



# City of Colorado Springs

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

## Meeting Minutes - Final City Council

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Tuesday, December 8, 2015

1:00 PM

Council Chambers

### 1. Call to Order

**Present:** 9 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Keith King, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, and Councilmember Tom Strand

### 2. Invocation and Pledge of Allegiance

The Invocation was led by Chaplain Carl Nelson from the Colorado Springs Police Department.

There was a moment of silence for the victims of the Centennial Boulevard shooting incident on November 27, 2015.

The Pledge of Allegiance was led by Council President Bennett.

### 3. Changes to Agenda/Postponements

There were no changes to the agenda.

### 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:

**4A.B.** [15-00706](#) Ordinance No. 15-89 amending the zoning map of the city of Colorado Springs pertaining to 0.84 acres, located at 4216 Date Street.

(Quasi-Judicial Matter)

Res/Ord Number: 15-89

**This Ordinance was finally passed on the Consent Calendar.**

- 4A.C.** [15-00708](#) Ordinance No. 15-90 amending the zoning map of the City of Colorado Springs pertaining to 16.406 acres located at 8145 North Union Boulevard.

(Quasi-Judicial Matter)

Res/Ord Number: 15-90

**This Ordinance was finally passed on the Consent Calendar.**

- 4A.D.** [15-00713](#) Ordinance No. 15-91 amending the zoning map of the city of Colorado Springs pertaining to 4.31 acres, located at 4081 Tutt Boulevard.

(Quasi-Judicial Matter)

Res/Ord Number: 15-91

**This Ordinance was finally passed on the Consent Calendar.**

- 4A.E.** [15-00551](#) Ordinance No. 15-92 amending Section 202 (Deposit and Expenditure of Revenues) and Section 203 (Biannual Independent Audit) of Part 2 (Deposit and Expenditure of Revenues) of Article 6 (Trails, Open Space and Parks Program) of Chapter 4 (Parks, Recreation and Cultural Services) of the Code of the City of Colorado Springs 2001, as amended, pertaining to expenditure of revenues and independent audit

Res/Ord Number: 15-92

**This Ordinance was finally passed on the Consent Calendar.**

**4B. First Presentation:**

- 4B.A.** [15-00749](#) City Council Meeting Minutes November 24, 2015

**The Meeting Minutes were approved on the Consent Calendar.**

- 4B.B.** [15-00618](#) Boards and Commissions

**This item was approved on the Consent Calendar.**

- 4B.C.** [15-00688](#) A Resolution of Acceptance Supporting the Agreement Between the City of Colorado Springs and the State Board of the Great Outdoors Colorado Trust Fund for the Inspire Initiative “Out the

Door Pikes Peak!"

Res/Ord Number: 136-15

**This resolution was adopted on the Consent Calendar.**

- 4B.D.** [15-00748](#) A Resolution Approving the 2016 Budget for Pikes Peak Regional Building Department  
Res/Ord Number: 137-15

**This resolution was adopted on the Consent Calendar.**

### **Approval of the Consent Agenda**

**Motion by President Pro Tem Gaebler, seconded by Councilmember Strand, 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 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

### **5. Recognitions**

There were no recognitions.

### **6. Citizen Discussion**

Citizen Charles Barber spoke about the importance of being a good citizen.

Citizen David Hopkins spoke about the importance of treating each other with human kindness.

Citizen Deborah Stout-Meiningner spoke about government spending.

Citizen Jason Warf voiced his concerns about the members of the marijuana task force.

Citizen Teddi Roberts requested the names of the individuals on the marijuana task force. Council President Pro Tem Gaebler stated the marijuana task force meetings are open to the public and all are welcome to attend. Council President Bennett stated the members of the Marijuana task force are Larry Bagley, Charles Houghton, Dale Hecht, Tom Scudder, Jan Doran, Lynnette Crow-Iverson and John Harding.

## 7. Mayor's Business

There was not any Mayor's Business.

