COLORADO SPRINGS, COLORADO
CITY COUNCIL CHAMBERS
CITY HALL - 107 N. NEVADA AVENUE
JUNE 14, 2011 – 1:00 P.M.

Council met in Regular Session.

There were present: President Hente, President Pro tem Martin, Councilmembers Czelatdko, Dougan, Herpin, Leigh, Snider and Williams. Absent, Councilmember Bennett. Also present, Chief of Staff Cox 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 Glory Boschert, Senior Nurse Case Manager Warrior Transition Battalion, A Company.

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

The City Clerk requested Item No. 4-A-5 be heard immediately after Item No. 2.

Councilmember Herpin called up Item No. 4-B-4 for separate consideration.

Councilmember Dougan called up Item No. 4-B-10 for separate consideration.

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4-A-5. Ordinance No. 11-50 entitled "AN ORDINANCE APPOINTING DENNY NESTER AS CITY AUDITOR AND SETTING FORTH HIS DUTIES, COMPENSATION AND TENURE OF OFFICE" was presented for final passage.

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

Ayes: Czelatdko, Dougan, Hente, Herpin, Leigh, Martin, Snider, Williams
Noes: None
Absent: Bennett

4-B-7. **CPC V 11-00034: An ordinance vacating a portion of the 7th Street public right-of-way consisting of 0.19 acre located at the south terminus of 7th Street south of West Cucharras Street.**

Motion by Herpin, second by Martin, that this item be postponed to the City Council meeting of June 28, 2011. The motion unanimously carried. Absent, Councilember Bennett.

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9. **An ordinance certifying delinquent City Stormwater fees and charges to the El Paso County Treasurer for collection.**

Motion by Martin, second by Snider, that this item be withdrawn from the agenda. The motion unanimously carried. Absent, Councilmember Bennett.

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3. **Swearing in of Denny Nester as the City Auditor**

President Hente administered the Oath of Office to Denny Nester.

CONSENT CALENDAR

4. The following items were acted upon by unanimous consent of the members present, with the exception of Item Nos. 4-A-5, 4-B-4, 4-B-7 and 4-B-10 which were acted upon separately:

SECOND PRESENTATION:

A-1. CPC ZC 11-00026: (Quasi-Judicial Matter) Ordinance No. 11-45 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 0.14 ACRE LOCATED AT 11 NORTH MEADE AVENUE" was presented for final passage. (PBC to R-4)

A-2. CPC ZC 11-00013: (Quasi-Judicial Matter) Ordinance No. 11-46 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 0.31 ACRE LOCATED AT 119 EAST CHEYENNE ROAD" was presented for final passage. (OR/P to OC/P)

A-3. CPC ZC 11-00024: (Quasi-Judicial Matter) Ordinance No. 11-47 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 21.43 ACRES LOCATED NORTHEAST OF THE INTERSECTION OF LOWER GOLD CAMP ROAD AND 26TH STREET AND ADDRESSED AS 2323 AND 2335 PATRIOT HEIGHTS" was presented for final passage. (PUD to PUD)

A-4. CPC ZC 11-00108: (Quasi-Judicial Matter) Ordinance No. 11-48 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 1.47 ACRES LOCATED WEST OF UNION BOULEVARD AND SOUTHWEST OF THE UNION BOULEVARD AND WHITMAN ROAD INTERSECTION" was presented for final passage. (R-5 and PF to PF)

A-5. **SEE ACTION TAKEN EARLIER IN THE MEETING.**

FIRST PRESENTATION:

B-1. Resolution No. 104-11 was presented: "A RESOLUTION AUTHORIZING COLORADO SPRINGS UTILITIES TO USE THE RIGHT OF "NO PROTEST" WHEN SELECTED WATER RIGHTS ARE REMOVED FROM THE COLORADO STATE'S WATER RIGHTS TABULATION".

B-2. Resolution No. 105-11 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) IN THE AMOUNT OF $22,575 FOR THE 2011 CHECKPOINT COLORADO INITIATIVE; AND AUTHORIZING THE CHIEF OF POLICE TO EXECUTE THE CONTRACT TO FUND PERSONNEL AND OPERATING EXPENSES TO PERFORM DUI CHECKPOINTS".

B-3. Resolution No. 106-11 was presented: "A RESOLUTION TO APPROVE ADDITIONAL FUNDS IN THE AMOUNT OF $3,316 FOR THE PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS PROGRAM; AND AUTHORIZING THE CHIEF OF POLICE TO EXECUTE THE CONTRACT TO SUPPORT THE PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS PROGRAM".

B-4. **SEE ACTION TAKEN LATER IN THE MEETING.**

B-5. Resolution No. 107-11 was presented: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS, COLORADO, APPROVING THE ISSUANCE OF THE FIRST AND MAIN BUSINESS IMPROVEMENT DISTRICT TAXABLE SUBORDINATE LIMITED TAX GENERAL OBLIGATION BOND, SERIES 2011, IN AN AMOUNT NOT TO EXCEED $55,816 AND RELATED BOND DOCUMENTS".

