COLORADO SPRINGS, COLORADO CITY COUNCIL CHAMBERS CITY HALL - 107 N. NEVADA AVENUE JULY 26, 2011 – 1:00 P.M.

Council met in Regular Session.

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

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

The meeting was opened with an invocation by Councilmember Bennett.

2. Changes to Agenda/Postponement.

President Hente called up Item No. 3-B-5 for separate consideration.

CONSENT CALENDAR

3. The following items were acted upon by unanimous consent of the members present, with the exception of Item No. 3-B-5, which was acted upon separately:

SECOND PRESENTATION:

A-1. CPC ZC 11-00050: (Quasi-Judicial Matter) Ordinance No. 11-57 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 7.97 ACRES LOCATED BETWEEN ACADEMY BOULEVARD AND ZEBULON DRIVE, NORTH OF CHELTON ROAD" was presented for final passage. (PBC/AO and OC/AO to PBC/AO)

FIRST PRESENTATION:

- B-1. Resolution No. 123-11 was presented: "A RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF \$60,000 FROM GREAT OUTDOORS COLORADO FOR THE FRONT RANGE TRAIL SITE PLAN THROUGH CLEAR SPRING RANCH.
- B-2. Resolution No. 124-11 was presented: "A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF COLORADO SPRINGS TO ACCEPT AND EXECUTE A GRANT IN THE AMOUNT OF \$13,000 FROM THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) FOR THE AVIATION MANAGEMENT INTERNSHIP AT THE COLORADO SPRINGS AIRPORT."
- B-3. Ordinance No. 11-61 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 10-103 (2011 APPROPRIATION ORDINANCE) IN THE AMOUNT OF \$658,077 FOR

PRINCIPAL AND INTEREST PAYMENTS ON LOANS FROM THE STATE OF COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) TO BE PAID IN CALENDAR YEAR 2011" was introduced and read.

B-4. Resolution No. 125-11 was presented: "A RESOLUTION TO ACCEPT A GRANT FROM THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT), AUTHORIZING THE MAYOR TO EXECUTE SUBSEQUENT CONTRACT AMENDMENTS AND OPTION LETTERS TO THIS GRANT, AND AUTHORIZING THE FINANCIAL SERVICES DIVISION TO MOVE \$356,644 TO THIS GRANT"

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

Motion by Martin, second by Herpin, that all matters on the Consent Calendar, with the exception of Item No. 3-B-5 be passed, adopted and approved by unanimous consent of the City Council.

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

Noes: None Absent: None

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4. Resolutions of Appreciation

Resolution No. 126-11 was presented: "A RESOLUTION OF APPRECIATION RECOGNIZING CITY CLERK KATHRYN M. YOUNG FOR 28 YEARS OF OUTSTANDING SERVICE TO THE COLORADO SPRINGS COMMUNITY".

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

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

Noes: None Absent: None

CITIZEN DISCUSSION

Kennon Cole expressed concern of the bus system and the associated costs; requested greater effort be made to extend bus services with affordable fares.

John Daly stated he attended most of the Memorial Hospital Commission meetings which were progressing, however, after the Attorney General's interpretation relating to the Hospital Transfer Act, the focus of the Commission changed to consider independent non-profits rather than exploring all options; that it is now focusing on leasing the hospital, and he thinks it is to keep the voters from voting on an independent non-profit; that the City should not rush to the ballot in November without a complete proposal.

Getty Nuhn stated swimming in Prospect Lake is currently banned, and anyone observed doing so will be issued a citation for trespassing; requested City Council consider

adopting a "swim at your own risk" policy so it would not be a criminal activity of trespassing. She stated the bathhouse is deteriorating and requested it be revitalized.

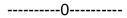
Chris Conboy requested City Council open the waterfront area to allow paddleboats, swimming and other water activities; community service should be encouraged in exchange for participation in any of the activities.

City Council expressed support for reviewing the legal aspects of a "swim at your own risk policy"; that this is a great opportunity for public-private partnership; that it is imperative that the community get involved and help maintain the lake.

Councilmember Dougan expressed concern about the safety of citizens if fishing, boating and swimming are potentially occurring at the same time and place.

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5. Motion by Herpin, second by Martin, that the Minutes of the regular Council Meeting of July 12, 2011, be approved as written. The motion unanimously carried.