## 8. Items Called Off Consent Calendar

- 4A.A.** [15-00693](#) Ordinance No. 15-88 repealing Ordinance No. 14-105 and adopting the City of Colorado Springs - 2016 Salary Structure for Civilian and Sworn Municipal Employees

Res/Ord Number: 15-88

Councilmember Collins stated she pulled this off the Consent Calendar because she has concerns about allowing a single person to set City employee salaries.

**Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, that the Ordinance Repealing Ordinance No. 14-105 and Adopting the City of Colorado Springs - 2016 Salary Structure for Civilian and Sworn Municipal Employees be finally passed. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

**No:** 1 - Collins

- 4A.F.** [15-00647](#) Ordinance No. 15-93 creating a new Article 14 (Construction Defect Claims in Common Interest Communities) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to required homeowner consent for construction defect claims related to common interest communities, builder rights to repair construction defects in common interest communities, and the effect of the City Building Code in construction defect claims related to common interest communities.

Res/Ord Number: 15-93

Councilmember Strand stated he pulled this item off the Consent Calendar in order to allow for additional discussion. Councilmember Strand addressed Section 6-14-105, Consent of Home Owners, and questioned if a proxy vote would be allowed through this ordinance. David Andrews, Legislative Counsel, stated the language of the ordinance does not preclude a proxy vote and this is allowed by the State Statute.

Councilmember Collins asked if voting by email is a possibility. Mr. Andrews confirmed this ordinance would allow email voting.

Councilmember Strand expressed concern about Section 6-14-203, the

provision assuring attorney's fees are paid by the prevailing party in a construction defect lawsuit. Mr. Andrews explained it would not be appropriate for a local home-rule municipality to include language in a local ordinance that would conflict with State law.

Councilmember Strand spoke about section 6-14-301B, which states construction substantially in compliance with the building code is not defective for purposes of claims, this places a substantial burden on the home owner to prove a home was not built to the appropriate standards. Mr. Andrews stated this language is similar to the negligence standard in the State Statutes, avoiding conflict.

Councilmember Collins encouraged homebuyers to hire an inspector before making a purchase and take responsibility for their decisions.

Citizens Donna Dee and Deborah Stout-Meiningner spoke in opposition to this proposed ordinance.

**Motion by President Pro Tem Gaebler, seconded by Councilmember Pico, to approve the construction defects ordinance as proposed. The motion passed by a vote of 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

## 9. Utilities Business

**9.A.**     [15-00670](#)     Review and Approval of Decision and Order and Resolution Setting Electric Rates within the Service Area of Colorado Springs Utilities

Res/Ord Number: 138-15

Councilmember King made a statement about the responsibility of Colorado Springs to provide utilities services for the citizens of Colorado Springs. Mr. King stated he believes the City has not fairly handled rate increases across the commercial and residential spectrum.

Councilmember Pico stated the rates are competitive and discussed some of the challenges faced by the utilities operation.

**Motion by Councilmember Pico, seconded by Councilmember Murray, that the Decision and Order and Resolution Setting Electric Rates within the Service Area of Colorado Springs Utilities be adopted. The motion passed by a vote of 7-2-0.**

**Aye:** 7 - Bagley, Bennett, Gaebler, Knight, Murray, Pico, and Strand

**No:** 2 - Collins, and King

- 9.B. [15-00671](#) Review and Approval of Decision and Order and Resolution Setting Natural Gas Fuel and Capacity Rates within the Service Area of Colorado Springs Utilities

Res/Ord Number: 139-15

Councilmember King stated he will support this although his preference is for this rate reduction to be made permanent instead of being a temporary measure.

**Motion by Councilmember Murray, seconded by Councilmember Pico, that the Decision and Order and Resolution Setting Natural Gas Fuel and Capacity Rates within the Service Area of Colorado Springs Utilities be adopted. The motion passed by a vote of 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

- 9.C. [15-00672](#) Review and Approval of Decision and Order and Resolution Setting Water Rates within the Service Area of Colorado Springs Utilities

Res/Ord Number: 140-15

There were no questions or comment on this agenda item.