B-6. Resolution No. 108-11 was presented: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS, COLORADO, APPROVING THE ISSUANCE OF THE BARNES AND POWERS SOUTH BUSINESS IMPROVEMENT DISTRICT TAXABLE SUBORDINATE LIMITED TAX GENERAL OBLIGATION BOND, SERIES 2011, IN AN AMOUNT NOT TO EXCEED $73,549 AND RELATED BOND DOCUMENTS".

B-7. **SEE ACTION TAKEN EARLIER IN THE MEETING.**

B-8. CPC V 11-00052: Ordinance No. 11-51 entitled "AN ORDINANCE VACATING A PORTION OF THE CANYONS EDGE DRIVE PUBLIC RIGHT-OF-WAY CONSISTING OF 0.04 ACRE LOCATED SOUTHEAST OF VOYAGER PARKWAY AND NORTH GATE BOULEVARD" was introduced and read.

B-9. **Summer Oak at Broadmoor Resort**

B-9A. CPC PUZ 11-00027: (Quasi-Judicial Matter) Ordinance No. 11-52 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO ONE (1) ACRE LOCATED NORTHEAST OF WILLOW STONE HEIGHTS AND STONE MANOR HEIGHTS" was introduced and read. (PUD/HS to PUD/HS)

B-9B. **CPC PUD 11-00028: (Quasi-Judicial Matter) Request by NES, Inc., on behalf of COG Land and Development Co., for approval of the Summer Oak at Broadmoor Resort Filing No. 3 Hillside Development Plan, for a single-family residential lot consisting of one acre located northeast of Willow Stone Heights and Stone Manor Heights.**

B-9C. **CPC FP 11-00029: (Quasi-Judicial Matter) Request by NES, Inc., on behalf of COG Land and Development Co. for approval of the Summer Oak at Broadmoor Resort Filing No. 3 subdivision plat for a single-family residential lot consisting of one acre located northeast of Willow Stone Heights and Stone Manor Heights.**

B-10. **SEE ACTION TAKEN LATER IN THE MEETING.**

B-10A. **SEE ACTION TAKEN LATER IN THE MEETING.**

B-10B. **SEE ACTION TAKEN LATER IN THE MEETING.**

B-11. **Garden of the Gods Club Estates**

B-11A. **CPC MPA 07-00308-A4MJ09: Request by Rockwell Consulting, Inc., on behalf of the Garden of the Gods Club, LLC for approval of a major amendment to the Garden of the Gods Club Master Plan consisting of 5.75 acres, located approximately 1,200 feet northeast of the roundabout at Mesa Road and Kissing Camels Drive, and addressed as 2690 Alder Point.**

B-11B. CPC PUZ 09-00057: (Quasi-Judicial Matter) Ordinance No. 11-53 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 5.75 ACRES LOCATED APPROXIMATELY 1,200 FEET NORTHEAST OF THE ROUNDABOUT AT MESA ROAD AND KISSING CAMELS DRIVE" was introduced and read. (PUD and A to PUD)

B-11C. **CPC PUD 09-00058: (Quasi-Judicial Matter) Request by Rockwell Consulting, Inc., on behalf of the Garden of the Gods Club, LLC for approval of the Garden of the Gods Club Estates Filing No. 2 PUD development plan consisting of 5.75 acres, located approximately 1,200 feet northeast of the roundabout at Mesa Road and Kissing Camels Drive, and addressed as 2690 Alder Point.**

B-12. CPC A 09-00071: Resolution No. 103-11 was presented: "A RESOLUTION FINDING A PETITION FOR ANNEXATION OF THAT AREA KNOWN AS SCHOOL ANNEXATION NO. 1 CONSISTING OF 9.91 ACRES TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S., AND SETTING A HEARING DATE OF JULY 12, 2011, FOR THE COLORADO SPRINGS CITY COUNCIL TO CONSIDER THE ANNEXATION OF THE AREA".

Motion by Herpin, second by Martin, that all matters on the Consent Calendar, with the exception of Item Nos. 4-A-5, 4-B-4, 4-B-7 and 4-B-10, be passed, adopted and approved by unanimous consent of the City Council.

Ayes: Czelatdko, Dougan, Hente, Herpin, Leigh, Martin, Snider, Williams
Noes: None
Absent: Bennett

5. **Resolutions of Appreciation**

There were none.

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Tracy Marks, of Sierra High School, Jessie Vandygriff, Air Academy High School, Grace Mangino, Liberty High School, and Eric Dudley, Rampart High School, were introduced as representatives of the Mayor's 100 Teens.

CITIZEN DISCUSSION

Charles Barber proposed "Early Warning Systems" to preserve public health safety of wastewater components in the Colorado Springs infrastructure.

Roger McCarville visited the Holly Branch Library that had a Police Officer on duty, questioned why.

Kevin Smith, co-owner of 4465 Northpark Drive (grow and Dispensary), wants to move to another location, difference of opinion with the Landlord; signed lease a year ago, paid bills; another person in the building did not like the smell of product and was asked to move by Landlord; asking City Council for authorization to move.

Charles Houghton, Attorney representing owner of JP Wellness Center, 1741 South Academy Boulevard and grow operation was at 80 Mount View Lane; Mr. Moon just bought the Center, wants to move to 296-L South Academy Boulevard for the grow operation.

