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

Council met in Regular Session.

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

----------0----------

1. **Invocation and Pledge of Allegiance.**

The meeting was opened with an invocation by John Goodale, Associate Pastor of Community Life – First Presbyterian Church.

----------0----------

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

9. **CPC V 08-00192: Request by the City of Colorado Springs Streets Division for approval of a vacation of 20 foot by 210 foot section of public right-of-way located in the alley bounded by West Costilla Street to the north, 8th Street to the east and 9th Street to the west.**

Motion by Hente, second by Purvis, that this item be postponed to the City Council meeting of December 8, 2009. The motion unanimously carried.

----------0----------

Councilmember Glenn called up Item No. 3-A-1 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-A-1 which was acted upon separately:

SECOND PRESENTATION:

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

A-2. Ordinance No. 09-126 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 APPROPRIATION ORDINANCE) IN THE AMOUNT OF $221,691 FOR THE CONSTRUCTION AND INSTALLATION OF THE RENTAL CAR/PARKING/ROADWAY IMPROVEMENTS AND TERMINAL BUILDING CANOPIES PROJECT AT THE COLORADO SPRINGS AIRPORT" was presented for final passage.

A-3. Ordinance No. 09-127 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 APPROPRIATION ORDINANCE) IN THE AMOUNT OF $250,000 FOR THE RELOCATION OF RENTAL CAR COMPANY TERMINAL SPACE AND READY RETURN SPACE AT THE COLORADO SPRINGS AIRPORT" was presented for final passage.

A-4. Ordinance No. 09-128 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 APPROPRIATION ORDINANCE) IN THE AMOUNT OF $300,000 FOR THE PURCHASE OF PUBLIC PARKING SHUTTLE BUSES AT THE COLORADO SPRINGS AIRPORT" was presented for final passage.

FIRST PRESENTATION:

B-1. Resolution No. 246-09 was presented: "A RESOLUTION AUTHORIZING SUBMISSION OF NEW PASSENGER FACILITY CHARGE (PFC) APPLICATION #17 TO THE FEDERAL AVIATION ADMINISTRATION INCREASING THE TOTAL PFC FUNDS TO BE COLLECTED FOR CAPITAL IMPROVEMENTS AT THE COLORADO SPRINGS AIRPORT".

B-2. Resolution No. 247-09 was presented: "A RESOLUTION AUTHORIZING SUBMISSION OF A SECOND AMENDMENT TO PASSENGER FACILITY CHARGE (PFC) APPLICATION #11 TO THE FEDERAL AVIATION ADMINISTRATION INCREASING THE TOTAL PFC FUNDS TO BE COLLECTED FOR CAPITAL IMPROVEMENTS AT THE COLORADO SPRINGS AIRPORT".

B-3. Resolution No. 248-09 was presented: "A RESOLUTION APPROVING THE 2010 JOINT FUNDING AGREEMENT BETWEEN THE U.S. GEOLOGICAL SURVEY AND THE CITY OF COLORADO SPRINGS FOR CONTINUATION OF THE WET WEATHER MONITORING PROGRAM OCCURRING WITHIN THE FOUNTAIN CREEK AND MONUMENT CREEK BASINS ".

B-4. Resolution No. 249-09 was presented: "A RESOLUTION APPROVING THE DONATION OF LAW ENFORCEMENT EQUIPMENT TO THE FOUNTAIN POLICE DEPARTMENT, FOUNTAIN, COLORADO".

B-5. Resolution No. 250-09 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM THE GOVERNOR'S OFFICE OF HOMELAND SECURITY IN THE AMOUNT OF $56,286, FOR THE INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT PROGRAM (IECGP); AND, AUTHORIZING THE OFFICE OF EMERGENCY MANAGEMENT DIVISION MANAGER TO EXECUTE THE CONTRACT FOR HOMELAND SECURITY FUNDING FOR THE SOUTH CENTRAL REGION OF COLORADO".