**Motion by Councilmember Murray, seconded by Councilmember Strand, that the Decision and Order and Resolution Setting Water Rates within the Service Area of Colorado Springs Utilities be adopted. The motion passed by a vote of 7-2-0.**

**Aye:** 7 - Bagley, Bennett, Gaebler, Knight, Murray, Pico, and Strand

**No:** 2 - Collins, and King

- 9.D. [15-00673](#) Review and Approval of Decision and Order and Resolution Regarding Changes to the Utilities Rules and Regulations

Res/Ord Number: 141-15

There were no questions or comment on this agenda item.

**Motion by Councilmember Pico, seconded by Councilmember Bagley, that the Decision and Order and Resolution Regarding Changes to the Utilities Rules and Regulations be adopted. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

**No:** 1 - Collins

- 9.E. [15-00745](#) A Resolution Setting the Electric Cost Adjustment Effective January 1, 2016

Res/Ord Number: 142-15

Councilmember King asked if this rate reduction represents a cost flow through. Sonya Thieme, CSU Rates Manager, confirmed this is correct; the costs incurred by CSU are directly flowed through to customers. Ms. Thieme explained the proposed rates were determined based on

estimated cost projections performed by the industry. Councilmember King asked why the residential rate reduction is lower than the other customer classes. Ms. Thieme stated the rate reduction is based on how customers use natural gas.

Councilmember Strand asked if gas costs have been projected to remain low and what can be done to avoid constant changes in utility rates if gas prices increase again. Ms. Thieme stated the proposed utilities rates are designed as direct flow through of costs to customers and are intended to be flexible with industry prices.

Councilmember Pico stated CSU has been chasing gas prices as they have continued to fall for the past couple of years and this proposal is based on a moderate price adjustment intended to temper the rate adjustments as much as possible.

**Motion by Councilmember Murray, seconded by Councilmember Strand, that the Resolution be adopted. The motion passed by a vote of 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

- 9.F.**    [15-00746](#)    A Resolution Setting the Gas Cost Adjustment Effective January 1, 2016

Res/Ord Number: 143-15

Please see comments in agenda item 9.E.

**Motion by Councilmember Murray, seconded by Councilmember Pico, that the Resolution be adopted. The motion passed by a vote of 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

- 9.G.**    [15-00674](#)    Resolution Directing the Chief Executive Officer of Colorado Springs Utilities to Execute the Augmentation Water Lease between Colorado Springs Utilities and PF, LLC

Res/Ord Number: 144-15

There were no questions or comments on this agenda item.

**Motion by Councilmember Murray, seconded by Councilmember Strand, that the resolution authorizing execution of the Lease and directing the Chief Executive Officer of Utilities to execute the Lease be adopted. The motion passed by a vote of 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

## 10. Unfinished Business

- 10.A.**    [15-00668](#)    Ordinance No. 15-94 Identifying and Accepting the Annual Sources of Funds for Colorado Springs Utilities for the Year Ending December

31, 2016

Res/Ord Number: 15-94

There were no questions or comments on this agenda item.

**Motion by Councilmember Pico, seconded by Councilmember Bagley, that the Ordinance be finally passed. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

**No:** 1 - Collins

- 10.B.** [15-00669](#) Ordinance No. 15-95 Approving the Annual Budget for Colorado Springs Utilities and Appropriating Monies for the Several Purposes Named in the Annual Colorado Springs Utilities Budget for the Year Ending December 31, 2016

Res/Ord Number: 15-95

There were no questions or comments on this agenda item.

**Motion by Councilmember Pico, seconded by Councilmember Murray, that the Ordinance be finally passed. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

**No:** 1 - Collins

- 10.C.** [15-00701](#) Ordinance No. 15-96 Adding a New Part 11 (Road Repair, Maintenance and Improvements Sales and Use Tax Fund) to Article 6 (City Funds) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, to Establish the Road Repair, Maintenance and Improvements Sales and Use Tax Fund

Res/Ord Number: 15-96

There were no questions or comments on this agenda item.