6. **Mayor's Communications.**

Mayor Bach read a Proclamation for the Colorado Diversity Forum proclaiming observance of "Everybody Welcome: A Celebration of Culture and Diversity Week August 7th through 13th, 2011".

Shirley Martinez and Gary Peacock, Co-Chairs of the Diversity Forum accepted the proclamation.

Cindy Aubrey, Chief Communications Officer, was introduced.

CONSIDERATION OF ITEMS CALLED UP FROM CONSENT CALENDAR SECTION

3-B-5. Resolution No. 127-11 was presented: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS, COLORADO, APPROVING THE ISSUANCE OF THREE TAX-EXEMPT BONDS BY THE GOLD HILL MESA METROPOLITAN DISTRICT NO. 2".

President Hente inquired as to the interest rates of the bonds.

Interim Comprehensive Division Lead Carl Schueler stated at this time, the bonds have no assessed valuation; that two of the bonds are unrated and characterized as loans; that until future development of the property occurs, there is no collateral.

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

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

Noes: None Absent: None

UTILITIES BUSINESS

7. Ordinance No. 11-60 entitled "AN EMERGENCY ORDINANCE OF THE CITY OF COLORADO SPRINGS, COLORADO APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE STANDBY BOND PURCHASE AGREEMENTS AMONG THE CITY OF COLORADO SPRINGS, COLORADO, WELLS FARGO BANK, NATIONAL ASSOCIATION, AS TENDER AGENT, AND CERTAIN BANKING ORGANIZATIONS, THE FEE LETTER AGREEMENTS BETWEEN THE CITY OF COLORADO SPRINGS, COLORADO AND SUCH BANKING ORGANIZATIONS, AND THE OFFICIAL STATEMENTS FOR THE UTILITIES SYSTEM REVENUE BONDS PREVIOUSLY ISSUED BY THE CITY TO WHICH THE AGREEMENTS RELATE; RATIFYING CERTAIN ACTION HERETOFORE TAKEN; AND DECLARING AN EMERGENCY" was introduced and read.

Colorado Springs Utilities Chief Planning and Finance Officer, Bill Cherrier, stated the proposed ordinance authorizes five standby purchase agreements for existing Variable Rate Demand Utilities System Bonds; that three of the bond series currently have liquidity facilities that will expire this year, and the remaining two expire in 2016 and 2018; that due to the rapidly changing market conditions of bond financing, an emergency ordinance is requested.

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

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

Noes: None Absent: None

UNFINISHED BUSINESS

8. Ordinance No. 11-56 entitled "AN ORDINANCE AMENDING SECTION 117 (CHILD RESTRAINT SYSTEMS; MANDATORY USE) 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 CHILD RESTRAINTS" was brought up on second presentation.

In response to a question from Councilmember Dougan, Senior Prosecuting Attorney Anthony Moore stated the ordinance applies only to buses having a gross vehicle weight over 10,000 pounds; that School Districts 11 and 20 have verified they do not operate buses less than 10,000 pounds.

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

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

Noes: Dougan Absent: None

President Hente	declared	the	motion	carried.	

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9. Scholl Annexation No. 1

9A. Ordinance No. 11-58 entitled "AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS SCHOLL ANNEXATION NO. 1" was brought up on second presentation.

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

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

Noes: None Absent: None

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9B. CPC ZC 10-00032: Ordinance No. 11-59 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 12.26 ACRES LOCATED SOUTH AND WEST OF THE PRESENT TERMINATION OF CEDARMERE DRIVE AND NORTH AND WEST OF THE INTERSECTION OF COPPER DRIVE AND EMERALD DRIVE" was brought up on second presentation. (Establishing a PUD/HS/AO zone)

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

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

Noes: None Absent: None

NEW BUSINESS

 Resolution No. 128-11 was presented: "A RESOLUTION AMENDING RESOLUTION NO. 254-10 REGARDING REVISED FEES AND CHARGES FOR THE PARKS, RECREATION AND CULTURAL SERVICES DEPARTMENT FOR 2012".

Kim King, Parks Administration Manager, gave an overview of the proposed fees and charges and stated approximately \$30,000 additional department revenue is anticipated.

