

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.

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

The meeting was opened with an invocation by Bernie Herpin, District 4 Councilmember.

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

There were none.

CONSENT CALENDAR

3. The following items were acted upon by unanimous consent of the members present:

SECOND PRESENTATION:

- A-1. 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 brought up on second presentation.
- A-2. 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 presented for final passage.
- A-3. 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 presented for final passage.
- A-4. 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

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(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 SYSTEM” was presented for final passage.

- A-5. 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 presented for final passage. (R-2 to OR)
- A-6. 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 presented for final passage.

FIRST PRESENTATION:

- B-1. Resolution No. 261-09 was presented: “A RESOLUTION CERTIFYING THE 2009 TAX LEVY FOR NOR’WOOD SPECIAL IMPROVEMENT MAINTENANCE DISTRICT AT 3.935 MILLS UPON EACH DOLLAR OF ASSESSED VALUATION WITHIN SAID DISTRICT”.
- B-2. Resolution No. 262-09 was presented: “A RESOLUTION CERTIFYING THE 2009 TAX LEVY FOR WOODSTONE SPECIAL IMPROVEMENT MAINTENANCE DISTRICT AT 3.615 MILLS UPON EACH DOLLAR OF ASSESSED VALUATION WITHIN SAID DISTRICT”.
- B-3. Resolution No. 263-09 was presented: “A RESOLUTION CERTIFYING THE 2009 TAX LEVY FOR STETSON HILLS SPECIAL IMPROVEMENT MAINTENANCE DISTRICT AT 3.858 MILLS UPON EACH DOLLAR OF ASSESSED VALUATION WITHIN SAID DISTRICT”.
- B-4. Resolution No. 264-09 was presented: “A RESOLUTION CERTIFYING THE 2009 TAX LEVY FOR PLATTE AVENUE SPECIAL IMPROVEMENT MAINTENANCE DISTRICT AT \$1.10 PER FRONT FOOTAGE OF REAL PROPERTY WITHIN SAID DISTRICT”.
- B-5. Resolution No. 265-09 was presented: “A RESOLUTION CERTIFYING THE 2009 TAX LEVY FOR BRIARGATE SPECIAL IMPROVEMENT MAINTENANCE DISTRICT AT 4.409 MILLS UPON EACH DOLLAR OF ASSESSED VALUATION WITHIN SAID DISTRICT”.
- B-6. Resolution No. 266-09 was presented: “A RESOLUTION CERTIFYING THE 2009 TAX LEVY FOR COLORADO AVENUE GATEWAY SPECIAL IMPROVEMENT MAINTENANCE DISTRICT AT 1.009 MILLS UPON EACH DOLLAR OF ASSESSED VALUATION WITHIN SAID DISTRICT”.
- B-7. Resolution No. 267-09 was presented: “A RESOLUTION CERTIFYING THE 2009 TAX LEVY FOR OLD COLORADO CITY MAINTENANCE AND SECURITY DISTRICT AT 13.416 MILLS UPON EACH DOLLAR OF ASSESSED VALUATION WITHIN SAID DISTRICT”.
- B-8. **Colorado Springs Downtown Development Authority**
- B-8A. Resolution No. 268-09 was presented: “A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS IN THE AMOUNTS, AND FOR THE PURPOSES SET

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FORTH BELOW FOR THE COLORADO SPRINGS DOWNTOWN DEVELOPMENT AUTHORITY IN COLORADO SPRINGS, COLORADO, FOR THE 2010 BUDGET YEAR”.