William Prince, co-owners of Discreet Treats, and Gilbert Serna, in the process of acquiring Viva Divi Di Venti, applied for pre-application for infused products, wants to grow own products (Diva Diva has grow with Center) and move to 253 South Circle Drive.

Karie VanArnam, owner of Pure Medical LLC, 3342 and 3344 Dublin Court, would like to move business to 19 North Tejon Street.

President Hente stated City Council will conditionally approve each request; that the City Clerk must confirm business information is correct and that no changes of information provided on registration application have occurred.

Kim Green requested City Council propose a resolution against repealing TABOR and the ballot initiative process.

Walter Lawson spoke to Memorial Health System (MHS) and the Task Force recommendation cost for transition, $800,000 and no cost determined for implementation; citizens need time to consider the issue, wants a 100 line item budget.

Charlie Aligan wants City Council to look at resolution for support of TABOR.

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6. Motion by Martin, second by Czelatdko, that the Minutes of the Regular Council meeting of May 24, 2011 and the Adjourned Session of June 7, 2011 be approved as written. The motion unanimously carried. Absent, Councilmember Bennett.

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7. **Mayor's Communications**

There were none.

CONSIDERATION OF ITEMS CALLED UP FROM CONSENT CALENDAR SECTION

4-B-4. **An ordinance creating a new Section 412 (Temporary street closure for Block Party Permit Application; Required Information) of Part 4 (Special events on Public Property) of Article 2 (City Properties) of Chapter 3 (Public Property and Public Works) of the Code of the City of Colorado Springs 2001, as amended, pertaining to block parties.**

Councilmember Czelatdko suggested changes; amend §3.2.412(B) from 30 days to 15 days; notification to Colorado Springs Police Department (CSPD), less tedious process; less rules/requirements; permit fee, no ordinance.

CSPD Deputy Chief Carey entered his appearance and answered questions.

Motion by Herpin, second by Czelatdko, that the ordinance be passed as amended: amend §3.2.412(B) – change to not less than 15 calendar days, City Staff to work with Council of Neighbors and Organizations (CONO) and rework proposed ordinance.

After some discussion, Councilmember Herpin withdrew his motion.

Then, motion by Herpin, second by Snider, that this matter be continued to the City Council meeting of July 12, 2011; amend §3.2.412(B) – change to not less than 15 calendar days, City Staff to work with Council of Neighbors and Organizations (CONO) and rework proposed ordinance. The motion unanimously carried. Absent, Councilmember Bennett.

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4-B-10. **Garden Center at Flying Horse**

4-B-10A. CPC ZC 11-00032: (Quasi-Judicial Matter) Ordinance No. 11-54 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO FIVE (5) ACRES LOCATED SOUTHEAST OF THE OLD NORTH GATE ROAD AND SILVERSMITH ROAD INTERSECTION AT 1615 SILVERSMITH ROAD" was introduced and read. (A to C-5)

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

Ayes: Czelatdko, Dougan, Hente, Herpin, Leigh, Martin, Snider, Williams
Noes: None
Absent: Bennett

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4-B-10B. **CPC CU 07-00360-A2MN11: (Quasi-Judicial Matter) Request by NES, Inc., on behalf of TSH, LLC for approval of a minor amendment to the Garden Center at Flying Horse**

Development Plan consisting of five (5) acres located southeast of the Old North Gate Road and Silversmith Road intersection at 1615 Silversmith Road.

Motion by Martin, second by Dougan, that the minor amendment to the Garden Center at Flying Horse Development Plan consisting of five (5) acres located southeast of the Old North Gate Road and Silversmith Road intersection at 1615 Silversmith Road be approved. The motion unanimously carried. Absent, Councilmember Bennett.

UNFINISHED BUSINESS

8. Ordinance No. 11-49 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 10-103 (2011 APPROPRIATION ORDINANCE) FOR THE GENERAL FUND IN THE AMOUNT OF $33,800 TO ADD OLYMPIC RINGS TO THE CITY'S NORTH AND SOUTH ENTRYWAY FEATURES AT A COST OF $5,000 AND A SPORTS/PATRIOTIC THEMED MURAL AT A COST OF $28,800" was brought up on second presentation.

John Leavitt, Senior Public Communications Specialist, gave a presentation; the Artist is ready to prime the roof and prepare for painting; industrial paint with polyurethane coat to prevent weather and fading; graffiti will be repelled and/or easier to remove due to coating; temporary signs provided by Lamar Outdoor Advertising at no cost; recycle bins (approximately 150) throughout the city could be used with $25 production cost absorbed by revenue forgone toward the City General Fund.

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

Ayes: Czelatdko, Hente, Herpin, Leigh, Martin, Snider, Williams
Noes: Dougan
Absent: Bennett

President Hente declared the motion carried.

NEW BUSINESS

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

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At 2:21 P.M., motion by Dougan, second by Snider, that Council adjourn. The motion unanimously carried, and

COUNCIL ADJOURNED

Kathryn M. Young

Kathryn M. Young, CMC, CERA
City Clerk