COLORADO SPRINGS, COLORADO
CITY COUNCIL CHAMBERS
CITY HALL – 107 N. NEVADA AVENUE
MAY 22, 2012 – 1:00 P.M.

Council met in Regular Session.

There were present: President Hente, President Pro Tem Martin, Councilmembers Bennett, Dougan, Herpin, Snider, and Williams. Absent, Councilmembers Czelatdko and Leigh. Also present, Chief of Staff Neumann 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 Councilmember Bernie Herpin.

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

Council Administrator, Aimee Cox, requested Item No. 6-B be postponed indefinitely.

Motion by Bennett, second by Martin, that Item No. 6-B be postponed indefinitely. The motion unanimously carried. Absent, Councilmembers Czelatdko and Leigh.

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Councilmember Williams called up Item Nos. 3-B-5, 3-B-7, and 3-B-8 for separate consideration.

President Hente called up Item No. 3-B-13 for separate consideration.

CONSENT CALENDAR

3. The following items were acted upon by unanimous consent of the members present, with the exception of Item Nos. 3-B-5, 3-B-7, 3-B-8, and 3-B-13, which were called up for separate consideration:

SECOND PRESENTATION:

A-1. Ordinance No. 12-32 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 11-95 (2012 APPROPRIATION ORDINANCE) IN THE AMOUNT OF $1,035,000 FOR THE FLEET IMPROVEMENT (PHASE V) PROJECT AT THE COLORADO SPRINGS AIRPORT" was presented for final passage.

A-2. Ordinance No. 12-33 entitled "AN ORDINANCE INCLUDING CERTAIN PROPERTY INTO THE FIRST AND MAIN BUSINESS IMPROVEMENT DISTRICT NO. 2" was presented for final passage.

A-3. Ordinance No. 12-34 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 11-95 (2012 APPROPRIATION ORDINANCE) TO INCREASE THE GENERAL FUND EXPENDITURE APPROPRIATION IN THE AMOUNT OF $1,000,000 FOR THE COLORADO SPRINGS FIRE DEPARTMENT TO FUND MISSION CRITICAL CAPITAL IMPROVEMENT PROGRAM NEEDS" was presented for final passage.

A-4. Ordinance No. 12-35 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 11-95 (2012 APPROPRIATION ORDINANCE) TO INCREASE THE GENERAL FUND EXPENDITURE APPROPRIATION IN THE AMOUNT OF $1,200,000 FOR THE POLICE DEPARTMENT TO FUND MISSION CRITICAL CAPITAL IMPROVEMENT PROGRAM NEEDS" was presented for final passage.

A-5. Ordinance No. 12-36 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 11-95 (2012 APPROPRIATION ORDINANCE) TO INCREASE THE GENERAL FUND EXPENDITURE APPROPRIATION IN THE AMOUNT OF $985,000 FOR THE PARKS, PLANNING AND PUBLIC WORKS DEPARTMENT TO FUND CRITICAL CAPITAL IMPROVEMENT PROGRAM NEEDS FOR THE STREETS DIVISION" was presented for final passage.

A-6. Ordinance No. 12-37 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 11-95 (2012 APPROPRIATION ORDINANCE) FOR A SUPPLEMENTAL APPROPRIATION TO THE CONSERVATION TRUST FUND IN THE AMOUNT OF $319,500 FOR MULTIPLE REPAIR AND RENOVATION PROJECTS ASSOCIATED WITH THE PARKS, RECREATION, AND CULTURAL SERVICES DEPARTMENT" was presented for final passage.

FIRST PRESENTATION:

B-1. Resolution No. 69-12 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, IN THE AMOUNT OF $23,303 FOR THE PROJECT SAFE NEIGHBORHOOD PROGRAM, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT".

B-2. Resolution No. 70-12 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) IN THE AMOUNT OF $5,000 FOR THE 2012 MAY MOBILIZATION "CLICK IT OR TICKET" ENFORCEMENT CAMPAIGN, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT".

B-3. Resolution No. 71-12 was presented: "A RESOLUTION APPROVING THE ACQUISITION OF APPROXIMATELY 34,370 SQUARE FEET OF REAL PROPERTY AT DUBLIN BOULEVARD FOR THE SAND CREEK TRAIL FROM RIDGEVIEW DEVELOPMENT, LLC/SWAT I, LLC IN THE AMOUNT OF $54,100 WITH FUNDS FROM THE PUBLIC SPACE AND DEVELOPMENT FUND".