B-6. Resolution No. 251-09 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 $30,300 FOR THE 2009 FLOOD MITIGATION ASSISTANCE PROGRAM (FMAP) GRANT AGREEMENT #10EM78583; AND, AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT BETWEEN THE CITY OF COLORADO SPRINGS AND THE STATE OF COLORADO TO UPDATE THE FLOOD-RELATED PORTIONS OF THE PRE-DISASTER MITIGATION PLAN FOR THE CITY OF COLORADO SPRINGS".

B-7. Resolution No. 252-09 was presented: "A RESOLUTION AUTHORIZING THE OFFICE OF THE CITY ATTORNEY TO FILE A PETITION FOR EXCLUSION OF CERTAIN PROPERTY FROM THE FALCON FIRE PROTECTION DISTRICT AND APPROVING THE CITY'S PLAN FOR THE DISPOSITION OF ASSETS AND CONTINUATION OF SERVICE TO ALL AREAS OF THE FALCON FIRE PROTECTION DISTRICT".

B-8. Ordinance No. 09-131 entitled "AN ORDINANCE AMENDING SECTION 201 (VEHICLE NOISE LIMITS) OF PART 2 (NOISE POLLUTION – VEHICLES) OF ARTICLE 8 (OFFENSES AFFECTING THE ENVIRONMENT) OF CHAPTER 9 (PUBLIC OFFENSES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO AIR COMPRESSION BRAKES" was introduced and read.

B-9. Ordinance No. 09-132 entitled "AN ORDINANCE AMENDING SECTIONS 101 (DEFINITIONS) AND 104 (OPERATION OF TRUCKS) OF ARTICLE 21 (TRUCK ROUTES) OF CHAPTER 10 (MOTOR VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO TRUCK ROUTE ZONES" was introduced and read.

B-10. Ordinance No. 09-133 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 APPROPRIATION ORDINANCE) FOR THE 2009 GIFT TRUST FUND IN THE AMOUNT OF $800,000" was introduced and read.

B-11. Resolution No. 253-09 was presented: "A RESOLUTION APPROVING THE SALE OF 3,213 FT² OF SURPLUS REAL PROPERTY FROM THE CITY OF COLORADO SPRINGS TO AARON AND GWENDOLYN EGBERT AS THE ONLY LOGICAL PURCHASER".

B-12. Resolution No. 254-09 was presented: "A RESOLUTION APPROVING A CONSOLIDATED WATER EXCHANGE AGREEMENT AMONG THE CITY OF AURORA, COLORADO, THE CITY OF COLORADO SPRINGS, COLORADO, THE EAGLE PARK RESERVOIR COMPANY, COLORADO RIVER WATER CONSERVATION DISTRICT, EAGLE RIVER WATER AND SANITATION DISTRICT, UPPER EAGLE REGIONAL WATER AUTHORITY, AND VAIL ASSOCIATES, INC. REGARDING THE COOPERATIVE OPERATION OF WATER FACILITIES IN THE COLORADO RIVER BASIN".

B-13. Ordinance No. 09-134 entitled "AN ORDINANCE AMENDING SECTION 416 (CONSTRUCTION; REQUIREMENTS FOR COMMENCEMENT AND COMPLETION) OF PART 4 (CONNECTION AND INSTALLATION) OF ARTICLE 4 (WATER CODE) AND SECTION 412 (CONSTRUCTION; REQUIREMENTS FOR COMMENCEMENT AND COMPLETION) OF PART 4 (CONNECTION AND INSTALLATION) OF ARTICLE 5 (WASTEWATER TREATMENT CODE) OF CHAPTER 12 (UTILITIES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, RELATING TO CONNECTIONS TO THE WATER AND WASTEWATER SYSTEMS" was introduced and read.

B-14. **<u>707 South Cascade Avenue</u>**

B-14A. CPC ZC 09-00072: (Quasi-Judicial Matter) Ordinance No. 09-135 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 0.22 ACRE LOCATED AT 707 SOUTH CASCADE AVENUE" was introduced and read. (R-2 to OR)

B-14B. **CPC DP 09-00073: (Quasi-Judicial Matter) Request by Dan W. Herman on behalf of John Otto for approval of a development plan for 707 South Cascade Avenue consisting of 0.22 acre located at 707 South Cascade Avenue.**

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

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

----------0----------

4. **Resolutions of Appreciation**

There were none.