**Motion by Councilmember Strand, seconded by Councilmember Bagley, that the Ordinance Adding a New Part 11 (Road Repair, Maintenance and Improvements Sales and Use Tax Fund) to Article 6 (City Funds) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, to Establish the Road Repair, Maintenance and Improvements Sales and Use Tax Fund be finally passed. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

**No:** 1 - Collins

- 10.D.** [15-00702](#) Ordinance No. 15-97 Amending 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 a Change to the Sales and Use Tax Rate from Two and Five-Tenths Percent (2.5%) to Three and Twelve One-Hundredths Percent



(3.12%)

Res/Ord Number: 15-97

There were no questions or comments on this agenda item.

**Motion by Councilmember Bagley, seconded by Councilmember Murray, that the Ordinance Amending 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 a Change to the Sales and Use Tax Rate from Two and Five-Tenths Percent (2.5%) to Three and Twelve One-Hundredths Percent (3.12%) be finally passed. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

**No:** 1 - Collins

**10.E.** [15-00711](#)

Ordinance No. 15-98 amending the zoning code of the City of Colorado Springs pertaining to 51.05-acres, located northwest of Centennial Boulevard and Fillmore Street from PBC (Planned Business Center), OC (Office Complex), and PIP-1 (Planned Industrial Park) to PUD (Planned Unit Development with 1,032,000 square feet maximum of commercial, office and civic uses and 200 foot maximum building height).

(Quasi-Judicial Matter)

Res/Ord Number: 15-98

Councilmember Murray voiced his concerns about the height variance of this project allowing the construction of a 200 foot tall building when a 60 foot height limit would normally apply.

**Motion by Councilmember King, seconded by Councilmember Pico, that the Ordinance to approve the zone change from PBC, OC, and PIP-1 to PUD (Planned Unit Development with 1,032,000 square feet maximum of commercial, office, civic, 200-foot maximum building height), based on the finding the request complies with the review criteria in City Code Section 7.5.603.B (Establishment or Change of Zone District Boundaries) and City Code Section 7.3.603 (PUD Zone Change Review Criteria) be finally passed. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Collins, Gaebler, King, Knight, Pico, and Strand

**No:** 1 - Murray

**11. New Business**

**11.A.** [15-00739](#)

A resolution to authorize the Colorado Springs Airport to submit an application to and accept and execute a loan with the Colorado Department of Transportation State Infrastructure Bank - Aviation Division in an amount not to exceed \$5,000,000 to fund Passenger Facility Charge (PFC) projects at the Colorado Springs Airport

Res/Ord Number: 145-15

Councilmember Collins stated she does not support this because it is a loan from the United States government who, in her opinion, has enough debt.

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

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

**No:** 1 - Collins

**11.B.** [15-00596](#)

Ordinance No. 15-100 adding Section 210 of Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the possession of marijuana paraphernalia by persons under the age of eighteen (18), and providing penalties for the violation thereof

Res/Ord Number: 15-100

Councilmember Collins stated she does not support this because she does not endorse holding young people accountable for poor decisions which may affect them for the rest of their lives, the police have enough to do without enforcing this law and the majority of the young people cannot afford the fines, ultimately placing the responsibility on the parents.

Councilmember Murray stated he sees this as almost impossible to enforce and does not support it.

Council President Pro Tem Gaebler stressed the importance of empowering law enforcement officials to control the use of marijuana, including consumption through vape pens, by young people through this ordinance.

Councilmember Murray spoke about the possession of vape pens by minors already being illegal on a State level.

Frederick Stein with the City Attorney's Office stated the language in part B is taken directly from the Colorado State Constitution and the State Statute. The Police Department is looking to expand City Code to include what the State already prohibits.

Discussion continued with Mr. Stein about enforcement, prosecution and penalties associated with this ordinance.

Council President Pro Tem Gaebler stated the objective of this proposal is to assist police with the ability to identify, educate and provide help for young people using this drug.

