COLORADO SPRINGS, COLORADO
CITY COUNCIL CHAMBERS
CITY HALL - 107 N. NEVADA AVENUE
OCTOBER 12, 2010 – 1:00 P.M.

Council met in Regular Session.

There were present: Vice Mayor Small, Councilmembers Gallagher, Glenn, Hente, Herpin, Martin, Paige and Purvis. Absent, Mayor Rivera. In the absence of Mayor Rivera, Vice Mayor Small presided. Also present, Interim City Manager 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 Jerome Nixon, Chaplain, Colorado Springs Fire Department.

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

Councilmember Gallagher called up Item Nos. 3-B-1, 3-B-4 and 3-B-10 for separate consideration.

Councilmember Hente called up Item No. 3-B-2 for separate consideration.

Councilmember Martin called up Item No. 3-B-9 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-1, 3-B-2, 3-B-4, 3-B-9 and 3-B-10 which were acted upon separately:

SECOND PRESENTATION:

A-1. Ordinance No. 10-77 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 09-148 (2010 APPROPRIATION ORDINANCE) IN THE AMOUNT OF $123,600 FOR THE CITY-FUNDED CIP CONSTRUCTION FUND" was brought up on second presentation.

FIRST PRESENTATION:

B-1. **SEE ACTION TAKEN LATER IN THE MEETING.**

B-2. **SEE ACTION TAKEN LATER IN THE MEETING.**

B-3. Resolution No. 169-10 was presented: "A RESOLUTION APPROVING THE ACQUISITION OF PARCELS AFFECTING THE CONTINENTAL-HOOSIER TRANSMOUNTAIN DIVERSION SYSTEM".

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

B-5. Resolution No. 170-10 was presented: "A RESOLUTION AUTHORIZING THE COLORADO SPRINGS AIRPORT DIRECTOR OF AVIATION TO ACCEPT AND EXECUTE A GRANT FROM THE COLORADO DEPARTMENT OF TRANSPORTATION FOR THE AVIATION MANAGEMENT INTERNSHIP AT THE COLORADO SPRINGS AIRPORT".

B-6. Resolution No. 171-10 was presented: "A RESOLUTION AUTHORIZING FREE ON-STREET METERED PARKING SATURDAY, DECEMBER 4; SATURDAY, DECEMBER 11 AND SATURDAY, DECEMBER 18, 2010".

B-7. Resolution No. 172-10 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM THE COLORADO DIVISION OF CRIMINAL JUSTICE IN THE AMOUNT OF $62,283 FOR THE JUVENILE ACCOUNTABILITY BLOCK GRANT; AND, AUTHORIZNG THE CHIEF OF POLICE TO EXECUTE THE CONTRACT TO PARTNER WITH THE COMMUNITY PREP CHARTER SCHOOL TO FUND THE PROGRAM FOR PARTICIPATING YOUTH".

B-8. Resolution No. 173-10 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF $57,256 FOR THE BULLETPROOF VEST PARTNERSHIP (BVP) GRANT; AND, AUTHORIZING THE CHIEF OF POLICE TO EXECUTE THE CONTRACT FOR ACQUISITION AND REPLACEMENT OF BULLETPROOF VESTS".

B-9. **SEE ACTION TAKEN LATER IN THE MEETING.**

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

B-11. Resolution No. 174-10 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM THE FEDERAL TRANSIT ADMINISTRATION IN THE AMOUNT OF $8,242,775 TO FUND TRANSIT SERVICES, CAPITAL, AND PLANNING PROJECTS".

B-12. **Claremont Substation**

B-12A. CPC ZC 10-00002: (Quasi-Judicial Matter) Ordinance No. 10-79 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 10.2 ACRES LOCATED IN BANNING LEWIS RANCH AT 8311 EAST HIGHWAY 24" was introduced and read. (PIP-2/AO to PF/AO)

B-12B. **CPC DP 10-00001: (Quasi-Judicial Matter) Request by Colorado Springs Utilities for approval of the Claremont Substation Development Plan consisting of 10.2 acres located with Banning Lewis Ranch at 8311 East Highway 24, which is immediately south of the Highway 24 and Brookings Drive intersection, approximately one half mile southwest of the Highway 24 and Constitution intersection.**

B-13. **3310 Van Teylingen Drive**

B-13A. CPC ZC 10-00066: (Quasi-Judicial Matter) Ordinance No. 10-80 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO

1.23 ACRES LOCATED AT 3310 VAN TEYLINGEN DRIVE" was introduced and read. (PUD/CU to OC/CR)

B-13B. **CPC DP 10-00067: (Quasi-Judicial Matter) Request by NES Inc. on behalf of Ajay Kothari for approval of the 3310 Van Teylingen Drive Development Plan consisting of 1.23 acres located at 3310 Van Teylingen Drive.**