----------0----------

Logan T. Terry, Home School, Keaton Deyhle, of Colorado Springs Christian School, and Olivia Trinco, of Manitou High School, were introduced as representatives of the Mayor's 100 Teens.

----------0----------

Mayor Rivera recognized the Fifth-grade class of the Pikes Peak School of Expeditionary Learning.

CITIZEN DISCUSSION

Kristen Downs, Susan Davies, Trails, Open Space Coalition (TOPS), Michele Williams, Carolyn Griffith, Lonnie Miera and June Waller, Colorado Black Roundtable representative, spoke in support of programs in Parks, Recreation and Cultural Services citing the following comments: her children swim at Fountain and attend the Westside Center; Julie Penrose Fountain at America the Beautiful Park funding put on hold to see outcome of Issue 2C; children will be affected if budget cuts affect parks, pools and centers; wants City Council to be more frugal with taxpayers' dollars; think outside the box for funding; happy parks, pools and centers will remain open for another three months; funding directed to Parks and Recreation programs, especially Learn to Swim program; willing to pay more; concerned with pools; public comes to elected officials for help and told there is no money; how can City Council close the door on Girls and Boys Scouts, willing to close centers but find money to build and furnish the United States Olympic Committee (USOC) building; concerned with closure of Hillside Center; 90 days not enough time to raise $900,000 to keep Hillside Center open; salaries of people living in 80903 and 80910 zip codes are too low to raise this kind of money, parents can pay some but not enough to keep the Center open; requested at least six months to organize.

Ed Billings, Susanne Whited, Passenger Advisory Committee representative, and Sarah Ferrara, LaNelle Folks and Robert Parwall spoke in support of transit citing the following comments: suggestions to ride buses being ignored by City Council; transit service at bare

bones; money from federal grants to purchase buses now must be sold; City needs a viable bus transportation system; Transit Authority needed to stabilize transit services; funds an Epilepsy program, bus system does not go where needed to assist people in their ability to get places; need evening and weekend services; services needed for college attendance; inclement weather makes it difficult for people to get around, especially on sidewalks; transit rider and Metro Mobility user; not just for disabled/low income people; need this transportation for daily lives and usage; rides City transportation, and needs six days of service; find two hours when buses are not being used and carry over to Saturday service.

Nadine Jackson stated she is a strong proponent of Issue 2C; Homeless Outreach Team (HOT) and Police are both needed to help build relationships and positive influence to the homeless and students.

Luther Floore commented there is a need to find a way to retain the Parks Director, and maintain the ice rink; disabled parking in Colorado Springs is horrible --- car is ticketed although he is disabled; agrees with Councilmember Gallagher that City employee salaries should be cut 5% - 10%; increase Fire and Police salaries.

Allison Childs requested City Council use their salaries to help with the shortfall to keep centers open since they have other jobs and income; complaint of assault; landlord problems, need for buses.

Ed Bircham expressed the need for a pay reduction at a higher level, furloughs do not cut it; sell Memorial Health System (MHS) while time is good; sell Colorado Springs Utilities (CSU) and outsource everything, people have lost confidence in this Government; outsource buses to Silver Key.

----------0----------

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

CONSIDERATION OF ITEMS CALLED UP FROM CONSENT CALENDAR SECTION

3-A-1. Ordinance No. 09-125 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 09-33 (2009 AMENDED APPROPRIATION ORDINANCE) IN THE AMOUNT OF $34,975 FOR THE GENERAL FUND; AND, AMENDING ORDINANCE NO. 08-213 (2009 REVENUE AND APPROPRIATION ORDINANCE) IN THE AMOUNT OF $83,566 FOR THE STORMWATER ENTERPRISE FUND" was presented for final passage.

Ken Sampley, Stormwater Enterprise Manager, entered his appearance and answered questions.

Motion by Glenn, second by Paige, that this item be postponed until policy discussion has taken place.

