COLORADO SPRINGS, COLORADO
CITY COUNCIL CHAMBERS
CITY HALL – 107 N. NEVADA AVENUE
NOVEMBER 27, 2012 – 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, Mayor Bach, Chief of Staff Neumann, and City Attorney/Chief Legal Officer Melcher.

----------0----------

Council convened as the Colorado Springs Utilities Board of Directors in Closed Executive Session

----------0----------

Council reconvened at 1:30 p.m. as City Council

----------0----------

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

The meeting was opened with an invocation by Reverend/Dr. Lucinda Green, Rocky Mtn. Insight Buddhist Mindfulness Meditation Center.

----------0----------

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

Aimee Cox, City Council Administrator, stated a request was made to hear Item No. 15 before Item No. 7 under Utilities Business, and to postpone Item No. 19 to the Formal Council Meeting of January 8, 2013.

President Hente approved hearing Item No. 15 prior to Item No. 7.

Motion by Martin, second by Snider, to postpone Item No. 19 to the Formal Council Meeting of January 8, 2013. The motion unanimously carried.

CONSENT CALENDAR

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

SECOND PRESENTATION:

A-1. Ordinance No. 12-94 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 11-95 (2012 APPROPRIATION ORDINANCE) FOR THE GENERAL FUND IN THE AMOUNT OF $65,397 FOR THE RECREATION SERVICES DIVISION FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND" was presented for final passage.

A-2. Ordinance No. 12-95 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 11-95 (2012 APPROPRIATION ORDINANCE) IN THE AMOUNT OF $600,000 FOR THE DESIGN AND BID PHASES OF THE REHABILITATION OF TAXIWAYS E, G, AND H (PHASE IV) PROJECT AT THE COLORADO SPRINGS AIRPORT" was presented for final passage.

A-3. Ordinance No. 12-96 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 11-95 (2012 APPROPRIATION ORDINANCE) FOR THE GENERAL FUND IN THE AMOUNT OF $95,667 FOR THE HOUSING DEVELOPMENT DIVISION COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)" was presented for final passage.

A-4. Ordinance No. 12-97 entitled "AN ORDINANCE FOR A SUPPLEMENTAL APPROPRIATION TO THE GENERAL FUND ADMINISTRATION DEPARTMENT IN THE AMOUNT OF $3,400,000 FOR THE PURPOSE OF SETTLEMENT OF CERTAIN LITIGATION CLAIMS RELATING TO JOSHUA CARRIER" was presented for final passage.

A-5. Ordinance No. 12-98 entitled "AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 0.75 ACRE LOCATED AT 122 HILL STREET" was presented for final passage. (R-2 [Two-family Residential] to PBC/CR [Planned Business Center with Conditions of Record])

FIRST PRESENTATION:

B-1. Resolution No. 147-12 was presented: "A RESOLUTION PERTAINING TO RESOLUTION NO. 168-07 AND THE MODIFICATION OF THE CITYGATE URBAN RENEWAL PLAN".

B-2. Resolution No. 148-12 was presented: "A RESOLUTION CERTIFYING THE 2012 TAX LEVY FOR BRIARGATE SPECIAL IMPROVEMENT MAINTENANCE DISTRICT AT 4.409 MILLS UPON EACH DOLLAR OF ASSESSED VALUATION WITHIN SAID DISTRICT".

B-3. Resolution No. 149-12 was presented: "A RESOLUTION CERTIFYING THE 2012 TAX LEVY FOR COLORADO AVENUE GATEWAY SPECIAL IMPROVEMENT MAINTENANCE DISTRICT AT 1.009 MILLS UPON EACH DOLLAR OF ASSESSED VALUATION WITHIN SAID DISTRICT".

B-4. Resolution No. 150-12 was presented: "A RESOLUTION CERTIFYING THE 2012 TAX LEVY FOR NOR'WOOD SPECIAL IMPROVEMENT MAINTENANCE DISTRICT AT 3.935 MILLS UPON EACH DOLLAR OF ASSESSED VALUATION WITHIN SAID DISTRICT".

B-5. Resolution No. 151-12 was presented: "A RESOLUTION CERTIFYING THE 2012 TAX LEVY FOR OLD COLORADO CITY SPECIAL IMPROVEMENT MAINTENANCE DISTRICT AT 13.416 MILLS UPON EACH DOLLAR OF ASSESSED VALUATION WITHIN SAID DISTRICT".

