

**COLORADO SPRINGS, COLORADO  
CITY COUNCIL CHAMBERS  
CITY HALL – 107 N. NEVADA AVENUE  
OCTOBER 25, 2011 – 1:00 P.M.**

Council met in Regular Session.

There were present: President Hente, President Pro Tem Martin, Councilmembers Bennett, Czelatdko, Herpin, Leigh, Snider and Williams. Absent, Councilmember Dougan. Also present, Chief of Staff Cox and City Attorney/Chief Legal Officer Melcher.

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

The meeting was opened with an invocation by Dr. MelindaJoy Mingo, ReleVant Word Christian Cultural Center.

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2. **Changes to Agenda/Postponements.**

There were none.

**CONSENT CALENDAR**

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

**SECOND PRESENTATION:**

- A-1. CPC ZC 11-00058: (Quasi-Judicial Matter) Ordinance No. 11-83 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 1.7 ACRES LOCATED AT 4000 NORTH NEVADA AVENUE" was presented for final passage. (C-6 (General Business) and R-5 (Multi-Family Residential) to C-6 (General Business))
- A-2. CPC PUZ 11-00083: (Quasi-Judicial Matter) Ordinance No. 11-84 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 7.69 ACRES LOCATED AT THE NORTHWEST CORNER OF HAWK WIND BOULEVARD AND ISSAQUAH DRIVE" was presented for final passage. (A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development: single-family detached residential, max. density of 4.03 du/ac with Airport Overlay))

**FIRST PRESENTATION:**

- B-1. Resolution No. 175-11 was presented: "A RESOLUTION AUTHORIZING SUBMISSION OF PASSENGER FACILITY CHARGE (PFC) APPLICATION #19 TO THE FEDERAL

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AVIATION ADMINISTRATION, INCREASING THE TOTAL PFC FUNDS TO BE COLLECTED FOR CAPITAL IMPROVEMENTS AT THE COLORADO SPRINGS AIRPORT".

- B-2. Resolution No. 176-11 was presented: "A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CONTRACT AMENDMENT #1, SUBSEQUENT CONTRACT AMENDMENTS, AND OPTION LETTERS BETWEEN THE CITY AND THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) FOR THE POWERS BOULEVARD / AIRPORT ROAD INTERSECTION IMPROVEMENTS GRANT PROJECT (SHO M240-097); AND AUTHORIZING FINANCE TO REMOVE \$100,000 FROM THIS GRANT (103-3197-9319044)".
- B-3. Resolution No. 177-11 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) IN THE AMOUNT OF \$1,579,239; AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT, SUBSEQUENT CONTRACT AMENDMENTS, AND OPTION LETTERS BETWEEN THE CITY AND CDOT FOR THE TEJON ROUNDABOUT PROJECT, AQC M240-134-18525; AND AUTHORIZING FINANCE TO MOVE \$1,579,239 TO THIS GRANT".
- B-4. Resolution No. 178-11 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) IN THE AMOUNT OF \$680,000; AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT, SUBSEQUENT CONTRACT AMENDMENTS, AND OPTION LETTERS BETWEEN THE CITY AND CDOT FOR THE 2012 TRAFFIC SIGNAL UPGRADES PROJECT, IM240-138 (18621); AND AUTHORIZING FINANCE TO MOVE \$680,000 TO THIS GRANT".
- B-5. Resolution No. 179-11 was presented: "A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT, SUBSEQUENT CONTRACT AMENDMENTS, AND OPTION LETTERS BETWEEN THE CITY AND THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) FOR THE ADVANCED DETECTION GRANT PROJECT AQC M240-133 (18373)".
- B-6. Resolution No. 180-11 was presented: "A RESOLUTION APPROVING THE PURCHASE OF REAL PROPERTY FROM R.P. ONE, LLC; AND APPROVING A DONATION OF LAND FROM R.P. ONE, LLC TO COMPLETE THE MIDLAND TRAIL".
- B-7. Resolution No. 181-11 was presented: "A RESOLUTION AUTHORIZING FREE PARKING ON SATURDAY, NOVEMBER 5, 2011, FOR THE VETERAN'S DAY PARADE".
- B-8. Resolution No. 182-11 was presented: "A RESOLUTION AUTHORIZING FREE ON-STREET METERED PARKING ON SATURDAY, DECEMBER 3; SATURDAY, DECEMBER 10; SATURDAY, DECEMBER 17; AND SATURDAY, DECEMBER 24, 2011".
- B-9. Resolution No. 183-11 was presented: "A RESOLUTION SUPPORTING A GRANT APPLICATION FOR A NON-MOTORIZED RECREATIONAL TRAILS GRANT FROM THE COLORADO STATE PARKS AND WILDLIFE STATE TRAILS PROGRAM FOR THE MT. MANITOU INCLINE".

