



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO  
80903

## Meeting Minutes City Council

*City Council meetings are broadcast live on Channel 18. In accordance with the ADA, anyone requiring an auxiliary aid to participate in this meeting should make the request as soon as possible but no later than 48 hours before the scheduled event.*

Tuesday, April 25, 2017

1:00 PM

Council Chambers

### 1. Call to Order

- Present:** 8 - Councilmember Yolanda Avila, Councilmember Merv Bennett, President Pro Tem Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Andy Pico, President Richard Skorman, and Councilmember Tom Strand
- Excused:** 1 - Councilmember Bill Murray

### 2. Invocation and Pledge of Allegiance

The invocation was made by Pastor Bob Guevara from Rocky Mountain Calvary Church.

President Skorman led the Pledge of Allegiance.

A moment of silence was observed for the passing of former City Councilmember and former County Commissioner Chuck Brown.

### 3. Changes to Agenda/Postponements

Eileen Gonzalez reported that there was a request from staff to withdraw item 9.B.

### 4. Consent Calendar

**These items will be acted upon as a whole, unless a specific item is called for discussion by a Councilmember or a citizen wishing to address the City Council. (Any items called up for separate consideration shall be acted upon following the Mayor's Business.)**

#### 4A. Second Presentation:

#### 4B. First Presentation:

**4B.A.** [17-955](#) City Council Meeting Minutes April 11, 2017

Presenter:  
Sarah B. Johnson

**Attachments:** [4-11-2017 City Council Minutes Final](#)

The minutes were approved on the Consent Calendar.

**4B.B.** [17-960](#) City Council Special Meeting Minutes April 18, 2017

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [4-18-2017 City Council Special Meeting Minutes Final](#)

The minutes were approved on the Consent Calendar.

**4B.C.** [CPC ZC](#)  
[17-00024](#) Ordinance No. 17-41 amending the zoning map of the City of Colorado Springs pertaining to 8.6 acres located at 707 Cresta Road from R1-9 (Single-Family Residential) to PK (Parks).

(Quasi-Judicial)

Presenter:  
Lonna Thelen, Principal Planner, Planning & Community Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [ZC\\_ORD\\_Bear Creek Properties](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Legal exhibit](#)

The ordinance was approved on first reading on the Consent Calendar.

**4B.D.** [17-932](#) A Resolution Appointing Abigail Ortega as a Board Member of the Fountain Valley Authority

Presenter:  
Daniel Higgins, Chief Water Services Officer  
Jerry A. Forte, P.E., CEO Colorado Springs Utilities

**Attachments:** [Resolution Appointing Abby Ortega to FVA.docx](#)

[Signed Resolution 48-17](#)

The resolution was adopted on the Consent Calendar.

**4B.E.** [17-933](#) A Resolution Appointing Ronald Sanchez to the Homestake Steering Committee and the Board of Directors of the Aurora-Colorado Springs Joint Water Authority

Presenter:  
Daniel Higgins, Chief Water Services Officer  
Jerry A. Forte, P.E., CEO, Colorado Springs Utilities

**Attachments:** [Resolution Ron Sanchez Board Appointments HSC JWA.docx](#)  
[Signed Resolution 49-17](#)

The resolution was adopted on the Consent Calendar.

- 4B.F. [17-787](#)** Ordinance No. 17-42 amending Article 1 (General Provisions) and Article 4 (Water Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs, as amended, pertaining to Backflow Prevention

Presenter:

Tara McGowan, Program Supervisor  
Michael Gustafson, Senior Attorney

**Attachments:** [Ordinance CSU-BackflowWater Code-2017-04-06 Final.docx](#)

This Ordinance was approved on first reading on the Consent Calendar.

### Approval of the Consent Agenda

**Motion by President Pro Tem Gaebler, seconded by Councilmember Pico, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 8-0-1**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

**Absent:** 1 - Murray

### 5. Recognitions

- 5.A. [17-815](#)** A resolution in support of Colorado Springs' Council of Neighbors and Organizations and Neighbor Up! Week in Colorado Springs

Presenter:

Council President Merv Bennett

**Attachments:** [042517 Neighbor Up! resolution](#)  
[CONONeighborUp17 -Flyer](#)  
[Signed Resolution 50-17](#)

President Pro Tem Gaebler read the resolution. Dave Munger, Executive Director of the Council of Neighbors and Organizations and five members of CONO came forward to thank the Council for the recognition.

**Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution be adopted. The motion passed by a vote of 8-0-1**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

**Absent:** 1 - Murray

- 5.B. [17-914](#) A Resolution of Appreciation Designating April 23rd Through 29th, 2017 as National Volunteer Week

Presenter:

Karen Palus, Director - Parks, Recreation and Cultural Services  
Annette Proctor, Senior Volunteer Coordinator - Parks, Recreation and Cultural Services

**Attachments:** [042517 - Natl Volunteer Week Resolution - Final Signed Resolution 51-17](#)

Councilmember David Geislinger read the Resolution. Karen Palus, Annette Proctor, Jean Kraus, Program Administrator of CAPS, Kathy Rowlands of CAPS, Police Chief Carey, Fire Chief Collas and Deputy Chief of Staff Bret Waters each spoke about the value of volunteer programs.

**Motion by Councilmember Strand, seconded by Councilmember Bennett, that the Resolution be adopted. The motion passed by a vote of 8-0-1**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

**Absent:** 1 - Murray

## **6. Citizen Discussion**

Citizen Gerald Miller spoke against the littering of liquor bottles, and in favor of overnight cell phone chargers that detect carbon monoxide and smoke and call 911.

Citizen Nikki Myers, Teacher at Academy ACL Charter School, reported that a team from their school traveled to a Best Robotics competition in Arkansas and brought home the Founder's Award. Next year they will be hosting the contest locally, and it will be a fire challenge. The school hopes to include CSFD in the event. Ms. Myers also reported that they were awarded, along with Edison Elementary, a Great Outdoors Colorado grant and will be back in June to vote for a natural playground. This Saturday, a film made by the students will be shown at the Kimball Theater.

Citizen Gary Casimir spoke in favor of updating the City Charter to reflect all changes to the State Municipal Election code.

Citizens Carrie Peterson, Patrick Tompkins, Lillian House of the Colorado Springs Socialists, Corinne, chair of the Green Party, and Nayda Benitez of UCCS spoke in favor of making Colorado Springs a sanctuary city.

Citizen Scott Anderson spoke against making Colorado Springs a sanctuary city.

Citizen Christina Hausfeld spoke in favor of making all cannabis legal, of making CS a sanctuary city, of more affordable housing, and help for the homeless.

Citizens Richard Clark, Casey Scott, and Trig Bundgaard the Co-Executive Director of the CCA spoke against homelessness and camp displacement.

Citizen Deborah Stout-Meininger spoke against URA and PPRTA funding being misused.

Citizen Ken Edson spoke in favor of improving Fountain Creek.

Citizen Jaymen Johnson welcomed the new Council.

## **7. Mayor's Business**

There was no Mayor's Business.

## **8. Items Called Off Consent Calendar**

There were no items called off the Consent Calendar.

## **9. Utilities Business**

- 9.A. [17-934](#) A resolution setting the Electric Cost Adjustment effective May 1, 2017

Presenter:

Bill Cherrier, Chief Planning and Finance Officer

**Attachments:** [04-25-2017 Resolution ECA Rate Adj.pdf](#)

[04-25-2017 Tarrif ECA Rate Adj.pdf](#)

[Signed Resolution 52-17](#)

Bill Cherrier reported that there will be a billing decrease for electric customers. The proposed new rate is 1.95 cents/kwt hr., which is 27 cents less than the current rate of 2.22 cents/kwt hr. This rate change should save residential customers \$1.92 per month, or 2.2%; commercial customers \$16.20 per month, or 3%, and industrial customers \$1,080 per month, or 3.4%

Overcollection will be refunded over 2-3 months. In July there will potentially be an increase in the rate.

Councilmember Knight commented that we expected the rate to go up in May, not down, so we can't predict an increase in July.