B-14. **Platte Business Center**

B-14A. CPC ZC 10-00020: (Quasi-Judicial Matter) Ordinance No. 10-81 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 3.58 ACRES LOCATED AT 4810 EDISON AVENUE" was introduced and read. (PIP-1/AO/APZ2/CU to C-5/AO/APZ-2)

B-14B. **CPC CP 10-00021: (Quasi-Judicial Matter) Request by Wooten Properties LLP for approval of the Platte Busines Center Concept Plan consisting of 3.58 acres located at 4810 Edison Avenue.**

Motion by Hente, second by Purvis, that all matters on the Consent Calendar, with the exception of Item Nos. 3-B-1, 3-B-2, 3-B-4, 3-B-9 and 3-B-10, be passed, adopted and approved by unanimous consent of the City Council.

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

4. **Resolutions of Appreciation**

There were none.

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Jesse Gill, of Harrison High School, Brady Laib, of Pine Creek High School, and Kelsey Oettinger, Discovery Canyon Campus, were introduced as representatives of the Mayor's 100 Teens.

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Chief Myers, Colorado Springs Police Department, stated a presentation was made to the Colorado Springs Police Department (CSPD) HOT Team for the Herman Goldstein Award of Excellence for problem solving.

CITIZEN DISCUSSION

Charles Barber asked Colorado Springs Utilities (CSU) for volume of water rights owned by CSU that needed to be sold due to a lack of storage capability for 2009.

Matthew Stevens, Kimball Peak Theatre General Manager, presented 1,100 petitions to lower parking meter fines from $20 to $10; $20 fines deters people from coming downtown all together and a $10 fine is just as effective; wants more user friendly parking.

City Manager to have Municipal Court respond directly to Mr. Stevens.

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5. Motion by Hente, second by Purvis, that the Minutes of the Regular Council meeting of September 28, 2010 be approved as written. The motion unanimously carried. Absent, Mayor Rivera.

CONSIDERATION OF ITEMS CALLED UP FROM CONSENT CALENDAR SECTION

3-B-1. Resolution No. 175-10 was presented: "A RESOLUTION GRANTING PERMISSION TO CLOSE TRANSACTIONS FOR THE ACQUISITION OF THREE PROPERTIES FOR SOUTHERN DELIVERY SYSTEM PROJECT IMPROVEMENTS".

Bill Cherrier, CSU Chief Financial Officer, entered his appearance and answered questions.

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

Ayes: Glenn, Hente, Herpin, Martin, Paige, Purvis, Small
Noes: Gallagher
Absent: Rivera

Vice Mayor Small declared the motion carried.

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3-B-2. Resolution No. 176-10 was presented: "A RESOLUTION SETTING THE GAS COST ADJUSTMENT EFFECTIVE NOVEMBER 1, 2010".

Bill Cherrier, CSU Chief Financial Officer, entered his appearance and answered questions.

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

Ayes: Glenn, Hente, Herpin, Martin, Paige, Purvis, Small
Noes: Gallagher
Absent: Rivera

Vice Mayor Small declared the motion carried.

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3-B-4. Ordinance No. 10-82 entitled "AN ORDINANCE AMENDING SECTION 201 (DEFINITIONS) OF PART 2 (DEFINITIONS); SECTION 702 (WASTEWATER DISCHARGE; PROHIBITIONS), 703 (WASTEWATER DISCHARGE; LIMITATIONS), 704 (POINT OF DISCHARGE; LIMITATIONS), 705 (SILVER SOURCE CONTROL), 706 (MERCURY SOURCE CONTROL) AND 707 (BEST MANAGEMENT PRACTICES) OF PART 7 (PROHIBITIONS-LIMITATIONS ON WASTEWATER DISCHARGE); SECTIONS 801 (REGULATORY ACTIONS; GENERAL POWERS OF THE EXECUTIVE DIRECTOR), 802