- B-8B. Resolution No. 269-09 was presented: “A RESOLUTION SETTING THE TAX LEVY FOR ALL PURPOSES AT 5.000 MILLS FOR THE COLORADO SPRINGS DOWNTOWN DEVELOPMENT AUTHORITY IN COLORADO SPRINGS, COLORADO FOR THE 2010 BUDGET YEAR”.
- B-9. Resolution No. 270-09 was presented: “A RESOLUTION TO ACCEPT A GRANT FROM THE COLORADO DIVISION OF CRIMINAL JUSTICE, OFFICE FOR VICTIM’S PROGRAMS IN THE AMOUNT OF \$54,916 FOR THE VICTIMS OF CRIME ACT GRANT. AUTHORIZING THE CHIEF OF POLICE TO EXECUTE THE CONTRACT TO FUND A VICTIM ADVOCATE POSITION FOR DIRECT SERVICES TO VICTIMS OF CRIME”.
- B-10. Resolution No. 271-09 was presented: “A RESOLUTION TO ACCEPT A GRANT FROM THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) IN THE AMOUNT OF \$5,500 FOR THE 2009 HALLOWEEN DRIVING UNDER THE INFLUENCE (DUI) HIGH VISIBILITY ENFORCEMENT INITIATIVE; AND, AUTHORIZING THE CHIEF OF POLICE TO EXECUTE THE CONTRACT TO PERFORM OVERTIME ENFORCEMENT OF COLORADO’S IMPAIRED DRIVING LAWS”.
- B-11. **Request by the City of Colorado Springs Land Use Review for approval of an Intergovernmental Agreement between the Downtown Business Improvement District and the City of Colorado Springs for the maintenance and replacement of newspaper condominium boxes within the downtown business district.**
- B-12. Ordinance No. 09-139 entitled “AN ORDINANCE AMENDING ORDINANCE NO. 08-213 (2009 APPROPRIATION ORDINANCE) IN THE AMOUNT OF \$1,675,000 FOR THE DEFEASANCE OF THE AIRPORT SYSTEM REVENUE BONDS SERIES 1992C” was introduced and read.
- B-13. Ordinance No. 09-140 entitled “AN ORDINANCE ESTABLISHING 2010 OPERATING AND OCCUPANCY RATES FOR NON-SIGNATORY AIRLINES AND OTHER USERS AT THE COLORADO SPRINGS MUNICIPAL AIRPORT” was introduced and read.
- B-14. Ordinance No. 09-141 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 introduced and read.

Motion by Hente, second by Purvis, that all matters on the Consent Calendar, 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

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4. **Resolutions of Appreciation**

There were none.

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Samantha Ricker and Chelsea Mangino, of Liberty High School, and Ashlee Ginn, of The Classical Academy, were introduced as representatives of the Mayor's 100 Teens.

CITIZEN DISCUSSION

Paul and Sandra Sherer requested City Council consider privatizing City services at no cost to the City; will save jobs and manage city resources responsibly; wants the privatization question put on a future agenda for City Council consideration.

Douglas Bruce made a public complaint against the City Clerk regarding the Fair Campaign Practices Act (FCPA) report filed by Vote No on 300 Committee; wrong to require filing reports on Friday before the Election.

The City Clerk will provide reports from the Yes on 300 Committee and the Vote No on 300 Committee and report to City Council on this matter.

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5. Motion by Martin, second by Glenn, that the Minutes of the Regular Council meeting of November 10, 2009 and the Special Called Session of November 18, 2009 be approved as written. The motion unanimously carried.

UTILITIES BUSINESS

6. **A public hearing for the consideration of resolutions regarding certain changes to Utilities Rules and Regulations and setting electric, water and wastewater rates within the service areas of Colorado Springs Utilities.**

City Attorney Introductory Briefing.

Ms. Kelly reviewed the State and local regulatory rights of City Council to conduct a utility rate hearing; rates established must be reasonable and just; written and oral proceedings will constitute a record from which City Council must determine findings.

Exparte material:

Mayor Rivera received an email, which was forwarded to the City Attorney and Colorado Springs Utilities (CSU).

Councilmember Purvis received a letter from Mr. Meyer, which he gave to the City Attorney.

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Rate and Tariff Proposal Hearing.

Utilities Presentation:

Bill Cherrier, CSU Planning & Finance Division Officer, introduced the item; items to be presented include procedural background, Regulatory assets, Development and Reconnection Charges, Rate Case Proposal by service, public outreach, summary and next steps.

Brent Schubloom, CSU Systems Extension Manager, reviewed the Development and Reconnection Charges; Utilities Rules and Regulations, i.e. definition of Mixed Use, Mixed-Use Development, Development Charge Deferrals, Change of Use, Multi-Family Development Charges and Abandoned Services.