B-6. Resolution No. 152-12 was presented: "A RESOLUTION CERTIFYING THE 2012 TAX LEVY FOR PLATTE AVENUE SPECIAL IMPROVEMENT MAINTENANCE DISTRICT AT $1.10 PER FRONT FOOTAGE OF REAL PROPERTY OF ASSESSED VALUATION WITHIN SAID DISTRICT".

B-7. Resolution No. 153-12 was presented: "A RESOLUTION CERTIFYING THE 2012 TAX LEVY FOR STETSON HILLS SPECIAL IMPROVEMENT MAINTENANCE DISTRICT AT 3.858 MILLS UPON EACH DOLLAR OF ASSESSED VALUATION WITHIN SAID DISTRICT".

B-8. Resolution No. 154-12 was presented: "A RESOLUTION CERTIFYING THE 2012 TAX LEVY FOR WOODSTONE SPECIAL IMPROVEMENT MAINTENANCE DISTRICT AT 3.615 MILLS UPON EACH DOLLAR OF ASSESSED VALUATION WITHIN SAID DISTRICT".

B-9. **Downtown Development Authority**

B-9-A. Resolution No. 155-12 was presented: "A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS IN THE AMOUNTS, AND FOR THE PURPOSES SET FORTH BELOW FOR THE COLORADO SPRINGS DOWNTOWN DEVELOPMENT AUTHORITY IN COLORADO SPRINGS, COLORADO, FOR THE 2013 BUDGET YEAR".

B-9-B. Resolution No. 156-12 was presented: "A RESOLUTION SETTING THE TAX LEVY FOR ALL PURPOSES AT 5.000 MILLS FOR THE COLORADO SPRINGS DOWNTOWN DEVELOPMENT AUTHORITY IN COLORADO SPRINGS, COLORADO, FOR THE 2013 BUDGET YEAR".

B-10. Ordinance No. 12-102 entitled "AN ORDINANCE ESTABLISHING 2013 OPERATING AND OCCUPANCY RATES FOR NON-SIGNATORY AIRLINES AND OTHER USERS AT THE COLORADO SPRINGS MUNICIPAL AIRPORT" was introduced and read.

B-11. Ordinance No. 12-103 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 11-95 (2012 APPROPRIATION ORDINANCE) BY INCREASING THE GENERAL FUND EXPENDITURE APPROPRIATION IN THE AMOUNT OF $2,095,350 TO CONSTRUCT NEEDED DRAINAGE IMPROVEMENTS IN THE SAND CREEK BASIN" was introduced and read.

B-12. **Appointments to various Boards and Commissions.**

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

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

----------0----------

4. **Resolution of Appreciation.**

Resolution No. 157-12 was presented: "A RESOLUTION OF APPRECIATION ACCEPTING A DONATION OF VOLUNTEER TIME, LABOR, AND MATERIALS FOR SCHOOL SUPPLIES AND BACKPACKS FOR THE CHILDREN OF HILLSIDE COMMUNITY CENTER AND EXPRESSING GRATITUDE TO SCOTT LEAVITT FOR HIS INVOLVEMENT IN THIS PROJECT".

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

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

CITIZEN DISCUSSION

Marie Rodriguez-Diaz and Knox Montana spoke regarding fair practices for local Rap Artists.

Jim Colvin, retired City Attorney, spoke regarding placing City Utilities under the Executive Branch, vs. the Legislative Branch.

Ebo Thorbas spoke regarding a concept called "Meatless Mondays".

David James, Colorado Realty Investment Company, spoke regarding Amendment 64 in relation to the Americans with Disabilities Act.

Elizabeth Reed spoke regarding smoke-free subsidized housing.

----------0----------

5. **Approval of Minutes.**

Councilmember Snider requested a correction of the November 13, 2012 Minutes, in which Councilmember Williams' vote on Item No. 8 reflects a "No" vote vs. Absent, and that Councilmember Snider's vote on Item Nos. 9A and 9B reflects a "No" vote vs. "Absent".

Motion by Snider, second by Martin, that the Minutes of the regular Council Meeting of November 13, 2012, be approved as written and amended. The motion unanimously carried.