(REGULATORY ACTIONS; SPECIFIC POWERS OF EXECUTIVE DIRECTOR), 805 (ADMISSION TO PROPERTY) AND 806 (ACCIDENTAL DISCHARGE, PROTECTION FROM) OF PART 8 (CONTROL OF PROHIBITED WASTES); SECTIONS 901 (REPORTING REQUIREMENTS), 903 (INSPECTION SAMPLING AND ANALYSIS) AND 906 (TRADE SECRETS, CONFIDENTIALITY OF) OF PART 9 (INDUSTRIAL WASTEWATER MONITORING AND REPORTING); SECTIONS 1001 (DISCHARGE REQUIREMENTS), 1002 (MANIFEST SYSTEM), 1003 (REPORTING REQUIREMENTS), 1004 (VEHICLE MAINTENANCE REQUIREMENTS), 1005 (FINANCIAL ASSURANCE REQUIREMENTS) AND 1006 (SAMPLING AND RECORDS) OF PART 10 (LIQUID WASTE HAULER REQUIREMENTS) AND SECTIONS 1101 (SIGNIFICANT INDUSTRIAL USER; DISCHARGE PERMIT REQUIRED), 1104 (SIGNIFICANT INDUSTRIAL USER DISCHARGE PERMIT; CONDITIONS), 1105 (APPLICANT TO BE NOTIFIED OF PROPOSED PERMIT CONDITIONS; RIGHT TO OBJECT), 1106 (DISCHARGE PERMIT; DURATION), 1111 (INDUSTRIAL USER INDIVIDUAL AND GENERAL CONTROL MECHANISMS), 1112 (MODIFICATION OF PERMITS AND CONTROL MECHANISMS) AND 1113 (DENIAL OF PERMITS AND CONTROL MECHANISMS) OF PART 11 (PERMIT AND CONTROL MECHANISM SYSTEM); SECTIONS 1203 (ADMINISTRATIVE ENFORCEMENT REMEDIES-FORMAL), 1204 (ADMINISTRATIVE HEARING PROCEDURES), 1205 (JUDICIAL ENFORCEMENT REMEDIES), 1206 (SUPPLEMENTAL ENFORCEMENT REMEDIES) AND 1208 (DISPOSITION OF FINES AND PENALTIES) OF PART 12 (ENFORCEMENT), ALL OF ARTICLE 5 (WASTEWATER TREATMENT CODE) OF CHAPTER 12 (UTILITIES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO WASTEWATER PRETREATMENT" was introduced and read.

Dave Padgett, CSU Environmental Health & Safety Manager, entered his appearance and answered questions.

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

Ayes: Glenn, Hente, Herpin, Martin, Paige, Purvis, Small
Noes: Gallagher
Absent: Rivera

Vice Mayor Small declared the motion carried.

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3-B-9. Ordinance No. 10-83 entitled "AN ORDINANCE AMENDING SECTION 116 (SAFETY BELT SYSTEMS) OF ARTICLE 23 (MISCELLANEOUS RULES OF THE ROAD) OF CHAPTER 10 (MOTOR VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED PERTAINING TO SAFETY BELTS" was introduced and read.

Chief Myers and Anthony Moore, City Attorney's Office – Senior Prosecutor, entered their appearances and answered questions.

Motion by Hente, second by Martin, that the ordinance be passed as amended: Section A, first paragraph – strike "the" and read as follows, "and any ~~the~~ front seat passenger".

Ayes: Glenn, Hente, Herpin, Martin, Paige, Purvis, Small
Noes: Gallagher
Absent: Rivera

Vice Mayor Small declared the motion carried.

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3-B-10. Resolution No. 177-10 was presented: "A RESOLUTION TO AMEND RESOLUTION NO. 240-08 ELIMINATING THE MONUMENT BRANCH DRAINAGE BASIN FEE".

Robin Kidder, Acting City Engineer, and Tim Mitros, Interim Engineering Development Review Lead, entered their appearances and answered questions.

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

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

UTILITIES BUSINESS

6. **Request to establish a public hearing date for the consideration of resolutions regarding certain changes to Utilities Rules and Regulations and setting electric, and natural gas rates within the service areas of Colorado Springs Utilities.**

Mr. Cherrier requested a public hearing date of November 23, 2010.

Motion by Herpin, second by Martin, that the public hearing date for the consideration of resolutions regarding certain changes to Utilities Rules and Regulations and setting electric, and natural gas rates within the service areas of Colorado Springs Utilities be approved for November 23, 2010. The motion unanimously carried. Absent, Mayor Rivera.

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7. Ordinance No. 10-78 entitled "AN EMERGENCY ORDINANCE OF THE CITY OF COLORADO SPRINGS, COLORADO PROVIDING FOR THE EXTENSION, BETTERMENT, OTHER IMPROVEMENT AND EQUIPMENT OF THE CITY OF COLORADO SPRINGS UTILITIES SYSTEM; PROVIDING FOR THE ISSUANCE AND SALE OF THE CITY OF COLORADO SPRINGS, COLORADO, VARIABLE RATE DEMAND UTILITIES SYSTEM IMPROVEMENT REVENUE BONDS, SERIES 2010C IN THE AGGREGATE PRINCIPAL AMOUNT OF $50,000,000 PAYABLE SOLELY OUT OF THE NET REVENUES TO BE DERIVED FROM THE OPERATION OF THE UTILITIES SYSTEM; AUTHORIZING THE EXECUTION BY THE CITY OF A REMARKETING AGREEMENT, A TENDER AGENT AGREEMENT, A STANDBY BOND PURCHASE AGREEMENT, A BOND PURCHASE AGREEMENT AND AN OFFICIAL STATEMENT; PROVIDING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY" was introduced and read.