Stella Chan, CSU Financial Planning & Pricing Manager, reviewed the Rate Proposal by Service as follows:

- A. Electric – revenue requirement includes total base (non-ECA) revenue requirement: \$201.7 million, Base (non-ECA) revenue deficiency: \$17.3 million, Proposed Base (non ECA) revenue increases for residential - \$10.4 million, commercial - \$3.2 million, industrial - \$3.7 million for a total of \$17.3 million.
- B. Water – total revenue requirement is \$124.2 million; revenue deficiency is \$10.4 million, Proposed revenue increases for residential - \$3.1 million, nonresidential - \$7.1 million for a subtotal of \$10.2 million, Nonpotable (no change recommended) - \$0.2 million for a total of \$10.4 million.
- C. Wastewater – total revenue requirement is \$70.6 million; revenue deficiency is \$3.5 million; Proposed revenue increases for residential - \$3.1 million, nonresidential - \$0.4 million for a total of \$3.5 million.
- D. Customer Bill Changes – total current residential bill is \$180.21, proposed residential bill is \$184.39 for a difference of \$4.18 or 2.3%; total current commercial bill is \$1,659.56, proposed commercial bill is \$1,582.43 for a difference of (\$77.13) or (4.6%); total current industrial bill is \$36,847, proposed industrial bill is \$37,796 for a difference of \$949 or \$2.6%; customer impact varies depending on usage profile and utility services provided, range varies from 4% and 13% mainly due to gas usage.

Sherri Newell, CSU Chief Public Affairs Officer, reviewed the schedule and messages, audiences and customer assistance.

Mr. Cherrier provided summary and identified the next steps; present Draft Decisions and Orders at the Informal City Council meeting of December 7, 2009; approval of the 2010 Rate Case Filing at the Formal City Council meeting of December 8, 2009.

Public Comment:

Sam Masias expressed concern that CSU is not into renewable energy; wants more funding for renewable energy.

Terri Olbereik spoke in opposition of the rates for residential service.

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Mr. Bruce questioned the phase-out amount from 2009 for PILT; multi-million dollar mistake from CSU does not matter, it is to be phased out anyway.

Auditor comments:

Denny Nester, Assistant City Auditor, stated there are three areas of concern: \$1 million of revenue not included in the Rate Case; cost between ECA and base rates - \$5 million of costs counted for 2009 and in 2009 base rate, should not be in 2010 ECA; Payment in Lieu of Taxes (PILT) was based on Resolution No. 205-00, adopted in November, 2000, changed the basis of payment from a percentage to a base rate; in 2008 CSU paid \$7,048,201 and should have paid \$7,843,244; 2008 underpaid \$795,043 for gas service; in 2009 underpaid \$698,880 for gas service and underpaid \$2,894,975 for electric service for a total of \$4,388,899; proposed underpaid \$817,635 for gas service and underpaid \$4,393,223 for electric service for a total of \$5,210,858 for 2010.

Questions from City Council:

Mayor Rivera questioned the General City Budget difference of approximately \$2 million more compared to the CSU Budget for PILT; Rate Case indicates a rate increase in water rates, \$6.7 million of new debt to be issued for some Southern Delivery System (SDS) and non-SDS expenses, do not see an increase in development charges, odd to increase rates but not increase development charges.

Councilmember Hente questioned the changes to Rules and Regulations as it applies to multi-family, referenced Sheet No. 82 – Section 41 – Subparagraph B, should it be equal to; Section 41A2 – does that mean if you have a corresponding master meter in a multi-family residential you will be capped at meter size for that.

Vice Mayor Small questioned the Development Charge Deferral; needs clarification on how this works, are there impacts to the Regional Building Department (RBD) since charges are to be paid at the time of permit issuance, what will be given to RBD so they will understand they do not have to collect and does RBD incur any accounting costs for these; how will it be tracked for certificate of occupancy; asked early in the year for investigation of a municipal rate, would like explanation why this has not been accomplished.

Councilmember Paige questioned the Regulatory Assets and commitments made, i.e. mitigation expenditure made over the years, paved the way for SDS.

Councilmember Gallagher questioned accounting for credit on ECA and adding a non-fuel cost; would like clarification on the Gas Cost Adjustment (GCA), set to sunset in 2009; why are we waiting until 2009 for capitalization on SDS expenses; why is there not a Peak tariff for streetlights.

Councilmember Purvis requested information on rate impacts for PILT; Development Charge Deferral – does that factor into any risk of the Developer's failure, is there some means of recovering tap fees.

