COLORADO SPRINGS, COLORADO CITY COUNCIL CHAMBERS CITY HALL – 107 N. NEVADA AVENUE JANUARY 8, 2013 – 1:00 P.M.

Council met in Regular Session.

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

-----0-----

1. <u>Invocation and Pledge of Allegiance.</u>

The meeting was opened with an invocation by Councilmember Bennett.

-----0-----

2. Changes to Agenda/Postponements.

Aimee Cox, City Council Liaison, stated that there is a request to withdraw the New Business Item that was added yesterday for proposed amendments to Personnel Policy Manual Item Nos. 37 and 38 regarding security concerns. No action is required on this.

Ms. Cox also stated that there is a request to take Item Nos. 10 and 13 out of order. Item No. 10 has a request for postponement of consideration of the forfeiture ordinance regarding the Dublin Terrace Townhomes. Item No. 13 has the intent to refer the Flying Horse matter back to the City Planning Commission. We'd like to take those out of order following the Consent Calendar.

Motion by Leigh, second by Martin, to withdraw the extra item which was the proposed amendments to Personnel Policy Manual Item Nos. 37 and 38 and to move Item Nos. 10 and 13 to immediately after the Consent Calendar.

Ayes: Hente, Herpin, Leigh, Martin, Snider, Williams, Bennett, Dougan

Noes: None Absent: Czelatdko

President Hente declared the motion carried.

-----0-----

CONSENT CALENDAR

3. The following items were acted upon by unanimous consent of the members present with the exception of Item No. 3-B-1, which was called up for separate consideration.

SECOND PRESENTATION:

- A-1. CPC PUZ 12-00077: (Quasi-Judicial Matter) Ordinance No. 12-109 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 119.2 ACRES LOCATED SOUTHEAST OF SAND CREEK AND NORTHWEST OF THE DUBLIN BOULEVARD AND MARKSHEFFEL ROAD INTERSECTION" was presented for final passage. (A/AO/SS to PUD/AO/SS)
- A-2 Ordinance No. 12-110 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 11-95 (2012 APPROPRIATION ORDINANCE) FOR THE BURN AREA WATERSHED ASSESSMENT BY INCREASING THE EXPENDITURE APPROPRIATIONS TO THE GENERAL FUND IN THE AMOUNT OF \$50,000 IN THE FIRE APPROPRIATION DEPARTMENT" was presented for final passage.

FIRST PRESENTATION:

- B-1. SEE ACTION TAKEN EARLIER IN THE MEETING.
- B-2. Resolution No. 1-13 was presented: "A RESOLUTION APPROVING THE RENEWAL OF THE \$1,000,000 LOAN AGREEMENT AND PROMISSORY NOTE BETWEEN THE GREAT OUTDOORS COLORADO TRUST FUND (GOCO) AND THE CITY OF COLORADO SPRINGS."
- B-3. Ordinance No. 13-1 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 12-108 (2013 APPROPRIATION ORDINANCE) FOR A SUPPLEMENTAL APPROPRIATION TO THE CONSERVATION TRUST FUND IN THE AMOUNT OF \$175,000 FOR THE DEVELOPMENT OF A COMPREHENSIVE PARKS, OPEN SPACE, TRAILS AND RECREATION MASTER PLAN" was introduced and read.
- B-4. Designating the City Clerk's Office as a public place for posting of public notices for public meetings.
- B-5. Appointments to various Boards and Commissions.

Motion by Leigh, second by Williams, that all matters on the Consent Calendar with the exception of Item No. 3-B-1, be passed, adopted, and approved by unanimous consent of the members present.

Ayes: Hente, Herpin, Leigh, Martin, Snider, Williams, Bennett, Dougan

Noes: None Absent: Czelatdko

President Hente declared the motion carried.

-----0-----

Councilmember Czelatdko arrived.

^
 ()

10. CPC PUD 05-00301: An ordinance forfeiting vested rights for the undeveloped portion of CPC PUD 05-00301 (Dublin Terrace Townhomes) in accord with the provisions of Section 7.9.101(C) of the Code of the City of Colorado Springs 2001, as amended.