Citizens Sam Reggio, Jason Warf, Teddi Roberts, Jennie Stormes, Robin Roberts and Tonya Garduno spoke in opposition of this proposal.

Councilmember King asked about the legal use of medical marijuana by those under the age of 18 years. Mr. Stein stated this proposed ordinance does not apply individuals under the age of 18 who have been issued a medical marijuana card.

Councilmember Pico expressed concern about the inclusion of the cultivation products and made a motion to amend the ordinance to remove references to gardening tools. The amended section of the ordinance (Section 1.B.) will read, "...or designed for use in propagating, manufacturing, compounding...", eliminating the words, planting, cultivating, growing and composting.

**Motion by Councilmember Pico, seconded by Councilmember King, that the Ordinance be amended to remove the words "planting, cultivating, growing, harvesting and composting" from Section 1.B. The motion passed by a vote of 6-3-0.**

**Aye:** 6 - Bagley, Bennett, Gaebler, King, Murray, and Pico

**No:** 3 - Collins, Knight, and Strand

Res/Ord Number: 15-100

**Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Ordinance, as amended, be approved on first reading. The motion passed by a vote of 7-2-0.**

**Aye:** 7 - Bagley, Bennett, Gaebler, King, Knight, Pico, and Strand

**No:** 2 - Collins, and Murray

- 11.C. [15-00744](#)** Ordinance No. 15-101 Amending Ordinance No. 14-101 (2015 Appropriation Ordinance) for a Supplemental Appropriation to the Memorial Health System Enterprise Fund in the Amount of \$1,345,000 for Transfer to the Colorado Springs Health Foundation

Res/Ord Number: 15-101

There were no questions or comments on this agenda item.

**Motion by Councilmember Murray, seconded by Councilmember Bagley, that the Ordinance amending Ordinance No. 14-101 (2015 Appropriation Ordinance) for a supplemental appropriation to modify the budget and appropriate monies in the**

amount of \$1,345,000 for the Memorial Health System Enterprise Fund for Transfer to the Colorado Springs Health Foundation be approved on first reading. The motion passed by a vote of 9-0-0.

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

- 11.D.** [15-00705](#) Authorization for Gold Hill Mesa Metropolitan District No. 2 to issue up to \$6,360,000 in Debt as a Limited Tax General Obligation Loan (Legislative Matter)

Res/Ord Number: 146-15

Councilmember Collins commented on the number of Urban Renewal areas in the City and the related sales tax debt, adding she does not agree with the perceived effort to “rush this through” due to the coming changes to the URA law.

**Motion by Councilmember Murray, seconded by Councilmember Bagley, that the resolution approving the issuance by the Gold Hill Mesa Metropolitan District No. 2 of a Limited Tax General Obligation Loan, Series 2016 in an overall principal amount not to exceed \$6,360,000 be adopted. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

**No:** 1 - Collins

- 11.E.** [15-00729](#) Resolution Approving a Cooperation Agreement Between the Colorado Springs Urban Renewal Authority and the City of Colorado Springs to Promote Redevelopment and Assist With Financing of Public Improvements for the Gold Hill Mesa Commercial Area Urban Renewal Project and to Approve the Amount of Annual Sales Tax Increment Revenue Allocated Pursuant to Colorado Revised Statute § 31-25-107(9)(a)(II)

Res/Ord Number: 147-15

Bob Cope, Economic Development Manager, reiterated the Mayor’s strong support of this project.

Jim Rees, Executive Director, CSURA, presented the URA’s recommendation for approval of the sales tax rate for this area. This is largely necessary due to the blighted condition of this area and the high cost of development. The City will benefit through environmental improvement, traffic improvements, drainage improvements and economic vitality.

Councilmember King asked what the projected recovery rate for development costs is. Mr. Rees stated the financial situation associated with the initial development costs should stabilize in about four years.

Councilmember King and Mr. Rees continued to discuss the financial provisions of the development.

Monte McKeehen with Gold Cycle Investment presented an overview of the development plan for this area.