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CSU response:

Tom Black, CSU Energy Services Division Officer, stated the amount disclosed for 2010 is correct for DSM programs renewable certificates, Castro Hydro, solar unit at the United States Air Force Academy (USAFA) 50 megawatts of wind; conversations on renewable energy will occur in 2010.

Mr. Schubloom answered questions regarding development charges for construction and design collected up front; meter orders and final inspections.

Mr. Cherrier will work with the Auditor for clear reporting and costs for ECA and base rates; municipal rate issue is being discussed as a conservation rate, legal issues not associated with rate case.

Ms. Chan stated wastewater and water follow a defined methodology; no justification to change the rates; \$24 million of ECA costs refunded; GCA will be reduced to zero and will discuss further at the December 8, 2009 City Council meeting; offering an off-peak rate for streetlights.

Councilmember Martin wants a clear description of the PILT in terms of the Auditor's report.

Identification of Issues:

Ms. Kelly identified the following issues:

Electric:

- Is the municipal proposed adjustment to the Payment in Lieu of Taxes expenses in the 2010 rate case test year appropriate?
- Is a non-ECA Electric Service revenue requirement of \$201,736,526 appropriate for the 2010 rate case test-year period based upon the cost of service study?
- Should the rates for the following Electric Rate Schedules be revised as proposed for the following services: residential, commercial (small), commercial (general), industrial (time-of-day transmission voltage), industrial (time-of-day 1,000 kWh/Day minimum), industrial (time-of-day 500 kW minimum), industrial (time-of-day 4,000 kW minimum), industrial (large Power and Light), contract (traffic signals), contract service and enhanced power service?
- Should the following former experimental rate options be made permanent rate options: industrial service (time-of-day 1000 kWh/day minimum) and industrial (Large Power and Light)?
- Should the Enhanced Power Electric Rate Schedule Substation Capacity Charge demand be billed based upon the greater of actual or projected peak demand?

Natural Gas:

- Should language be added to the Contract Service – Firm Transportation Rate Schedule and the Contract Service – Interruptible Transportation Rate Schedule to provide that if more than one primary sales gas meter serves a military installation, then the meters will be totalized to bring the tariff into conformance with current utility practices?

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Water:

- Is a Water Service revenue requirement of \$124,222,630 appropriate for the 2010 rate case test-year period based upon the cost of service study?
- Should the rates for the following Water Service Rate Schedules be revised as proposed? Residential – inside city limits, Nonresidential – inside city limits, residential – outside city limits, nonresidential – outside city limits, contract service and temporary service (hydrant use).
- Should language be added to the Residential Service – Inside city limits, Non-residential Service – inside city limits, the Residential Service – outside city limits, and the Nonresidential Service – outside city limits water rate schedules to clarify that master metered service is available only to commercial and industrial accounts, regardless of the end use of the water?
- Should Colorado Springs Utilities be directed to develop a municipal water conservation rate and bring that proposed rate before the City Council for its review?

Wastewater:

- Is a Wastewater Service revenue requirement of \$70,604,518 appropriate for the 2010 rate case test-year period based upon the cost of service study?
- Should the rates for the following Wastewater Service Rate Schedules be revised as proposed? Residential Service – inside city limits, Non-residential Service – inside city limits, Residential Service – outside city limits, Non-residential Service – outside city limits, Contract Service – outside city limits and Liquid Waste Hauler.
- Should the Residential Service – inside city limits and the Residential Service – outside city limit wastewater rate schedules be changed as proposed to clarify the manner in which billing units pertaining to the calculation of the Normal Quantity Charge are determined?
- Should the Non-residential Service – inside city limits and the Non-residential Service – outside city limits wastewater rate schedules be revised to remove the transitional language from the Consumptive Use Adjustment and Irrigation Adjustment sections that allow customers to install backflow prevention devices until December 31, 2009?