----------0----------

6. **Mayor's Communications.**

Laura Neumann, Chief of Staff, announced Peter Wysocki as the Mayor's appointee for the Director of Planning and Community Development and requested confirmation of the appointment.

Motion by Herpin, second by Bennett, that Council give leave for immediate consideration of this item. The motion unanimously carried.

Motion by Martin, second by Bennett, that Peter Wysocki be confirmed as the Director of Planning and Community Development. The motion unanimously carried.

----------0----------

Mayor Bach stated RubinBrown, Certified Public Accountants and Business Consultants, has been retained as the City's outside auditor for six years and has been extended for an additional five years, including this year; that he was informed Utilities has changed auditing firms a couple of times and that best practice, from both industry and non-profit leaders in the community, is to change the auditing firm entirely, every five years. He requested Council consider changing the outside auditor every several years, as it is important, in order to reduce the risk of complacency and to increase the potential to discover significant risks and practices that need to be improved.

He also stated the next Mayor's Counsel Meeting is Thursday, December 13, 2012; that one of the major topics he would like to address is the 2013 City Council Strategic Plan, as there has not been an opportunity to discuss it and hopes Council will attend the meeting. Regarding the 2013 Municipal Budget and the $545,000 deficit that reflects a 13.5 percent water price increase for watering city parks, Mayor Bach stated if Council is unwilling to cause Colorado Springs Utilities to roll back the substantial price increase, it has a fiduciary duty to find other expenses in the Municipal Budget to cut, in order to balance the budget, rather than take that money out of reserves.

UTILITIES BUSINESS

----------0----------

Item No. 15 was taken out of order for consideration.

----------0----------

15. Fountain Creek Watershed, Flood Control and Greenway District activity update.

Gary Bostrom, Chief Water Services Officer, introduced Pueblo County Commissioner, Jeff Chostner, who is the outgoing Chairman of the Fountain Creek Watershed, Flood Control and Greenway Project. Commissioner Chostner then gave an update on the project.

----------0----------

Item Nos. 7 and 8 were considered together.

----------0----------

7. Resolution No. 158-12 was presented: "A RESOLUTION SETTING THE GAS COST ADJUSTMENT EFFECTIVE JANUARY 1, 2013".

Bill Cherrier, Utilities Chief Planning Finance Officer, gave a brief presentation on the proposed resolutions.

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

----------0----------

8. Resolution No. 159-12 was presented: "A RESOLUTION SETTING THE ELECTRIC COST ADJUSTMENT EFFECTIVE JANUARY 1, 2013".

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

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

----------0----------

9. Resolution No. 160-12 was presented: "A RESOLUTION SETTING NATURAL GAS RATES WITHIN THE NATURAL GAS SERVICE AREA OF COLORADO SPRINGS UTILITIES".

Chris Bidlack, City Attorney, Utilities Division, stated Item No. 9 is the first of three items being presented for Council's final approval on the rate case that was presented at the Formal Council Meeting of November 13, 2012, and approached to answer questions.

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

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

----------0----------

10. Resolution No. 161-12 was presented: "A RESOLUTION SETTING THE ELECTRIC RATES WITHIN THE ELECTRIC SERVICE AREA OF COLORADO SPRINGS UTILITIES".

Mr. Bidlack approached to answer questions.

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

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

----------0----------

11. Resolution No. 162-12 was presented: "A RESOLUTION MODIFYING THE UTILITIES RULES AND REGULATIONS OF COLORADO SPRINGS UTILITIES".

Stella Chan, Utilities Financial Planning and Pricing Manager, stated a modification was made to the Opt-out Program whereas, a customer who chooses to participate will be responsible to call in their meter reading each month and on the third month of each quarter, Utilities will do a manual read; that the customer will be charged $20.00 per each manual read vs. each month, as initially proposed.

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

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

----------0----------

12. Ordinance No. 12-104 entitled "AN ORDINANCE IDENTIFYING AND ACCEPTING THE ANNUAL SOURCES OF FUNDS FOR COLORADO SPRINGS UTILITIES FOR THE YEAR ENDING DECEMBER 31, 2013" was introduced and read.

Mr. Cherrier approached to answer questions.

In response to Councilmember Williams, Mr. Cherrier stated the proposed ordinance is to obtain approval for the sources of funds used for funding appropriations, for Colorado Springs Utilities; that the majority is from operating revenues which includes rates, bond proceeds, and contributions and aid from construction.