**Motion by Councilmember Pico, seconded by Councilmember Knight, to amend the Resolution, changing the City Sales Tax Increment percentage to 1%. The motion failed by a vote of 2-7-0.**

**Aye:** 2 - Knight, and Pico

**No:** 7 - Bagley, Bennett, Collins, Gaebler, King, Murray, and Strand

Res/Ord Number: 147-15

Council President Bennett stated he does not support this amendment due to the significance of the blight and the remediation costs.

**Motion by Councilmember Bagley, seconded by Councilmember Murray, to amend the Resolution changing the City Sales Tax Increment percentage to 2%. The motion failed by a vote of 4-5-0.**

**Aye:** 4 - Bagley, Bennett, Murray, and Strand

**No:** 5 - Collins, Gaebler, King, Knight, and Pico

Res/Ord Number: 147-15

Councilmembers King and Knight stated they do not support allowing the developers to keep the sales taxes collected over the next 25 years. The City should financially benefit from capital improvement projects.

**Motion by Councilmember King, seconded by Councilmember Murray, to amend the Resolution and attached Agreement to change the City Sales Tax Increment in each to 1.75% for the first five years and 1.5% thereafter. The motion passed by a vote of 5-4-0.**

**Aye:** 5 - Bagley, Bennett, King, Murray, and Strand

**No:** 4 - Collins, Gaebler, Knight, and Pico

Res/Ord Number: 147-15

Council discussed the legality of this unusual Tax Increment Financing option with Tom Florczak, Deputy City Attorney. Mr. Florczak stated he is not aware of a situation like this but does not know of any reason why it could not be done.

Citizen David Hopkins spoke in support of this proposal.

**Motion by Councilmember Murray, seconded by Councilmember Strand, that the amended Resolution approving a Cooperation Agreement Between the Colorado Springs Urban Renewal Authority and the City of Colorado Springs to Promote Redevelopment and Assist With Financing of Public Improvements for the Gold Hill Mesa Commercial Area Urban Renewal Project and to Approve the Amount of**

**Annual Sales Tax Increment Revenue Allocated Pursuant to Colorado Revised Statute 31-25-107(9)(a)(II) be adopted as amended to specify the City Sales Tax Increment will be 1.75% for the first five years and 1.5% thereafter. The motion passed by a vote of 7-2-0.**

**Aye:** 7 - Bagley, Bennett, Gaebler, King, Knight, Murray, and Strand

**No:** 2 - Collins, and Pico

- 11.F.** [15-00696](#) Resolution Approving a Cooperation Agreement between the Colorado Springs Urban Renewal Authority and the City of Colorado Springs to Promote Redevelopment and Assist With Financing of Public Improvements for the South Nevada Urban Renewal Project and to Approve the Amount of Annual Sales Tax Increment Revenue Allocated Pursuant to Colorado Revised Statute § 31-25-107(9)(a)(II)

Res/Ord Number: 148-15

Bob Cope, Economic Development Manager, responded to Councilmember questions from the previous meeting concerning the potential economic impact of this project to the City.

Jim Rees, Executive Director, CSURA, provided a brief overview of the development plans.

Council President Bennett stated this is an exciting opportunity to improve this area of our community.

Danny Mientka with The Equity Group provided additional information about the potential benefits of the renewal plan.

Councilmember King stated this area is in better shape financially than the Gold Hill Mesa commercial area due to the current collection of sales tax by the established businesses. Mr. Mientka stated it will take 36 to 48 months to financial stabilize the development due to the demolition and reconstruction process.

Councilmember Collins stated she does not support TIF financing as it is another form of tax and made a motion to remove the use of eminent domain for this project. Mr. Florczak stated the eminent domain language was approved by City Council as part of the urban renewal plan two weeks ago.

Citizens Jon Kim and Steve Mullikan spoke in opposition of this project.

Citizen David Hopkins spoke in support of this project.

Councilmember King stated he believes the existing businesses in this area will benefit from this development.