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

Mayor Rivera declared the motion failed.

Then, motion by Purvis, second by Hente, that the ordinance be finally passed.

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

Mayor Rivera declared the motion carried.

UTILITIES BUSINESS

6. Ordinance No. 09-130 entitled "AN EMERGENCY ORDINANCE OF THE CITY OF COLORADO SPRINGS, COLORADO APPROVING A LOAN FROM THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY IN THE MAXIMUM PRINCIPAL AMOUNT OF $9,000,000 FOR THE IMPROVEMENT OF THE UTILITIES SYSTEM OF THE CITY; APPROVING THE FORM, TERMS AND PROVISIONS OF A LOAN AGREEMENT WITH SUCH AUTHORITY; AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH LOAN AGREEMENT AND THE ISSUANCE OF THE CITY OF COLORADO SPRINGS, COLORADO, UTILITIES SYSTEM IMPROVEMENT REVENUE BOND, SERIES 2009E TO EVIDENCE SUCH LOAN PAYABLE SOLELY OUT OF THE NET REVENUES TO BE DERIVED FROM THE OPERATION OF THE UTILITIES SYSTEM; PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY" was introduced and read.

Bill Cherrier, CSU Planning & Finance Division 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: Gallagher, Glenn, Hente, Herpin, Martin, Paige, Purvis, Rivera, Small
Noes: None
Absent: None

UNFINISHED BUSINESS

7. 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 brought up on third presentation.

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

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

----------0----------

8. Ordinance No. 09-129 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 09-92 RELATING TO THE CITY OF COLORADO SPRINGS, COLORADO, UTILITIES SYSTEM REFUNDING REVENUE BONDS, SERIES 2009A; RATIFYING ACTION HERETOFORE TAKEN RELATING TO SUCH UTILITIES BONDS; AND PROVIDING OTHER MATTERS RELATING THERETO" was brought up on second presentation.

Mr. Cherrier entered his appearance and answered questions.

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

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

----------0----------

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

NEW BUSINESS

10. Ordinance No. 09-136 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 06-77 THAT AMENDED ORDINANCE NOS. 99-109 AND 04-180 PERTAINING TO THE COUNCIL APPOINTED COLORADO SPRINGS INTERNATIONAL AFFAIRS ADVISORY COUNCIL AND THE OFFICE OF INTERNATIONAL AFFAIRS" was introduced and read.

Lisa Bigelow, Economic Development Director, stated Staff recommends transfer of the function of the Colorado Springs Office of International Affairs (OIA) to the Greater Colorado Springs Chamber of Commerce for the 2010 Budget; and dissolving the Colorado Springs International Affairs Advisory Council.

Dave Csintyan, Greater Colorado Springs Chamber of Commerce President and Chief Executive Officer, stated the Gift Trust funding and CSU funding will allow the hiring of a full-time position.

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

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

----------0----------

11. **Approval of the 2010 Regional Building Department Budget.**

Henry Yankowski, Regional Building Official, summarized the Budget proposal and answered questions.

Motion by Small, second by Hente, that the 2010 Regional Building Department Budget be approved. The motion unanimously carried.

----------0----------

12. Resolution No. 255-09 was presented: "A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF COLORADO SPRINGS AND EL PASO COUNTY, COLORADO FOR FACILITIES BUILDING MAINTENANCE SERVICES".

Mike Anderson, Assistant City Manager, introduced the item and answered questions.

Tom Monarco, Fleet Manager, reviewed the Intergovernmental Agreement (IGA) and stated a savings of $150,000 - $200,000 is anticipated with this IGA over using CSU Facilities Management.

Monnie Gore, El Paso County Deputy Administrator of Support Services, gave a brief presentation; taking City facilities under El Paso County; performing facility maintenance will save the City money; will survey City facilities to determine efficiencies, usage and life span of City buildings.

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

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

----------0----------

At 2:46 P.M., motion by Hente, second by Martin, that Council adjourn. The motion unanimously carried, and

COUNCIL ADJOURNED

Kathryn M. Young

Kathryn M. Young, CMC, CERA
City Clerk