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

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

----------0----------

13. Ordinance No. 12-105 entitled "AN ORDINANCE APPROVING THE ANNUAL BUDGET FOR COLORADO SPRINGS UTILITIES AND APPROPRIATING MONIES FOR THE SEVERAL PURPOSES NAMED IN THE ANNUAL BUDGET FOR COLORADO SPRINGS UTILITIES FOR THE YEAR ENDING DECEMBER 31, 2013" was introduced and read.

Mr. Cherrier gave a brief presentation and review of the proposed ordinance.

There was discussion among councilmembers and Mayor Bach regarding funds for watering city parks and balancing the 2013 Municipal Budget.

Trish Doyle spoke regarding water conservation and zero-scaping parks vs. having to water them.

Motion by Czelatdko, second by Martin, that the ordinance be passed as introduced, with the agreement that economic development organizations that receive funding from Colorado Springs Utilities (CSU) provide an annual report on the use of funds received the previous year, by March 31st of the current year, and that the CSU Board review community investments at the February 2013 Board Meeting to specifically discuss how funds will be dispersed from the 2013 approved budget and that stakeholders and staff provide input on distributions.

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

----------0----------

14. Resolution 163-12 was presented: "A RESOLUTION SETTING THE STREET LIGHTING SERVICE REVENUE REQUIREMENT FOR THE PERIOD OF JANUARY 1, 2013, THROUGH DECEMBER 31, 2013".

Ms. Chan stated the amount being requested is $4.2 Million, which represents a $145,892 increase from the current year's revenue requirement, or approximately 3.8 percent; that the increase reflects 100 percent of the city's street lights being lit in 2013, which is a 15 percent increase from the number of street lights lit this year.

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

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

----------0----------

15. **SEE ACTION TAKEN EARLIER IN THE MEETING.**

UNFINISHED BUSINESS

16. Ordinance No. 12-99 entitled "AN ORDINANCE REPEALING AND REORDAINING PART 5 (LICENSES) OF ARTICLE 7 (SALES AND USE TAX) OF CHAPTER 2 (BUSINESS LICENSING, LIQUOR REGULATION AND TAXATION) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO SALES TAX LICENSES" was presented for final passage.

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

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

----------0----------

17. Ordinance No. 12-100 entitled "AN ORDINANCE AMENDING SECTION 111 (SOLICITATION PROHIBITED) OF ARTICLE 2 (OFFENSES AFFECTING PUBLIC SAFETY) OF CHAPTER 9 (PUBLIC OFFENSES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO SOLICITATION" was presented for final passage.

Chris Melcher, City Attorney/Chief Legal Officer, approached to answer questions.

Mayor Bach, Tim O'Donnell, Hannah Parsons, Interim Director of the Downtown Partnership, Chuck Murphy, and Rich Guy, spoke in favor of the proposed ordinance.

Steve Saint, Executive Director of the Justice of Peace Commission, Loring Wirbel, Co-Chair of American Civil Liberties Union, Pikes Peak Region, Raven Martinez, Tom Gallagher, Daniel Konba, Ebo Thorbas, Trish Doyle, Roger Butts, and Eric Verlo spoke against the proposed ordinance.

Motion by Leigh, second by Dougan, that the ordinance be finally passed.

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

----------0----------

18. Ordinance No. 12-101 entitled "AN ORDINANCE AMENDING SECTION 112 (SOLICITATION ON OR NEAR STREET OR HIGHWAY) OF ARTICLE 18 (PEDESTRIANS' RIGHTS AND DUTIES, DRIVERS TO EXERCISE DUE CARE) OF CHAPTER 10 (MOTOR VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF COLORADO SPRINGS, 2001, AS AMENDED, PERTAINING TO SOLICITATION ON OR NEAR STREETS OR HIGHWAYS" was presented for final passage.

Mr. Melcher approached to answer questions. Kyle Sauer, City Attorney, stated the current ordinance prohibits solicitation on or near a street or highway only if it involves one of three sub-criteria; that the changes are for two reasons: 1) continuity and uniformity with Chapters 9 and 10 of the Code, and 2) to expand prohibited conduct, that does not necessarily involve one of the three sub-criteria, to include other federal highways besides just the interstate; that by doing that, it will expand and prohibit a greater amount of conduct along federal highways city-wide.