Mr. Cherrier stated there is a fixed rate of 3.88%; used to finance capital projects.

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

Ayes: Glenn, Hente, Herpin, Martin, Paige, Purvis, Small
Noes: Gallagher
Absent: Rivera

Vice Mayor Small declared the motion carried.

UNFINISHED BUSINESS

8. Motion by Hente, second by Purvis, that Daniel Korleski be reappointed to a term as a member of the City Investment Advisory Committee; said term expiring December 10, 2013. The motion unanimously carried. Absent, Mayor Rivera.

Motion by Hente, second by Purvis, that Veronica Frias be appointed (new, Alternate to regular voting) and Mike Nemeth be reappointed to terms as members of the Liquor and Beer Licensing Board; said terms expiring January 1, 2014, respectively. The motion unanimously carried. Absent, Mayor Rivera.

Motion by Hente, second by Purvis, that Jim Breeden, be appointed to a term as a member of the Lodgers and Automobile Rental Tax Advisory Committee; said term expiring July 22, 2012. The motion unanimously carried. Absent, Mayor Rivera.

NEW BUSINESS

9. Ordinance No. 10-84 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 09-148 (2010 APPROPRIATION ORDINANCE) IN THE AMOUNT OF $1,186,000 FOR THE GENERAL FUND, $350,000 FOR THE SUPPORT SERVICES FUND, AND $30,000 FOR THE THERAPEUTIC RECREATION FUND" was introduced and read.

Kara Skinner, Financial Planning Manager, reviewed the various funding requests and answered questions.

Nick Kittle, Special Projects Manager, answered questions regarding median right-of-way maintenance and fuel discounted rates.

Mr. Cox answered questions regarding the CSPD Training Academy.

Councilmember Hente requested to bifurcate the items; Fall 2010 election expenses, background for Police Academy, Uniform overtime, fund marketing program for public service volunteer program, median and right-of-way maintenance, management of permits for work in city right-of-way - $1,186,000; $350,000 for Support Services fund.

Motion by Hente, second by Purvis, that the ordinance be passed as amended: Cottonwood Creek Recreation Center to be removed.

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

Then, motion by Martin, second by Herpin, that the ordinance be passed as amended: approve funding for Cottonwood Creek Recreation Center.

Ayes: Glenn, Herpin, Martin, Paige, Small
Noes: Gallagher, Hente, Purvis
Absent: Rivera

Vice Mayor Small declared the motion carried.

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At 2:57 P.M., motion by Paige, second by Herpin, that Council adjourn. The motion unanimously carried, and

COUNCIL ADJOURNED

Kathryn M. Young

Kathryn M. Young, CMC, CERA
City Clerk

Following adjournment of the regular City Council meeting, <u>City Council shall reconvene as the Board of Directors of the Colorado Springs Cottonwood General Improvement District</u>, for action on the following item:

1. Request for permission to set the date of November 23, 2010 for consideration of adoption of the proposed 2011 Colorado Springs Cottonwood General Improvement District Budget and to advertise as required by law.

Motion by Director Hente, second by Director Purvis, that the date of November 23, 2010 for consideration of adoption of the proposed 2011 Colorado Springs Cottonwood General Improvement District Budget be approved.

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

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

1. Request for permission to set the date of November 23, 2010 for consideration of adoption of the proposed 2011 Colorado Springs Briargate General Improvement District Budget and to advertise as required by law.

   Motion by Director Hente, second by Director Gallagher, that the date of November 23, 2010 for consideration of adoption of the proposed 2011 Colorado Springs Briargate General Improvement District Budget be approved.

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

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Following adjournment of the Board of Directors of the Colorado Springs Briargate General Improvement District, <u>City Council shall reconvene as the Board of Directors of the Colorado Springs Spring Creek General Improvement District</u>, for action on the following item:

1. Request for permission to set the date of November 23, 2010 for consideration of adoption of the proposed 2011 Colorado Springs Spring Creek General Improvement District Budget and to advertise as required by law.

   Motion by Director Hente, second by Director Gallagher, that the date of November 23, 2010 for consideration of adoption of the proposed 2011 Colorado Springs Spring Creek General Improvement District Budget be approved.

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

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

1. Request for permission to set the date of November 23, 2010 for consideration of adoption of the proposed 2011 Colorado Springs Marketplace at Austin Bluffs General Improvement District Budget and to advertise as required by law.

   Motion by Director Hente, second by Director Gallagher, that the date of November 23, 2010 for consideration of adoption of the proposed 2011 Colorado Springs Marketplace at Austin Bluffs General Improvement District Budget be approved.

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

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There being no further business to come before the Board, the meeting was adjourned at 2:59 P.M.

BOARD ADJOURNED

Kathryn M. Young, CMC, CERA
Secretary