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Motion by Bennett, second by Leigh, that all matters on the Consent Calendar be passed, adopted and approved by unanimous consent of the members present.

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

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4. **Resolution of Appreciation.**

Resolution No. 184-11 was presented: "A RESOLUTION OF SUPPORT AND RECOGNITION FOR THE NATIONAL MUSEUM OF WORLD WAR II AVIATION IN COLORADO SPRINGS, COLORADO".

Motion by Herpin, second by Snider, that the resolution be adopted.

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

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Tawnie Swanson, Calhan High School, Yegor Svetlakov, Lewis-Palmer High School, Patrick Murray, Vanguard School, and Marisa Aragon, Mesa Ridge High School were introduced as representatives of the Mayor's 100 Teens.

**CITIZEN DISCUSSION**

Donald Pinello spoke regarding property at 31-33 East Fillmore Street; that 31 East Fillmore Street is currently occupied by a retail liquor store and designated as a nonconforming use; that due to a recent request for expansion of the store into the adjacent premises of 33 East Fillmore Street, the property no longer meets the criteria for a nonconforming use criteria and should be required to comply with the City Code as a conforming use; that the Planning Department has determined the property will retain its designation of a nonconforming use.

Chief of Staff Cox stated he will address the issue with Mr. Pinello.

City Council requested a status report of the matter.

Mary Talbott spoke regarding the proposed drilling project of Ultra Resources and requested oil and gas drilling regulations be established through a public process to include the Oil and Gas Accountability Project and the Western Colorado Congress; requests robust local inspections occur at the drilling sites.

Janice Moglen spoke regarding the elimination of the bus stop at the Centennial Plaza, 516 East Kiowa Street, Route No. 12; that eliminating this stop will require residents,

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many of whom are seniors and disabled, to walk approximately three blocks to a bus stop at Wahsatch Avenue and Kiowa Street. She submitted a petition signed by the residents in opposition to the cancelled stop.

Transit Manager Craig Blewitt stated the bus stop was eliminated to keep the route on an arterial street; that the nearest bus stop is approximately one and one-half block away.

President Hente requested City Council receive a map of the bus routes and stops.

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5. Motion by Martin, second by Bennett, that the Minutes of the regular Council Meeting of October 11, 2011, be approved as written. The motion unanimously carried. Absent, Councilmember Dougan

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6. **Mayor's Communications.**

There were none.

**CONSIDERATION OF ITEMS CALLED UP FROM  
CONSENT CALENDAR SECTION**

**UTILITIES BUSINESS**

7. Resolution No. 185-11 was presented: "A RESOLUTION AUTHORIZING THE CITY THROUGH ITS ENTERPRISE, COLORADO SPRINGS UTILITIES, AND THROUGH RETAINED LEGAL COUNSEL, TO JOIN IN FILING AN AMICUS BRIEF IN THE APPEAL OF FRIENDS OF THE EVERGLADES, INC. V. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, CASE NO. 08-13652-C BEFORE THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT".

CSU Water Services Planning Supervisor Mark Shea stated the proposed resolution authorizes the City to participate in the filing of an amicus brief in the U. S. Court of Appeals case of Friends of the Everglades, Inc. v. United States Environmental Protection Agency which relates to water transfers.