In response to a question from Councilmember Dougan, Ms. King stated fees associated with the youth and adult sports, City Auditorium and Sertich Ice Center are targeted to be 100% cost recovery, however fees associated with some community centers and programs, and field and pavilion rentals are typically recovered at 30% to 50%.

Councilmember Leigh expressed concern about Monument Valley Park pool and situation where the current vendor who manages the pool, with first right of refusal, is not operating the pool, and Ms. King stated the issue related to a party separate from the

vendor who wanted to operate the facility and programming at the pool; that while the vendor did not want to operate the facility, it wanted the option of programming which the other party did not agree to, and the pool remains closed.

Councilmember Leigh stated he would like to be involved in future contracting of the pools and urge the opening of Monument Valley pool.

In response to a question from Councilmember Williams, Ms. King stated the fees and charges are reviewed and increased accordingly in an effort to support cost recovery.

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

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

Noes: Czelatdko, Dougan

Absent: None

President Hente declared the motion carried.

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11. Ordinance No. 11-62 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 10-103 (2011 APPROPRIATION ORDINANCE) TO INCREASE THE SUPPORT SERVICES FUND EXPENDITURE APPROPRIATION IN THE AMOUNT OF \$1,681,000 TO BE TRANSFERRED TO THE CAPITAL IMPROVEMENTS FUND, THE FUNDING SOURCE IS THE AVAILABLE FUND BALANCE OF THE SUPPORT SERVICES FUND; AND TO INCREASE THE CAPITAL IMPROVEMENT FUND EXPENDITURE APPROPRIATION IN THE AMOUNT OF \$1,681,000 FOR CONTRACTED ROAD PROJECTS, THE FUNDING SOURCE IS THE TRANSFER FROM THE SUPPORT SERVICES FUND" was introduced and read.

Budget Manager Lisa Bigelow stated the proposed ordinance will facilitate the funding of three contracted infrastructure road projects in the amount of \$1,681,000; that the projects include Cimarron Street from East Sierra Madre Street to west of Wahsatch Avenue, Cascade Avenue from Colorado Avenue to Moreno Avenue, and Interquest Parkway from I-25 on ramp to Voyager Parkway; that the projects were chosen based on road conditions and traffic volumes.

Public Works Team Leader Nick Kittle stated the projects were already in the planning phase and a portion of the money is RTA contract money.

In response to a question from Councilmember Leigh as Sierra Madre being included in the project when it is in a revitalization area, Mr. Kittle stated a capital project is evaluated by the repairs required; that even if an area has an urban renewal designation, the work may not be accomplished, and is still considered as a capital project since it is part of the street system.

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

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

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Ordinance No. 11-63 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 10-103

Noes:

Ayes:

Noes:

Absent:

None

None

unanimously carried, and

12.

Absent:

None

None

(2011 APPROPRIATION ORDINANCE) TO INCREASE THE GENERAL FUND EXPENDITURE APPROPRIATION BY \$40,000 FROM THE GENERAL FUND AVAILABLE FUND BALANCE FOR THE STREETS DIVISION OVERTIME NEEDED FOR ACCELERATION OF THE PIKES PEAK HIGHWAY EROSION AND SEDIMENTATION CONTROL PROJECT" was introduced and read.
Ms. Bigelow stated the proposed appropriation will accelerate the Pikes Peak Highway project which must be completed by 2012 pursuant to the Court Decree; that several organizations and community leaders have requested paving of the highway to promote the Pikes Peak Hill Climb and allow broader participation of racing companies; that expediting the work will allow the Pikes Peak Highway to take advantage of material cost savings and crew mobilization; that non-emergency projects will be delayed in order to complete this project.
In response to a question from President Pro Tem Martin, Ms. Bigelow stated a 1998 lawsuit by the Sierra Club for potential violations of the Clean Water Act, resulted in a Settlement Agreement that required the City complete remediation of erosion and sedimentation of the Pikes Peak Highway by 2012.
Fred Veitch stated next year will be the 90 th Pikes Peak Hill Climb; that completing the project will satisfy the lawsuit; that he supports the ordinance.

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

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

At 2:55 P.M., motion by Bennett, second by Williams, that Council adjourn. The motion

Cindy N. Conway, CMC **Interim City Clerk**

COUNCIL ADJOURNED