed the Intermodal Transportation Plan, its purpose and changes to the Truck Route Plan: the amendment, role of the Colorado Transportation Advisory Board (CTAB) and Truck Issues Subcommittee (TISC), a subcommittee of CTAB, and role of City Staff.

Jane Dillon, CTAB Chair, gave a brief presentation; Task of the Board included evaluating the City Truck Route System, balance competing objectives and consider other trucking issues; the Process includes TISC developed concise guiding objectives and reviewed current truck route system, concentrating on gaps and redundancies, define "truck" --- commercial and 10,000 pounds or more, Stakeholder involvement, analyzed route changes, Sections 10.21.101 and 10.21.104; Recommendation to add Austin Bluffs Parkway from Nevada Avenue to Union Boulevard, remove Nevada Avenue from Fillmore Street to Uintah Street, retain three east/west routes but restrict to four axles or less, Nevada Avenue is no longer a truck route, restriction in Downtown area for existing truck routes, revise Section 9.8.201 to prohibit use of air compression brakes, Commercial Vehicle enforcement, mitigation of truck traffic on truck routes, truck parking identified as a community issue.

Todd Frisbee answered questions regarding the number of trucks on Austin Bluffs Parkway in a 12-hour day was approximately 20 vehicles per hour, 175 light single-axle and 60 combination trucks (big).

David Chaffee, Janelle Klein, Marjorie Smith, David Wilkinson, Colorado Springs Christian School (CSCS) business manager, Blake Keller, Historic Platte Avenue Association, Ron Butlin, Downtown Partnership, Brain Burnett, University of Colorado – Colorado Springs (UCCS) vice chancellor, Larry Bagley, Council of Neighbors and Organizations (CONO) board member and Falcon Estates Homeowners Association, Ann Devere, Brookwood Estates Homeowners Association, spoke in opposition citing the following comments: Austin Bluffs Parkway to Nevada Avenue --- worked on transportation issue and appointed by Mayor Ochs, Environmental Study completed and other documentation was created and none of this information has been used to complete this current study; wants organization added to list of citizens in opposition; safety and grade on Austin Bluffs Parkway; bike lanes around intersection at Nevada Avenue; noise increases due to more trucks and jerk brakes; enforcement includes two officers to cover entire city; concerned with downtown corridor; wants Platte Avenue, Pikes Peak Avenue and Fountain Boulevard removed, no need for trucks to come through the downtown area; deliveries can still be made to businesses; represents approximately 650 families (CSCS) in Austin Bluffs corridor; Fillmore Street is a more

conducive fit since it has more commercial difficult situation now, especially on Mallow Road; inclement weather brings other situations; object to CTAB recommendation; wants Platte Avenue, Pikes Peak Avenue and Fountain Boulevard removed from Plan --- use Highway 24 instead; trucks in downtown area threatens quality of life for residents, other alternatives are available; no current problems; expressed concerns many times at meetings; 10,000 students on Austin Bluffs corridor; 900 students live on campus; traffic will not help with UCCS endeavors; limit trucks to delivery only; many schools in area oppose this proposal; past City Council in 1975 promised citizens Austin Bluffs Parkway would not be a truck route with 7% grades and curves hazardous to students and residents; extending Montebello through UCCS property, violates gift endowment of the land deeded to UCCS; trucking industry critical to city; three downtown routes not be approved; I-24 and I-25 viable alternatives; Woodmen Road a natural truck route; supports no jerk brakes or compression brakes; supports making jake brakes unlawful, supports CTAB recommendation and pain shared with everyone.

Rich O'Connell, Chief Petroleum, and John O'Donnell, Service Transportation Advisory Coalition (STAC) representative, spoke in support citing the following comments: 7% grade not unusual for trucks to maneuver; in bad weather routes are adjusted accordingly; supports CTAB; share the pain; most of large truck traffic relates to College on Austin Bluffs Parkway.

Rebuttal:

Ms. Dillon addressed comments from the Planning Commission meeting regarding CTAB recommendation; addressed comments regarding non-use of Constitution but rather the streets on both sides of Constitution were used.

David Munger, CTAB and TISC representative, stated the TISC recommendation is no truck routes thru downtown and they be treated like the rest of the city; zones created in place of grids; construction should be a truck route; truck study is a validation of truck travel already occurring; addressed comments about assurances regarding Montebello would not be a truck route.

Dave Krauth, Principal Traffic Engineer, entered his appearance and answered questions.

Motion by Martin, second by Gallagher, that the ordinance be passed as introduced and accept CTAB's recommendation.

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

Mayor Rivera declared the motion carried.

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

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At 4:47 P.M., motion by Heimlicher, second by Small, that Council adjourn. The motion unanimously carried, and

COUNCIL ADJOURNED

Kathryn M. Young, CMC, CERA
City Clerk