B-4. Ordinance No. 12-39 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 11-95 (2012 APPROPRIATION ORDINANCE) FOR A SUPPLEMENTAL APPROPRIATION IN THE

AMOUNT OF $54,100 FOR THE ACQUISITION OF APPROXIMATELY 34,370 SQUARE FEET OF REAL PROPERTY AT DUBLIN BOULEVARD FOR THE SAND CREEK TRAIL" was introduced and read.

B-5. **SEE ACTION TAKEN LATER IN THE MEETING.**

B-6. **Request to establish a public hearing date for the consideration of resolutions regarding certain changes to Utilities Rules and Regulations and setting water rates for 2013 and 2014 within the service areas of Colorado Springs Utilities.**

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

B-8. **SEE ACTION TAKEN LATER IN THE MEETING.**

B-9. Resolution No. 72-12 was presented: "A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY FOR SOUTHERN DELIVERY SYSTEM PROJECT IMPROVEMENTS".

B-10. Resolution No. 73-12 was presented: "A RESOLUTION ENDORSING AND SUPPORTING THE NOMINATION OF PRESIDENT PRO TEM MARTIN TO THE COLORADO MUNICIPAL LEAGUE EXECUTIVE BOARD".

B-11. **Northgate Properties**

B-11-A. **CPC MPA 05-00278-A1MN12: Request by Executive Consulting Engineers, Inc. on behalf of Northgate Properties, LLC for an amendment to the Northgate Master Plan to modify the land use type from Multi-Family to Single-Family Detached Residential consisting of 32.79 acres located northwest of the intersection of Voyager Parkway and Middle Creek Parkway.**

B-11-B. CPC PUZ 12-00010: (Quasi-Judicial Matter) Ordinance No. 12-40 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 32.79 ACRES LOCATED AT THE NORTHWEST CORNER OF VOYAGER AND MIDDLE CREEK PARKWAYS" was introduced and read. (PUD [Planned Unit Development; Single Family Residential Attached, 35-foot max. bldg. ht., 8.48 du/ac] to PUD [Planned Unit Development; Single Family Residential Detached, 35-foot max. bldg. ht., 4.58 du/ac])

B-11-C. **CPC PUD 05-00280-A1MN12: (Quasi-Judicial Matter) Request by Executive Consulting Engineers, Inc. on behalf of Northgate Properties, LLC for a minor amendment to the Stonewater at Northgate Filing Nos. 1 and 2 PUD Development Plan to replace the previously approved 262 attached townhomes and clubhouse with a proposed 150 detached single family lot subdivision consisting of 32.79 acres located northwest of the intersection of Voyager Parkway and Middle Creek Parkway.**

B-12. **Fellowship Bible Church**

B-12-A. CPC ZC 12-00035: (Quasi-Judicial Matter) Ordinance No. 12-41 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 20.3 ACRES LOCATED WEST OF NORTH NEVADA AVENUE AND SOUTH OF THE INTERSTATE 25/NEVADA AVENUE INTERCHANGE" was introduced and read. (OC/CR/SS [Office Complex with Conditions of Record and Streamside Overlay] to OC/SS [Office Complex with Streamside Overlay])

B-12-B. **CPC NV 12-00036: (Quasi-Judicial Matter) Request by Classic Consulting Engineers & Surveyors, LLC on behalf of Fellowship Bible Church of Colorado Springs for nonuse variances to Section 7.3.204 of the City Code to allow retaining walls in the following locations: 1) in the 25-foot front setback adjacent to Interstate 25 with a setback of 18 feet and a maximum height of 11 feet; 2) in the 20-foot rear setback with a setback of 8.6 feet and a maximum height of 22 feet; and 3) in the 25-foot front setback adjacent to Nevada Avenue with a setback of 15 feet and a maximum height of 10 feet, located west of North Nevada Avenue and south of the Interstate 25/Nevada Avenue Interchange consisting of 20.3 acres**.

B-12-C. **AR DP 12-00039: (Quasi-Judicial Matter) Request by Classic Consulting Engineers & Surveyors, LLC on behalf of Fellowship Bible Church of Colorado Springs for a development plan for the Overlook at Pulpit Rock multi-family residential project proposing 288 dwelling units in eight (8) buildings consisting of 20.3 acres located west of North Nevada Avenue and south of the Interstate 25/Nevada Avenue Interchange.**

B-13. **SEE ACTION TAKEN LATER IN THE MEETING.**

Motion by Bennett, second by Martin, that all matters on the Consent Calendar with the exception of Item Nos. 3-B-5, 3-B-7, 3-B-8, and 3-B-13, which were acted upon separately, be passed, adopted, and approved by unanimous consent of the members present.