There has been a request for an additional postponement.

Motion by Martin, second by Bennett, to postpone Item No. 10 to the Council Meeting of March 12, 2013.

President Hente opened the floor for public comment.

Andrew Shackley, with NLP Receivership, requested postponement to allow sufficient time to submit an amended development plan to the City Planning Commission.

Councilmember Martin stated that if this item is postponed this would be the last time, since it has been ongoing for quite awhile.

Councilmember Dougan spoke against postponement with the understanding that what had been already submitted was very similar to what was originally there.

Rick O'Connor, City Senior Planner, spoke about problems in modifying roof lines. There are blame points on both sides.

Bill Sheridan is a resident with concerns about the height of nearby housing, and he does not want to postpone.

Jeannie English is also a resident, and she spoke to not postpone this item.

A vote taken on the motion:

Ayes: Hente, Herpin, Leigh, Martin, Snider, Williams, Bennett, Czelatdko

Noes: Dougan Absent: None

President Hente declared the motion carried.

13. Flying Horse Parcel No. 21

- 13-A. CPC ZC 12-00084: (Quasi-Judicial Matter) Public hearing on a request by NES, Inc. on behalf of Pulpit Rock Investments, LLC for consideration of a change of zone from A (Agricultural) to PBC (Planned Business Center) consisting of 15.3 acres located at the northwest corner of Highway 83 and North Gate Boulevard, east of Roller Coaster Road.
- 13-B. CPC CP 12-00085: (Quasi-Judicial Matter) Public hearing on appeal by NES, Inc. on behalf of Pulpit Rock Investments, LLC regarding the City Planning Commission's denial of the commercial concept plan for Flying Horse Parcel Number 21 that would allow 110,000 –

120,000 square feet of commercial/office space with associated parking consisting of 15.3 acres located at the northwest corner of Highway 83 and North Gate Boulevard, east of Roller Coaster Road.

Motion by Snider, second by Bennett, to send Item Nos. 13A and 13B back to the Planning Commission.

President Hente opened the floor for public comment.

Larry Larsen, Senior Planner with the City Land Use Review Division, spoke per the City Council's direction from yesterday. Aimee Cox has prepared a press release, and Mr. Larsen has notified at least 40 via email, talked to people on the phone, including the applicant, the applicant's owner and consultants regarding the City Council's intent to refer this item back to the Planning Commission.

David Tunstell, resident of the Flying Horse community, spoke to postpone it. He had talked with Mr. Larsen of the Planning Commission and looks forward to working with him.

Mark Henkel, resident of the Flying Horse community, wanted clarification on what the Council's objectives are in sending it back to the Planning Commission.

Councilmember Bennett stated that changes had been made since the Planning Commission had seen this item, and sending it back allows them a further review.

A vote taken on the motion:

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

Noes: None Absent: None

President Hente declared the motion carried.

4. Resolution of Appreciation.

There were none.

CITIZEN DISCUSSION

Michael Ring, Cleantech Company, spoke about clean fuel efficiency in internal combustion engines and power plants.

Elizabeth Reed stated that there is a need for non-smoking areas in senior public housing.

Mike Goldsborough spoke against the panhandling ordinance.

Walter Lawson spoke about improvements to the Colorado Springs Utilities Budget format.

----0-----

5. **Approval of Minutes.**

Motion by Snider, second by Bennett, that the Minutes of the regular Council Meeting of December 11, 2012, be approved as written. The motion unanimously carried. Council requested that Informal and Formal Council Minutes also be included in the Council Packet to increase transparency, and that email distribution continue as usual.

-----0-----

6. **Mayor's Communications.**

Laura Neumann, Chief of Staff, announced that the Mayor's next Council Meeting will be Thursday, January 17th at 10:00 a.m. in the Police Operations Center. The Council's Strategic Plan is expected to be a focus.

The Board of Trustees of Colorado Springs Health Foundation job description and opening are to be on the web site by the end of this week.