Utilities Rules and Regulations:

- Should the term “mixed-use” be defined and added to the tariff to be used in conjunction with the application of development charges as proposed?
- Should the definition of “multi-family residential” be revised as proposed?
- Should language be added to the Billing section of the tariff explaining that daily access charges and customer charges are charged for all active accounts, even if services are disconnected for any cause?
- Should the mixed-use development provisions of the URRs be amended as proposed to add rules that each separate use will pay the respective rates related to that use?
- Should the development charge provisions of the URRs be clarified by defining a single family residential connection as water meter sizes $\frac{3}{4}$ inches or less?
- Should the development charge provisions of URRs for multi-family master-metered and individually metered connections be revised as proposed?
- Should the development charge provisions of the URRs be revised as proposed to provide that an additional development charge is not due if there is no physical change in meter size when the initial development charge was not a calculated charge?
- Should the definition of abandoned services be extended to 20 years of inactivity as proposed from the current 10 years of inactivity?

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- Should there be a deferral option for both water and wastewater development charges as proposed?

Council Deliberation and Direction regarding rate and tariff proposals:

There was no further City Council deliberation or direction.

Establish further proceedings as necessary.

Ms. Kelly stated draft Decisions and Orders will be developed for all the rate cases, resolutions adopting all the tariff changes which implement the rate schedules as City Council has indicated consent to and presented at the December 7, 2009, Informal City Council meeting. The final changes will be presented at the Formal City Council meeting on December 8, 2009.

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7. Ordinance No. 09-142 entitled “AN ORDINANCE IDENTIFYING AND ACCEPTING THE ANNUAL SOURCES OF FUNDS FOR COLORADO SPRINGS UTILITIES FOR THE YEAR ENDING DECEMBER 31, 2010” was introduced and read.

Mr. Cherrier summarized the item; use the City’s number for PILT with adjustments to gas service as well to be brought back.

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

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

Mayor Rivera declared the motion carried.

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8. Ordinance No. 09-143 entitled “AN ORDINANCE APPROVING THE ANNUAL BUDGET FOR COLORADO SPRINGS UTILITIES AND APPROPRIATING MONIES FOR THE SEVERAL PURPOSES NAMED IN THE ANNUAL BUDGET FOR COLORADO SPRINGS UTILITIES FOR THE YEAR ENDING DECEMBER 31, 2010” was introduced and read.

Mr. Cherrier entered his appearance and answered questions.

Karin Hollohan, CSU Workforce Rewards Manager, gave a presentation; STAR program budget for 2009 is \$591,063; proposed 2010 amount is \$930,000; results real and tangible; recognizes safety, a key component of CSU and the STAR program.

Councilmember Paige questioned the funding for economic development from CSU, requested an audit of economic development for transparency.

Mr. Bruce stated the first phase-out of PILT begins in January, 2010.

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

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Then, motion by Paige, second by Small, that the ordinance be passed with the following amendment: EDC funding level to remain at 2009 funds.

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

Mayor Rivera declared the motion failed.

Councilmember Glenn withdrew his support for the original motion.

Mayor Rivera declared the original motion died for lack of a second.

Then, motion by Glenn, second by Martin, that the ordinance be passed with the following amendment: STAR funding to remain at 2009 level.

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

Mayor Rivera declared the motion failed.

Councilmember Small motioned to bifurcate the question into two parts: 1) to reduce funding amount of the STAR program to the amount of \$591,063, and 2) to approve the 2010 Budget.

A vote being taken to reduce funding amount of the STAR program to the amount of \$591,063:

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

Mayor Rivera declared the motion failed.

Then, motion by Purvis, that the ordinance be passed with the following amendment: impound the STAR awards until such time that further clarification, detail and specific criteria for it to be awarded to a particular employee.

Mayor Rivera declared the motion died for lack of a second.

Then, motion by Paige, second by Purvis, that the ordinance be passed as introduced.

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

Mayor Rivera declared the motion failed.

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Then, motion by Purvis, second by Martin, that the ordinance be passed with the following amendment: STAR funding level at \$591,063.

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

Mayor Rivera declared the motion failed.

Then, motion by Glenn, second by Hente, that the ordinance be passed with the following amendment: remove the STAR award program funding.

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

Mayor Rivera declared the motion failed.

Then, motion by Herpin, second by Glenn, that the ordinance be passed with the following amendment: STAR program level at 2009 funding and eliminate Level 4 – CEO awards.

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

Mayor Rivera declared the motion carried.

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9. Ordinance No. 09-144 entitled "AN ORDINANCE AMENDING SECTION 417 (DISCONNECTION) OF PART 4 (CONNECTION AND INSTALLATION OF SYSTEM) OF ARTICLE 4 (WATER CODE) OF CHAPTER 12 (UTILITIES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, RELATING TO ABANDONED WATER LINES" was introduced and read.