**Motion by Councilmember Strand, seconded by Councilmember Pico, that the Resolution be adopted. The motion passed by a vote of 8-0-1**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

**Absent:** 1 - Murray

**9.B. [17-935](#)** WITHDRAWN - A resolution setting the Gas Cost Adjustment effective

May 1, 2017

Presenter:

Bill Cherrier, Chief Planning and Finance Officer

Jerry A. Forte, P.E., CEO, Colorado Springs Utilities

**Motion by Councilmember Bennett, seconded by President Pro Tem Gaebler, that the Resolution be withdrawn. The motion passed by a vote of 8-0-1**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

**Absent:** 1 - Murray

## **10. Unfinished Business**

There was no Unfinished Business.

## **11. New Business**

**11.A. [17-851](#)** A Resolution Authorizing a Land Exchange between the City of Colorado Springs and CSJ No. 7, LLC and Urban Enterprises, LLC.

Presenter:

Kathleen Krager, Transportation Planning Manager - Traffic Engineering

Darlene Kennedy, Real Estate Services Manager

Bob Cope, Manager - Economic Development

**Attachments:** [LandExchange-CityCSJRES-2017-04-18 for granicus](#)

[Figure 2](#)

[2006 SOI](#)

[2008 SOI](#)

[Table 1](#)

[Southwest Downtown Land Exchange - Closed Legal Session 4-10-17](#)

Bob Cope, Manager of Economic Development, distributed a letter to the Council Administrator from Mr. Perry Sanders John Goede in support of the land exchange. He then asked Renee Congdon, City Attorney, to speak about the changes that were made to the Resolution.

Ms. Congdon distributed the revised Resolution to Council, and reported that there is new language in the Resolution saying that the City will conduct a more comprehensive study of environmental contamination and if any is discovered the other party will pay to remediate. If not, we will rescind approval. This is instead of including an indemnification in the Resolution.

Ms. Congdon also explained that, since the 2008 Statement of Intent with regard to this property is not a contract, and we never entered into a contract to transfer the property to the URA, we have now added language to the Resolution acknowledging that the 2008 SOI exists, and that this land exchange would accomplish the intent of the City in that 2008 SOI. This satisfies the URA's request to not be in the chain of title for these properties since they immediately turned them over to the master developer.

Councilmember Strand asked about the difference between Phase 1 and Phase 2 environmental studies, their timing and expense, and what that means to the public. Nick Talocco, Environmental Engineer with LTE, explained that Phase 1 is a detailed overview of property and surrounding properties and it is up to the environmental expert to decide if further analysis is needed.

Councilmember Strand asked if a Phase 1 study has been conducted of this property. Kathleen Krager, Transportation Planning Manager, explained that a Phase 1 analysis was done in 2005 for the property owner. The City reviewed that analysis, but can't conduct its own until it owns the property. Chief of Staff Jeff Greene reported that the property owner contacted the City and they've requested an additional phase 1 report, the results of which will be received by tomorrow. Based upon the findings of that report, we will decide if a Phase 2 is necessary. We did not have that information at yesterday's Work Session meeting.

Councilmember Strand asked if a Statement of Intent is a legal binding document. Ms. Congdon said it is not.

Councilmember Knight commented that since the property next to a contaminated property can't be pristine, we need to do our due diligence by doing some boring and Phase 2 analysis. Mr. Greene assured Council that the City will do their due diligence.

Councilmember Geislinger commended Council for taking something that was stagnant for 15 years and collaborated, allowing this proposal to go forward.

Citizens Chuck Murphy; Don Goede, Executive Director of Smokebrush; Dirk Draper, President and CEO of the Chamber of Commerce; Susan Edmondson, CEO of the Downtown Partnership; Jariah Walker, Executive Director of the Colorado Springs Urban Renewal Authority; Dave Munger, Executive Director of CONO; and Allen Beauchamp, Volunteer with Bike Colorado Springs, all spoke in favor of this Resolution.

Citizen Deborah Stowe Meininger spoke in opposition of the Resolution.

**Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution be adopted. The motion passed by a vote of 8-0-1**

**Aye:** 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

**Absent:** 1 - Murray

## **12. Public Hearing**

There was no Public Hearing.

## **13. Added Item Agenda**

There were no items added to the Agenda.

## **14. Executive Session**

There was no Executive Session.

## **15. Adjourn**

There being no further business to come before City Council, Council adjourned.

Sarah B. Johnson, City Clerk