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

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

----------0----------

19. **SEE ACTION TAKEN EARLIER IN THE MEETING.**

20. CPC CA 12-00072: Ordinance No. 12-106 entitled "AN ORDINANCE AMENDING SECTION 103 (PERMITTED, CONDITIONAL AND ACCESSORY USES) OF PART 1 (RESIDENTIAL DISTRICTS), SECTION 203 (PERMITTED, CONDITIONAL AND ACCESSORY USES) OF PART 2 (COMMERCIAL DISTRICTS) OF ARTICLE 3 (LAND USE ZONING DISTRICTS), SECTION 906 (APPEALS) OF PART 9 (NOTICE, HEARINGS AND APPEALS) AND CREATING A NEW PART 17 (OIL AND GAS REGULATIONS) OF ARTICLE 5 (ADMINISTRATION AND PROCEDURES) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO OIL AND GAS REGULATIONS" was introduced and read.

Kyle Campbell, Interim Director of Planning, gave a presentation and overview on the proposed oil and gas regulations and answered questions from Council.

In response to questions regarding water sampling, Nancy Prinz, Local Government Liaison (LGD) for Colorado Oil and Gas Conservation Commission (COGCC) stated the rules passed by the COGCC do not have to be approved by the legislature; that the COGCC has the authority to put the rules in place.

In response to questions regarding Banning Lewis Ranch, Mr. Melcher stated although the two permits have been approved by the State, Ultra is currently unable to drill within city limits; that under the current ordinance, drilling is only permitted on land zoned Agricultural and all of Banning Lewis Ranch is zoned something other than Agricultural; that the State permits are waiting for the new ordinance for the City and depending on what those ordinances are, Ultra would then follow through with the City's permitting process; that if the proposed ordinance did not pass, Ultra and the State would have to decide whether or not to sue the City, based on the zoning restrictions; that an option would be to apply for a re-zoning of certain portions of Banning Lewis Ranch, which would require a renegotiation of the annexation agreement, involving 28 parties and covering all of Banning Lewis Ranch; that there is no easy solution moving forward if the proposed ordinance is not implemented.

Councilmember Czelatdko inquired as to how the City is contributing to the discussions of the rule-making process with the COGCC. Mr. Campbell stated there has only been one rule-making hearing to date, on November 14, 2012, and that he participated via an audio link; that the COGCC web-page provides a summary of what items were discussed and how they have been modified; that he continues to monitor the web-page for updates; that the City has the opportunity to attend the hearings publicly, to provide comment as directed by Council, as well as provide comments via email and online.

Mr. Melcher stated the Attorney's Office will also be consistently involved in the rule-making process and staff will be working directly with Council and the future LGD to ensure the City's comments are brought forward in writing and in person; that the current Ultra permits approved by the State, did incorporate the City's comments and requests for water sampling/monitoring that Council and the City are seeking.

Councilmember Williams stated one of the biggest issues with water sampling is the frequency; that she does not feel it, nor the conditions of approval are frequent enough; that she would like a letter from Council to be presented, requesting more frequency.

Mr. Campbell stated additionally, that the voluntary Colorado Oil and Gas Association (COGA) Program required two samplings--one to take place as the baseline prior to drilling and the other to take place no later than one year after completion; that the current COGCC proposed rules require three--one as the baseline prior to drilling, one at 12-18 months post-completion, and one 60-78 months post-completion; that the condition of approval in the two existing permits require four samplings--a baseline, and a 1, 3, and 6-year post-completion; that it can be expanded on and a lot of the ability to add requirements onto the permit lie within the conditions of approval with the state and negotiation with the LGD.

In response to a question from Councilmember Leigh, Mr. Melcher stated the financial assurances and enforcement of water pollution and violations lies with the State and Federal Government: that if the City is looking for financial assurances with regard to water sampling, or water pollution, it would be viewed as an infringement of State powers.

Ms. Prinz stated one of the sections in the State rule deals with enforcement and notice of alleged violations; that one of the Governor's new criteria is to work more with enforcement, not only to make sure issues are remediated, but to see if there is justification for fines.