Mr. Schubloom gave a brief presentation and answered questions.

Mr. Bruce stated the abandoned period means not a water customer; caused someone that bought one of his properties to pay \$6,500 to get the water turned on; no due process.

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

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

Mayor Rivera declared the motion carried.

NEW BUSINESS

10. Resolution No. 272-09 was presented: “A RESOLUTION REPEALING RESOLUTION NO. 203-06 AND ESTABLISHING FEES AND CHARGES FOR THE CEMETERY ENTERPRISE”.

Kim King, Parks, Recreation and Cultural Services Administration Manager, gave a presentation; complete fees and charges, not one at a time, will be brought forward in the future; looking at endowment fund and increasing that fund to help with perpetual care.

Paul Butcher, Parks, Recreation and Cultural Services Director, stated in 2010 proposed Code changes will address the percentage for the endowment fund.

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

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

Mayor Rivera declared the motion carried.

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11. Resolution No. 273-09 was presented: “A RESOLUTION REPEALING RESOLUTION NO. 64-09 AND ESTABLISHING FEES AND CHARGES FOR THE PARKS, RECREATION AND CULTURAL SERVICES DEPARTMENT”.

Ms. King summarized and reviewed the proposed fee increases and answered questions.

Daisy Chung Rhodes expressed concern with the aquatics and youth programs; must have, at a minimum, one aquatic center; Friends of Aquatics has provided funding for many programs in the city, i.e. Prospect Lake lining, Silver Sneaker program and Deerfield Hills swimming program; will be soliciting to raise funds to continue the Aquatic and Fitness Center; spoke to Volunteer program and limitations due to liability issues.

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

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

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12. Ordinance No. 09-145 entitled “AN ORDINANCE APPROVING THE ANNUAL BUDGET FOR MEMORIAL HEALTH SYSTEM AND APPROPRIATING MONIES FOR THE SEVERAL PURPOSES NAMED IN THE ANNUAL MEMORIAL HEALTH SYSTEM BUDGET FOR THE YEAR ENDING DECEMBER 31, 2010” was introduced and read.

Mike Scialdone, Memorial Health System (MHS) Chief Financial Officer, summarized the item; Charter provision --- allocation of funding requesting information from the Chief Executive Officer (CEO), Attorneys and Board.

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Mr. Bruce commented he wanted viewers to know the CEO salary of \$550,000; selling MHS would benefit the stormwater backlog; elective abortions being conducted, wants City Council to order quarterly reports on abortions.

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

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13. Ordinance No. 09-146 entitled “AN ORDINANCE IDENTIFYING AND ACCEPTING THE ANNUAL SOURCES OF FUNDS FOR MEMORIAL HEALTH SYSTEM FOR THE YEAR ENDING DECEMBER 31, 2010” was introduced and read.

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

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

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14. **2010 Appropriation Ordinances**

- 14A. Ordinance No. 09-147 entitled “AN ORDINANCE MAKING THE ANNUAL TAX LEVY FOR THE CITY OF COLORADO SPRINGS FOR THE YEAR ENDING DECEMBER 31, 2010” was introduced and read.

Terri Velasquez, Chief Financial Officer, gave a presentation; annual tax levy is set at 4.279 mills which generates approximately \$20.3 million in property tax; budget reflects change for streetlights and Keep Colorado Springs Beautiful; 24-hour vacation reduction across the board for all General City employees.

Patrick Turley, Antoine Lambert, representative for the Cottonwood Creek Recreational Center and Aquatics Fitness Center and Ed Billings expressed concerns citing the following comments: concerned about transit cuts, affects on blind, handicapped, seniors, low-income and disabled veterans; wants transit to remain as it is; concerned about aquatics and rehabilitation therapy programs, closing centers will affect numerous people that need and support these community centers and programs; willing to pay higher fees; requesting at least three months to obtain funding; has petitions to submit for the record; concerned with transit cuts to evening and weekend service.

Mr. Bruce stated he was present to persuade City Council that words “hereafter” means “from now on” and stormwater fees are intended to end now from the effective date forward; compromised with eight-year phase-out rather than one or two years; do not have \$10 million to include in the budget; “hereafter” does not mean in the future.