6A. Appointment and confirmation of the Chief Information Officer, Joe Palmer.

Ms. Neumann announced the appointment of Joe Palmer as the Chief Information Officer. Mr. Palmer has fifteen years of progressively responsible experience in Information Technology as well as Accounting. He has been a Chief Information Officer for the last five years. Most recently, he served in Jefferson County, and is presently employed there. Mr. Palmer is due to start at the City on January 21st.

Motion by Williams, second by Herpin, that Joe Palmer be confirmed as Chief Information Officer for the City of Colorado Springs.

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

Noes: None Absent: None

President Hente declared the motion carried.

-----0-----

Councilmember Leigh was excused.

-----0-----

CONSIDERATION OF ITEMS CALLED UP FROM CONSENT CALENDAR SECTION

3-B-1. Resolution No. 2-13 was presented: "A RESOLUTION ACCEPTING A GRANT AWARD FROM GREAT OUTDOORS COLORADO FOR THE FOUNTAIN CREEK WATERSHED TRAILS AND RECREATION PROJECT TO CONSTRUCT AN ENVIRONMENTAL

PLAYGROUND AT AMERICA THE BEAUTIFUL PARK AND A MULTI-USE TRAIL THROUGH CLEAR SPRINGS RANCH."

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

Ayes: Hente, Herpin, Martin, Snider, Williams, Bennett, Czelatdko, Dougan

Noes: None Absent: Leigh

President Hente declared the motion carried.

-----0-----

Councilmember Leigh returned.

-----0-----

UNFINISHED BUSINESS

7. Ordinance No. 12-111 entitled, "AN ORDINANCE AMENDING SECTION 105 (AMENDMENTS TO THE INTERNATIONAL FIRE CODE) OF PART 1 (FIRE PREVENTION CODE) OF ARTICLE 4 (FIRE PREVENTION) OF CHAPTER 8 (PUBLIC SAFETY) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO AMENDMENT TO THE INTERNATIONAL FIRE CODE" was brought up on second presentation.

President Hente	was excused.
------------------------	--------------

-----0-----

In the absence of President Hente, President Pro Tem Martin Presided.

-----0-----

President Pro-Tem Martin opened the floor for public comment.

James McKenzie, Mike Skolnicki, Kismet Skolnicki, Pamela Reeves, Jonni McCoy, Richard Sherwood, and Ann Standish all spoke against the ordinance.

Donald Maney spoke in favor of the ordinance.

Council requested Amiee Cox, City Council Liaison, to have Colorado Springs Together and other groups who collected money for Waldo Canyon Fire Victims to report to Council as to where the money has gone.

Rich Brown, Fire Chief, stated that first public meeting relating to fire prevention is January 15th at 6:30 p.m. at Cheyenne High School. This is the first of many conversations with 82 homeowners' associations about learning how to proactively protect their homes.

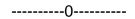
Motion by Bennett, second by Snider, that the ordinance be finally passed.

Ayes: Herpin, Martin, Snider, Williams, Bennett, Czelatdko

Noes: Dougan, Leigh

Absent: Hente

President Pro-Tem Martin declared the motion carried.



President Hente returned.

 0
U

8. Ordinance No. 12-112 entitled: "THE ANNUAL APPROPRIATION ORDINANCE FOR THE MEMORIAL HEALTH SYSTEM ENTERPRISE ADOPTING THE ANNUAL BUDGET AND APPROPRIATING MONIES FOR THE PURPOSES NAMED IN SAID BUDGET FOR THE YEAR ENDING DECEMBER 31, 2013" was brought up on second presentation.

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

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

Noes: None Absent: None

President Hente declared the motion carried.

Councilmember Williams made a separate motion to add monthly written updates on how the City money is being accounted for.

Motion by Williams, second by Snider, that there will be monthly written updates on how the City money is being spent.

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

Noes: None Absent: None

President Hente declared the motion carried.