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

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

**NEW BUSINESS**

8. Ordinance No. 11-85 entitled "AN ORDINANCE REPEALING 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

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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.

Budget Manager Lisa Bigelow gave an overview of the retailer's fee stating that City Council previously eliminated the retailer's fee effective January 1, 2010 with a sunset provision that will expire March 31, 2012; that while the current sunset provision could be extended, the recommendation is to eliminate the retailer's fee; that if the fee is not eliminated, a 2012 Budget shortfall of approximately \$2.4 million is anticipated. She stated the retailer's fee is a percentage of the amount of sales tax that a retailer is allowed to retain for collecting and submitting sales taxes to the City; that Budget will have future discussions with the Administration relating to the matter.

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

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

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9. Resolution No. 186-11 was presented: "A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT CONCERNING THE EL PASO COUNTY EMERGENCY SERVICES AGENCY".

Chair of the Emergency Services Agency Jim Reid entered his appearance to answer questions.

Motion by Bennett, second by Williams, that the resolution be adopted.

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

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10. Resolution No. 187-11 was presented: "A RESOLUTION APPROVING AMENDED AND RESTATED BYLAWS OF THE EL PASO COUNTY EMERGENCY SERVICES AGENCY, EL PASO COUNTY, COLORADO".

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

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

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11. Resolution No. 188-11 was presented: "A RESOLUTION APPROVING A THIRD AMENDMENT TO THE GROUND EMERGENCY AMBULANCE SERVICES CONTRACT BETWEEN EL PASO COUNTY EMERGENCY SERVICES AGENCY AND AMERICAN MEDICAL RESPONSE OF COLORADO, INC., CONCERNING CHANGES IN PATIENT CHARGES".

ESA Chair Reid stated the proposed resolution amends the agreement to increase patient charges based on the Denver-Boulder Consumer Price Index (CPI). He answered questions relating to the assessment and collection of patient charges.

American Medical Response General Manager Ted Sayer stated repayment of charges by patients are less than past years, and they have failed to have a positive cash flow for the past couple years.

In response to a question from City Council, Mr. Sayer stated the company re-evaluates the demand for services three times a year, and work schedules are adjusted as necessary to ensure availability of ambulances; that a penalty is assessed if an ambulance does not respond.

Motion by Bennett, second by Herpin, that the resolution be adopted.

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

President Hente declared the motion carried.

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12. Resolution No. 189-11 was presented: "A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE CONTRACT FOR PURCHASE OF SERVICES, CONTRACT BUSINESS ADMINISTRATOR, BETWEEN THE EL PASO COUNTY EMERGENCY SERVICES AGENCY AND THE CITY OF COLORADO SPRINGS, EXTENDING THE CONTRACT TERM FOR ONE YEAR".

Motion by Bennett, second by Snider, that the resolution be adopted.

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

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13. **Approval of the proposed 2012 Budget and Operating Plan for the Barnes & Powers South Business Improvement District (BID).**

Budget Senior Analyst Darryl McDaniel entered his appearance to answer questions relating to Item Nos. 13 through 23.

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Motion by Leigh, second by Herpin, that the 2012 Budget and Operating Plan for the Barnes & Powers South Business Improvement District (BID) be approved. The motion unanimously carried. Absent, Councilmember Dougan.

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14. **Approval of the proposed 2012 Budget and Operating Plan for the Barnes & Powers North Business Improvement District (BID).**

Motion by Herpin, second by Leigh, that the 2012 Budget and Operating Plan for the Barnes & Powers North Business Improvement District (BID) be approved. The motion unanimously carried. Absent, Councilmember Dougan.

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15. **Approval of the proposed 2012 Budget and Operating Plan for the Briargate Center Business Improvement District (BID).**

Motion by Leigh, second by Martin, that the 2012 Budget and Operating Plan for the Briargate Center Business Improvement District (BID) be approved. The motion unanimously carried. Absent, Councilmember Dougan.