In response to Councilmember Snider regarding increasing the frequency of water sampling, Mr. Melcher stated, through the State permit process, the City would participate through the LGD to share its view and concerns for high frequency and increased testing and monitoring; that hopefully, the State would incorporate those concerns in the State permits and if they did not, there is an appeal process; that at the local level with our own ordinances, the City can also try to work in water testing requirements pursuant to what the State will allow it to do; that the primary remedy under the current law in the State of Colorado, is to work with the State on the permitting and to get them to put the most stringent water testing requirements in their permit as we possibly can and then work through the rule-making now to ensure the new State regulations will have a stringent of water testing as possible.

Laurel Biedermann, Scott Flora, Raven Martinez, Lorena Townsend, Karyna Lemus, Daniel Kontof, Jim Lockhart, Elaine Doudna, John Crandall, Mary Talbot, Ebo Thorbas, Judy Walker, Lotus, Don Shilo, Susan Gordan, Melanie Reel, Eric Verlo, Judith Lee, Dottie Herman, and Chris Winkoop spoke in opposition to the proposed ordinance.

Tom Gallagher, Sandy Foote, Ann Macomber, Jon Macomber, Chuck O'Reilly, Justin Williams, David Hoffpauir, Deb Hoffpauir, Jan Taylor, Thad Wolfe, Sean Page, and Bill Kerner spoke in favor of the proposed ordinance.

Motion by Dougan, second by Leigh, that the ordinance be passed as introduced, with a modification to Section 7.5.1707:B, to which it shall read, "The use does not conflict with master planned roadway, school, park, trails, and open space locations".

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

----------0----------

Councilmember Czelatdko was excused.

----------0----------

NEW BUSINESS

21. **Appropriation Ordinances/Tax Levy Resolution**

----------0----------

Item Nos. 21-A through 21-C were considered together.

----------0----------

21-A. Ordinance No. 12-107 entitled "AN ORDINANCE MAKING THE ANNUAL TAX LEVY FOR THE CITY OF COLORADO SPRINGS FOR THE YEAR ENDING DECEMBER 31, 2013" was introduced and read.

Kara Skinner, Chief Financial Officer, gave a brief presentation and answered questions from Council.

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

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

----------0----------

21-B. Ordinance No. 12-108 entitled "THE ANNUAL APPROPRIATION ORDINANCE ADOPTING THE ANNUAL BUDGET AND APPROPRIATING MONIES FOR THE SEVERAL PURPOSES NAMED IN SAID BUDGET FOR THE YEAR ENDING DECEMBER 31, 2013" was introduced and read.

President Hente suggested reducing the overall revenue and expenditures by $982,590 by taking it out of the Parks budget with two assumptions: 1) there will be an item on the ballot in April 2013 addressing the TOPS issue which would raise approximately $500,000 and 2) work cooperatively with the Utilities Board to establish a water rate or tariff to address the parks watering issue; that even though at the start of the year, the Parks budget would be reduced by close to $1.0 Million, the end result of both assumptions would be to ensure Council has every intention of putting the money back with budget amendments during the course of the year; that this would not require a draw from the Fund balance and it would still leave a balanced budget.

Motion by Herpin, second by Williams, that the ordinance be passed as introduced with the modification that the Parks Budget be reduced by $982,590, reducing the overall appropriation by that amount.

Tom Gallagher stated Utilities owns the transmission and treatment infrastructure in the water system and the city, and citizens, own the raw water; that the water rights are adjudicated in the name of the City of Colorado Springs, not Colorado Springs Utilities; that the reason Boulder has free water for its parks is because the citizens of Boulder own the water; that the solution to finding water for the parks is simply exercising some of the water rights more fully than they have been.

Mr. Cherrier stated Utilities would still like to see a municipal water rate, a tariff established for parks specifically that does the job; that he is concerned about reducing the Parks budget; that he believes the Fund balance is a more appropriate place to take the needed funds from.

In response to Mr. Cherrier, Councilmember Bennett stated his objective is the water tariff as well, but that counting $500,000 when it has not gone to the voters is problematic; that the water tariff is an opportunity to work with an urgency that can help drive a decision; that if in April, there has not been a resolution, he would support an allocation from the Fund balance to fund Parks.