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Mike Kazmierski, Economic Development Council, stated he is fearful of a legal battle that will cost the City millions of dollars; supports two-year phase out of SWENT.

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

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

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- 14B. Ordinance No. 09-148 entitled "THE ANNUAL APPROPRIATIONS ORDINANCE ADOPTING THE ANNUAL BUDGET AND APPROPRIATING MONIES FOR THE SEVERAL PURPOSES NAMED IN SAID BUDGET FOR THE YEAR ENDING DECEMBER 31, 2010" was introduced and read.

Motion by Small, second by Herpin, that the ordinance be passed as amended: amount of \$15.3 million to \$10.28 million incorporating a two-year phase out of SWENT.

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

Mayor Rivera declared the motion carried.

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15. Resolution No. 274-09 was presented: "A RESOLUTION SETTING THE TAX LEVY FOR ALL PURPOSES IN AND DURING THE YEAR 2010 AT 4.279 MILLS UPON EACH DOLLAR OF ASSESSED VALUATION WITHIN THE CORPORATE LIMITS OF THE CITY OF COLORADO SPRINGS".

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

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

PUBLIC HEARING

16. **Greenbriar Annexation No. 3**

- 16A. **CPC A 08-197: Public hearing on a request by N.E.S. Inc. on behalf of Chocamo LLP for approval of the Greenbriar Annexation No. 3 consisting of 0.77 acre located southwest of Tutt Boulevard and Sisters Grove.**

Larry Larsen, Senior Planner, summarized the item; annexed area and agreement adds parcel into existing Greenbriar parcel.

There were no citizen comments.

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Mayor Rivera declared the Public Hearing closed.

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- 16B. Resolution No. 275-09 was presented: "A RESOLUTION SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS OF LAW BASED THEREON AND DETERMINING THE STATUS OF THE TERRITORY KNOWN AS GREENBRIAR ANNEXATION NO. 3 HEREINAFTER MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A"".

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

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

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- 16C. Ordinance No. 09-149 entitled "AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS GREENBRIAR ANNEXATION NO. 3 AS HEREINAFTER SPECIFICALLY DESCRIBED IN EXHIBIT "A"" was introduced and read.

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

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

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- 16D. **CPC MP 01-00147-A3MJ09: Request by N.E.S. Inc. on behalf of Chocamo LLP for approval of Greenbriar/Powerwood Master Plan Amendment consisting of 0.77 acre located southwest of Tutt Boulevard and Sisters Grove.**

Motion by Small, second by Hente, that the Greenbriar/Powerwood Master Plan Amendment consisting of 0.77 acre located southwest of Tutt Boulevard and Sisters Grove be approved. The motion unanimously carried.

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- 16E. CPC ZC 09-00053: Ordinance No. 09-150 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 0.77 ACRE LOCATED SOUTHWEST OF TUTT BOULEVARD AND SISTERS GROVE" was introduced and read.

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

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

COLORADO SPRINGS CITY COUNCIL MEETING – NOVEMBER 24, 2009

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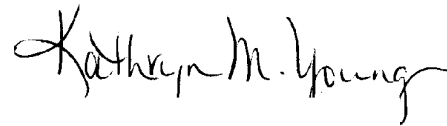
- 16F. **CPC CP 01-00148-A6MJ09: Request by N.E.S. Inc. on behalf of Chocamo LLP for approval of the Greenbriar/Powerwood Concept Plan amendment consisting of 0.77 acre located southwest of Tutt Boulevard and Sisters Grove.**

Motion by Small, second by Hente, that the Greenbriar/Powerwood Concept Plan amendment consisting of 0.77 acre located southwest of Tutt Boulevard and Sisters Grove be approved. The motion unanimously carried.

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At 7:51 P.M., motion by Gallagher, second by Herpin, that Council adjourn. The motion unanimously carried, and

COUNCIL ADJOURNED



Kathryn M. Young, CMC, CERA
City Clerk

Following adjournment of the regular City Council meeting, City Council shall reconvene as the Board of Directors of the Colorado Springs Briargate General Improvement District, for action on the following items:

1. Resolution No. 276-09 was presented: "A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE COLORADO SPRINGS BRIARGATE GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2010 AND ENDING ON THE LAST DAY OF DECEMBER 2010".