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16. **Approval of the proposed 2012 Budget and Operating Plan for the Colorado Springs Downtown Development Authority.**

Motion by Bennett, second by Martin, that the 2012 Budget and Operating Plan for the Colorado Springs Downtown Development Authority be approved. The motion unanimously carried. Absent, Councilmember Dougan.

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17. **Approval of the proposed 2012 Budget and Operating Plan for the First and Main Business Improvement District (BID).**

Motion by Leigh, second by Snider, that the 2012 Budget and Operating Plan for the First and Main Business Improvement District (BID) be approved. The motion unanimously carried. Absent, Councilmember Dougan.

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18. **Approval of the proposed 2012 Budget and Operating Plan for the First and Main #2 Business Improvement District (BID).**

Motion by Herpin, second by Leigh, that the 2012 Budget and Operating Plan for the First and Main #2 Business Improvement District (BID) be approved. The motion unanimously carried. Absent, Councilmember Dougan.

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19. **Approval of the proposed 2012 Budget and Operating Plan for the First and Main North Business Improvement District (BID).**

Motion by Leigh, second by Herpin, that the 2012 Budget and Operating Plan for the First and Main North Business Improvement District (BID) be approved. The motion unanimously carried. Absent, Councilmember Dougan.

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20. **Approval of the proposed 2012 Budget and Operating Plan for the Greater Downtown Colorado Springs Business Improvement District (BID).**

Motion by Bennett, second by Martin, that the 2012 Budget and Operating Plan for the Greater Downtown Colorado Springs Business Improvement District (BID) be approved. The motion unanimously carried. Absent, Councilmember Dougan.

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21. **Approval of the proposed 2012 Budget and Operating Plan for the Interquest North Business Improvement District (BID).**

Motion by Leigh, second by Snider, that the 2012 Budget and Operating Plan for the Interquest North Business Improvement District (BID) be approved. The motion unanimously carried. Absent, Councilmember Dougan.

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22. **Approval of the proposed 2012 Budget and Operating Plan for the Interquest South Business Improvement District (BID).**

Motion by Herpin, second by Leigh, that the 2012 Budget and Operating Plan for the Interquest South Business Improvement District (BID) be approved. The motion unanimously carried. Absent, Councilmember Dougan.

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23. **Approval of the proposed 2012 Budget and Operating Plan for the Powers & Woodmen Commercial Business Improvement District (BID).**

Motion by Leigh, second by Snider, that the 2012 Budget and Operating Plan for the Powers & Woodmen Commercial Business Improvement District (BID) be approved. The motion unanimously carried. Absent, Councilmember Dougan.

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**Councilmember Czelatdko was excused.**



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City Attorney Melcher requested City Council recess to Executive Session for legal advice.

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**City Council recessed for closed Executive Session then resumed with Item No. 24.**

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24. Resolution No. 190-11 was presented: "RESOLUTION AUTHORIZING THE MEMORIAL BOARD OF TRUSTEES TO REQUEST INTERESTED HEALTH SYSTEM ADMINISTRATORS OR EMPLOYEES TO SUBMIT WRITTEN PROPOSALS IN RESPONSE TO THE CONFIDENTIAL DESCRIPTIVE MEMORANDUM AND REQUEST FOR PROPOSALS DATED OCTOBER 17, 2011".

City Attorney Melcher stated the proposed resolution authorizes the Board of Trustees, the Chief Executive Officer, the administrative officers, and employees of Memorial Health System to submit written proposals in response to the Confidential Descriptive Memorandum and Request for Proposals; also determines that any submitted written proposals are not in conflict with the City Code of Ethics.

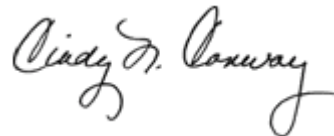
Motion by Martin, second by Bennett, that the resolution be adopted.

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

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At 3:15 P.M., motion by Bennett, second by Herpin, that Council adjourn to continue the Budget presentations of October 20, 2011. The motion unanimously carried, and

COUNCIL ADJOURNED



Cindy N. Conway, CMC  
Interim City Clerk