A vote being taken on the motion:

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

----------0----------

21-C. Resolution No. 164-12 was presented: "A RESOLUTION SETTING THE TAX LEVY FOR ALL PURPOSES IN AND DURING THE YEAR 2013 AT 4.279 MILLS UPON EACH DOLLAR OF ASSESSED VALUATION WITHIN THE CORPORATE LIMITS OF THE CITY OF COLORADO SPRINGS".

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

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

----------0----------

At 8:12 P.M., there being no further business to come before City Council,

COUNCIL ADJOURNED

Sarah B. Johnson

Sarah B. Johnson
City Clerk

GENERAL IMPROVEMENT DISTRICTS

Following adjournment of the regular City Council meeting, City Council shall reconvene as the Board of Directors of the Colorado Springs Briargate General Improvement District, for action on the following items:

1. Resolution No. 165-12 was presented: "A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE COLORADO SPRINGS BRIARGATE GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2013 AND ENDING ON THE LAST DAY OF DECEMBER 2013".

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

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

----------0----------

2. Resolution No. 166-12 was presented: "A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS IN THE AMOUNTS, AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE COLORADO SPRINGS BRIARGATE GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE 2013 BUDGET YEAR".

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

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

----------0----------

3. Resolution No. 167-12 was presented: "A RESOLUTION LEVYING GENERAL PROPERTY TAXES TO HELP DEFRAY THE COST OF DEBT SERVICE ON THE LIMITED TAX GENERAL OBLIGATION BONDS, SERIES 2003 OF THE COLORADO SPRINGS BRIARGATE GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE 2013 BUDGET YEAR".

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

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

----------0----------

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

1. Resolution No. 168-12 was presented: "A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE COLORADO SPRINGS COTTONWOOD GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2013 AND ENDING ON THE LAST DAY OF DECEMBER 2013".

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

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

----------0----------

2. Resolution No. 169-12 was presented: "A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS IN THE AMOUNTS, AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE COLORADO SPRINGS COTTONWOOD GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE 2013 BUDGET YEAR".

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

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

----------0----------

3. Resolution No. 170-12 was presented: "A RESOLUTION LEVYING GENERAL PROPERTY TAXES TO HELP DEFRAY THE COST OF DEBT SERVICE ON THE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010 OF THE COLORADO SPRINGS COTTONWOOD GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE 2013 BUDGET YEAR".

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

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

----------0----------

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 Spring Creek General Improvement District,</u> for action on the following items:

1. Resolution No. 171-12 was presented: "A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE COLORADO SPRINGS SPRING CREEK GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2013 AND ENDING ON THE LAST DAY OF DECEMBER 2013".

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

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

----------0----------

2. Resolution No. 172-12 was presented: "A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS IN THE AMOUNTS, AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE COLORADO SPRINGS SPRING CREEK GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE 2013 BUDGET YEAR".

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

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

----------0----------

3. Resolution No. 173-12 was presented: "A RESOLUTION LEVYING GENERAL PROPERTY TAXES TO HELP DEFRAY THE COST OF DEBT SERVICE ON THE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2005 OF THE COLORADO SPRINGS SPRING CREEK GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE 2013 BUDGET YEAR".

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

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

----------0----------

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

1. Resolution No. 174-12 was presented: "A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE COLORADO SPRINGS MARKETPLACE AT AUSTIN BLUFFS GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2013 AND ENDING ON THE LAST DAY OF DECEMBER 2013".

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

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

----------0----------

2. Resolution No. 175-12 was presented: "A RESOLUTION APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS IN THE AMOUNTS, AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE COLORADO SPRINGS MARKETPLACE AT AUSTIN BLUFFS GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE 2013 BUDGET YEAR".

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

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

----------0----------

3. Resolution No. 176-12 was presented: "A RESOLUTION LEVYING GENERAL PROPERTY TAXES TO HELP DEFRAY THE COST OF DEBT SERVICE ON THE LIMITED TAX GENERAL OBLIGATION BONDS, SERIES 2008 OF THE COLORADO SPRINGS MARKETPLACE AT AUSTIN BLUFFS GENERAL IMPROVEMENT DISTRICT, COLORADO SPRINGS, COLORADO, FOR THE 2013 BUDGET YEAR".

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

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

----------0----------

At 8:18 P.M., there being no further business to come before the Board of Directors,

THE BOARD ADJOURNED,

Sarah B. Johnson

Sarah B. Johnson
City Clerk