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

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

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2. Resolution No. 277-09 was presented: "A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS IN THE AMOUNTS, AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE COLORADO SPRINGS BRIARGATE GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE 2010 BUDGET YEAR".

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

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

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3. Resolution No. 278-09 was presented: “A RESOLUTION LEVYING GENERAL PROPERTY TAXES TO HELP DEFRAY THE COST OF DEBT SERVICE ON THE LIMITED TAX GENERAL OBLIGATION BONDS SERIES 2003 OF THE COLORADO SPRINGS BRIARGATE GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE 2010 BUDGET YEAR”.

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

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

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Following adjournment of the Board of Directors of the Colorado Springs Briargate General Improvement District, City Council shall reconvene as the Board of Directors of the Colorado Springs Cottonwood General Improvement District, for action on the following items:

1. Resolution No. 279-09 was presented: “A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE COLORADO SPRINGS COTTONWOOD GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2010 AND ENDING ON THE LAST DAY OF DECEMBER 2010”.

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

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

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2. Resolution No. 280-09 was presented: “A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS IN THE AMOUNTS, AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE COLORADO SPRINGS COTTONWOOD GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE 2010 BUDGET YEAR”.

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

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

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3. Resolution No. 281-09 was presented: “A RESOLUTION LEVYING GENERAL PROPERTY TAXES TO DEFRAY THE COST OF DEBT SERVICE ON THE GENERAL OBLIGATION REFUNDING BONDS SERIES 1998 OF THE COLORADO SPRINGS COTTONWOOD GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE 2010 BUDGET YEAR”.

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

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

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Following adjournment of the Board of Directors of the Colorado Springs Cottonwood General Improvement District, City Council shall reconvene as the Board of Directors of the Colorado Springs Spring Creek General Improvement District, for action on the following items:

1. Resolution No. 282-09 was presented: “A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE COLORADO SPRINGS SPRING CREEK GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2010 AND ENDING ON THE LAST DAY OF DECEMBER 2010”.

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

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

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2. Resolution No. 283-09 was presented: “A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS IN THE AMOUNTS, AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE COLORADO SPRINGS SPRING CREEK GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE 2010 BUDGET YEAR”.

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

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

COLORADO SPRINGS CITY COUNCIL MEETING – NOVEMBER 24, 2009

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3. Resolution No. 284-09 was presented: “A RESOLUTION LEVYING GENERAL PROPERTY TAXES TO HELP DEFRAY THE COST OF DEBT SERVICE ON THE GENERAL OBLIGATION REFUNDING BOND SERIES 2005 OF THE COLORADO SPRINGS SPRING CREEK GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE 2010 BUDGET YEAR”.

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

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

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Following adjournment of the Board of Directors of the Colorado Springs Spring Creek General Improvement District, City Council shall reconvene as the Board of Directors of the Colorado Springs Marketplace at Austin Bluffs General Improvement District, for action on the following items:

1. Resolution No. 285-09 was presented: “A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE COLORADO SPRINGS MARKETPLACE AT AUSTIN BLUFFS GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2010 AND ENDING ON THE LAST DAY OF DECEMBER 2010”.

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

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

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2. Resolution No. 286-09 was presented: “A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS IN THE AMOUNTS, AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE COLORADO SPRINGS MARKETPLACE AT AUSTIN BLUFFS GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE 2010 BUDGET YEAR”.

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

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

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3. Resolution No. 287-09 was presented: "A RESOLUTION LEVYING GENERAL PROPERTY TAXES TO HELP DEFRAY THE COST OF DEBT SERVICE ON THE LIMITED TAX GENERAL OBLIGATION BONDS SERIES 2008 OF THE COLORADO SPRINGS MARKETPLACE AT AUSTIN BLUFFS GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE 2010 BUDGET YEAR".

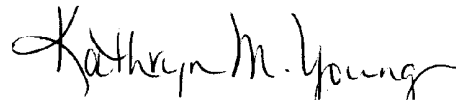
Motion by Hente, second by Gallagher, that the resolution be adopted.

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

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There being no further business to come before the Board, the meeting was adjourned at 8:00 P.M.

BOARD ADJOURNED



**Kathryn M. Young, CMC, CERA
Secretary**