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

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4. **Resolutions of Appreciation.**

There were none.

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Kristen Scott – Pine Creek High School, and Jared Shuck – Air Academy High School were introduced as representatives of the Mayor's 100 Teens.

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Brian Kates, Program Coordinator, Parks, Recreation, and Cultural Services/Meadows Park Community Center, made a presentation of an award received by the City at the Transforming Local Government Conference for a Broad-Based Community Partnership model that has been implemented at the Meadows Park Community Center, and which has received National recognition. He stated the award recognizes the innovation of government and fund raising efforts of the community.

CITIZEN DISCUSSION

Mary Gallivan, Grandview Neighborhood Block Captain, requested a "No Panhandling Ordinance" be passed for both Downtown and the west side of Colorado Springs. She requested the current ordinance which prohibits panhandling on Highway ramps be amended to include Business 24 from 31st Street to Manitou Springs.

Charles Guy inquired about the severance package given to former CEO of Memorial Hospital, Dr. Larry McEvoy, and the 2008 and 2012 agreements outlining the severance. Chris Melcher, City Attorney, addressed the two agreements stating payment was made to Dr. McEvoy pursuant to the 2008 agreement; that any future payment Dr. McEvoy may be entitled to under the 2012 agreement will be reduced by the amount of payment already received.

Elizabeth Reed spoke regarding the Senior Heritage Plaza, and requested Council adopt a resolution requiring a smoke-free, indoor air standard for all units at the Plaza, as well as other senior housing facilities in the community.

Lisa Ruffin-Smith expressed concern with the effects the proposed surveillance cameras to be installed Downtown may have on people with Post Traumatic Stress Disorder (PTSD); that she believes it also violates the Americans with Disabilities Act (ADA) which entitles people with disabilities to reasonable accommodation and equal access to public areas, and the cameras would deny people such access. She requested the implementation of the cameras be postponed, pending further study.

Pete Carey, Police Chief, stated after receiving the concerns of Ms. Ruffin-Smith, the Police Department researched whether there were any psychological effects of surveillance cameras on citizens with disabilities, including those with PTSD; that psychologists and subject matter experts were consulted, and none of them believed the cameras would have a negative effect.

Karen Fleming spoke regarding transforming community centers and gave special thanks to Council for its support.

Janice Moglen spoke regarding public transportation and expressed concerns about eliminating FREX (Front Range Express), stating it is a necessity and not a luxury and should be retained until alternate solutions can be found.

President Hente stated City Council and the Mayor's Office have discussed FREX and are committed to looking at options; that the issue is scheduled to come before Council at a future meeting and will be open for public discussion.

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5. **Approval of the Minutes.**

Motion by Bennett, second by Martin, that the Minutes of the regular Council Meeting of April 24, 2012, be approved as written. The motion unanimously carried. Absent, Councilmembers Czelatdko and Leigh.

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6. **Mayor's Communications.**

6-A. **Confirmation of City Clerk**.

Ms. Neumann announced Sarah Ball Johnson as the Mayor's appointee for City Clerk and requested confirmation of the appointment.

Motion by Herpin, second by Dougan, that Sarah Ball Johnson be confirmed as City Clerk. The motion unanimously carried. Absent, Councilmembers Czelatdko and Leigh.

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Ms. Neumann gave an update on the Compensation Study, stating a firm is anticipated to be appointed in the beginning of June. She stated the process has also begun for Councilmembers to provide input on priorities for the 2013 budget.

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

CONSIDERATION OF ITEMS CALLED UP FROM CONSENT CALENDAR SECTION

3-B-5. Resolution No. 74-12 was presented: "A RESOLUTION APPROVING DEFERMENT OF WATER DEVELOPMENT CHARGE FOR COMMUNITY GARDENS".

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

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

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3-B-7. Resolution No. 75-12 was presented: "A RESOLUTION SETTING THE GAS COST ADJUSTMENT EFFECTIVE JUNE 1, 2012".

At the request of Councilmember Williams, Bill Cherrier, Utilities Chief Planning and Finance Officer, stated the number provided for the proposed cost adjustment rate will be rounded to the nearest decimal to reflect .095 from .0952; that the impact of the change is approximately one cent increase per month.