9. Park Vista Addition Nos. 3A-3F Annexations

- 9A. Ordinance No. 12-113 entitled "AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS PARK VISTA ADDITION NO. 3A" was brought up for second presentation.
- 9B. Ordinance No. 12-114 entitled "AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS PARK VISTA ADDITION NO. 3B" was brought up for second presentation.

- 9C. Ordinance No. 12-115 entitled "AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS PARK VISTA ADDITION NO. 3C" was brought up for second presentation.
- 9D. Ordinance No. 12-116 entitled "AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS PARK VISTA ADDITION NO. 3D" was brought up for second presentation.
- 9E. Ordinance No. 12-117 entitled "AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS PARK VISTA ADDITION NO. 3E" was brought up for second presentation.
- 9F. Ordinance No. 12-118 entitled "AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS PARK VISTA ADDITION NO. 3F" was brought up for second presentation.

Motion by Herpin, second by Williams, the ordinances be finally passed for Park Vista Addition Nos. 3A-3F Annexations.

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

Noes: None Absent: None

President Hente declared the motion carried.

9G. CPC ZC 12-00063: Ordinance No. 12-119 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 6.38 ACRES LOCATED SOUTH OF DATE STREET AND EAST OF BEVERLY STREET" (establish an R-5) was brought up for second presentation.

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

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

Noes: None Absent: None

President Hente declared the motion carried.

-----0-----

10. SEE ACTION TAKEN EARLIER IN THE MEETING.

NEW BUSINESS

11. A resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado at the General Municipal Election to be held on Tuesday, April 2, 2013, the question of modifying the use of the current existing 0.01% (one tenth of a cent) City Sales and Use Tax for Trails, Open Space, and Parks (TOPS) for the purpose of providing funding flexibility within

the 20% portion of revenue allocated for parks to be used, retroactive to January 1, 2013, to acquire, construct and maintain new park areas and maintain and renovate all parks, providing for the form of ballot title, providing for certain matters with respect to the Election and providing the effective date of this resolution.

President Hente opened the floor for public comment.

John Maynard, Parks Board Member and Liaison Member to the TOPS Working Committee, spoke in favor of the TOPS ballot title.

Susan Davies, TOPS Coalition, spoke on behalf of the ballot title with the understanding that the City not rely on TOPS money for maintenance in the future and would like to include a maintenance of effort section.

Kent Obee, Parks Board and Parks Solutions team, spoke in favor of the TOPS ballot title with the same understanding as Susan Davis, and would like to include a maintenance of effort section.

Laura Neumann, Chief of Staff, stated that the maintenance of effort language not be included, and that the Mayor will not support it. The City has great needs in other areas, and it is not necessary to lock in and commit City money.

Richard Skorman spoke on the issue.

Motion by Martin, second by Herpin, that this matter be continued to the Council Meeting of January 22, 2013, and that the City Attorney prepare a legally binding ballot title including a Maintenance of Effort (MOE) section and a ballot title without a Maintenance of Effort (MOE) section.

Ayes: Herpin, Martin, Snider, Williams, Czelatdko, Hente, Leigh

Noes: Bennett, Dougan

Absent: None

President Hente declared the motion carried.

12. Resolution No. 3-13 was presented: "A RESOLUITON AUTHORIZING THE PUBLIC RECREATIONAL USE OF THE MANITOU INCLINE".

President Hente opened the floor for public comment.

Dan Fulk, Planning Director for the City of Manitou Springs, stated that a similar resolution will be brought before the Manitou Springs City Council on January 29th. He is in favor of the resolution. A summer shuttle has been funded through a grant for two summers.

Sarah Bryarly, Landscape Architect for the City of Colorado Springs, works on the incline project and spoke on behalf of the resolution.

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

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

Noes: None Absent: None

President Hente declared the motion carried.

-----0-----

PUBLIC HEARING

13. SEE ACTION TAKEN EARLIER IN THE MEETING.

At 4:12 P.M., there being no further business to come before City Council,

COUNCIL ADJOURNED

Souch B. Johnson

Sarah B. Johnson

City Clerk