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

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

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3-B-8. Resolution No. 76-12 was presented: "A RESOLUTION SETTING THE ELECTRIC COST ADJUSTMENT EFFECTIVE JUNE 1, 2012".

At the request of Councilmember Williams, Mr. Cherrier stated the number provided for the proposed cost adjustment rate will be rounded to the nearest decimal to reflect .003 from .0028; that the impact of the change is approximately twelve cents decrease per month.

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

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

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3-B-13. Ordinance No. 12-42 entitled "AN ORDINANCE CREATING A NEW SECTION 116 (ELECTRONIC FILING OF SUMMONS AND COMPLAINT) OF ARTICLE 3 (PROCEDURES) OF CHAPTER 11 (MUNICIPAL COURT) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO E-CITATIONS" was introduced and read.

Police Chief Carey gave an overview of the proposed ordinance stating it will increase departmental efficiencies and lessen the amount of time at the scene of an incident.

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

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

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Councilmember Dougan was excused.

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UTILITIES BUSINESS

7. Ordinance No. 12-38 entitled "AN EMERGENCY ORDINANCE OF THE CITY OF COLORADO SPRINGS, COLORADO APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE REVOLVING LOAN AGREEMENT BETWEEN THE CITY OF COLORADO SPRINGS, COLORADO AND U.S. BANK NATIONAL ASSOCIATION AND THE REVOLVING PROMISSORY NOTE OF THE CITY RELATING THERETO; RATIFYING CERTAIN ACTION HERETOFORE TAKEN; AND DECLARING AN EMERGENCY" was introduced and read.

DeDe Jones, Utilities General Manager of Financial Services, stated the proposed ordinance authorizes a revolving loan agreement in the amount of $75 Million to fund operating needs and expenditures.

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

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

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Councilmember Dougan returned.

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8. **Public Hearing for the consideration of a resolution proposing certain changes to the Colorado Springs Utilities Natural Gas Rate Schedules and Utilities Rules and Regulations**.

Ken Burgess, Utilities Deputy City Attorney, gave an overview of the proceedings.

Stella Chan, Utilities Manager of Financial Planning and Pricing, gave a PowerPoint presentation and overview of the proposed changes to the rules and regulations for the Natural Gas Industrial Transportation Service (G4T).

Denny Nester, City Auditor, reported the proposed G4T Rate Case filing has been properly supported.

In response to a question from President Pro Tem Martin, Joe Holmes, Utilities Supervisor of Gas Trading, stated Utilities has a peak capacity on the current system to serve all customers, including G4T customers.

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Councilmember Dougan was excused.

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In response to a question from Councilmember Herpin, Ms. Chan stated the proposed change has the potential to add approximately six additional G4T customers to the existing 14.

Mr. Burgess summarized the issues of consideration and stated the issues will be brought back to Council for formal decision at the June 12, 2012 Council meeting, and if approved, the changes will be effective July 1, 2012.

President Hente declared the public hearing closed.

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Councilmember Dougan returned.

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UNFINISHED BUSINESS

9. Motion by Herpin, second by Snider, that Richard Reisler be appointed to a term as a member of the Civil Service Commission, said term expiring May 22, 2015. The motion unanimously carried. Absent, Councilmembers Czelatdko and Leigh.

Motion by Herpin, second by Bennett, that Nancy Brown, Judith Casey, and James Hart be reappointed to a term as members of the Colorado Springs Pioneers Museum Advisory Board, said terms expiring June 25, 2015. The motion unanimously carried. Absent, Councilmembers Czelatdko and Leigh.

Motion by Herpin, second by Bennett, that Nancy Hobbs, Jim Breeden, and Kathleen Fox Collins be reappointed to a term as members of the Lodgers and Automobile Rental Tax Advisory Committee, said terms expiring July 22, 2015. The motion unanimously carried. Absent, Councilmembers Czelatdko and Leigh.

Motion by Herpin, second by Bennett, that Steven Gold be appointed as a voting member of the Memorial Hospital Board of Trustees from alternate member, said term expiring upon the lease transfer of the Memorial Health System to the University of Colorado Health, or the end of the 2012 year, whichever occurs first. The motion unanimously carried. Absent, Councilmembers Czelatdko and Leigh.

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At 2:20 P.M., there being no further business to come before City Council,

COUNCIL ADJOURNED

Cindy N. Conway, CMC
Interim City Clerk