**Motion by Councilmember Collins, seconded by Councilmember Pico, that the Resolution be amended to include the insertion of the following, "The threat of "eminent domain" is prohibited: "the use of eminent domain will not be mentioned or otherwise suggested in the negotiations for property". Eminent domain can only be used at the request of or with the concurrence of the property or homeowner." The motion failed by a vote of 2-7-0.**

**Aye:** 2 - Collins, and Pico

**No:** 7 - Bagley, Bennett, Gaebler, King, Knight, Murray, and Strand

Res/Ord Number: 148-15

**Motion by Councilmember King, seconded by Councilmember Murray, that the Resolution and attached Agreement be amended to change the City Sales Tax Increment to 1.75% for the first five years and 1.5% thereafter. The motion passed by a vote of 5-4-0.**

**Aye:** 5 - Bagley, Bennett, King, Murray, and Strand

**No:** 4 - Collins, Gaebler, Knight, and Pico

Res/Ord Number: 148-15

**Motion by Councilmember Strand, seconded by Councilmember Murray, that the amended Resolution approving a Cooperation Agreement between the Colorado Springs Urban Renewal Authority and the City of Colorado Springs to Promote Redevelopment and Assist With Financing of Public Improvements for the South Nevada Urban Renewal Project and to Approve the Amount of Annual Sales Tax Increment Revenue Allocated Pursuant to Colorado Revised Statute 31-25-107(9) (a)(II) as amended to 1.75% for the first five years then 1.5% thereafter be adopted. The motion passed by a vote of 7-2-0.**

**Aye:** 7 - Bagley, Bennett, Gaebler, King, Knight, Murray, and Strand

**No:** 2 - Collins, and Pico

## 12. Public Hearing

Council President Pro Tem Gaebler was excused.

### 12.A. [15-00737](#)

A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Mountain Valley Preserve hereinafter more specifically described in exhibit "A".

(Legislative Matter)

Res/Ord Number: 149-15

Meggan Herington, Principal Planner, Land Use and Review, provided an overview of this voluntary annexation request.

Councilmember Murray asked if the two year warranty on the existing

roads in the annexation area can be extended. Kathleen Krager, Transportation Manager, stated a change to the warranty period would require changing City Code. Ms. Krager stated the City and County have amended the road construction standards and roads will be required to meet the updated standards. Councilmember Knight also expressed concerns about the quality of roads in annexation areas. Mr. Wysocki suggested the road warranty issue be discussed during the planned City Code revisions. Mr. Andrews stated he is participating in the code revision process and will make note of this concern.

Councilmember Pico asked if this area is subject to the Banning Lewis Ranch Annexation Agreement. Ms. Herington stated the area is subject to the Banning Lewis Ranch Parkway fee.

Councilmember King asked about access to and traffic control on Marksheffel Road. Ms. Krager stated she has a request in to widen Marksheffel Road and put in two channelized "T" intersections to manage traffic.

**Motion by Councilmember Murray, seconded by Councilmember King, that the resolution concerning the Mountain Valley Preserve Annexation finding the annexation meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution and that the property is eligible for annexation be adopted. The motion passed by a vote of 8-0-1.**

**Aye:** 8 - Bagley, Bennett, Collins, King, Knight, Murray, Pico, and Strand

**Excused:** 1 - Gaebler

**12.B.** [15-00738](#) Mountain Valley Preserve Annexation Concept Plan  
(Quasi-Judicial Matter)

Please see comments in item 12.A.

**Motion by Councilmember Pico, seconded by Councilmember Strand, to approve the Mountain Valley Preserve Concept Plan based upon the findings that the concept plan meets the review criteria for PUD concept plans as set forth in City Code Section 7.3.605, and the concept plan review criteria as set forth in Section 7.5.501(E). The motion passed by a vote of 8-0-1.**

**Aye:** 8 - Bagley, Bennett, Collins, King, Knight, Murray, Pico, and Strand

**Excused:** 1 - Gaebler

**12.C.** [15-00735](#) Ordinance No. 15-102 annexing to the City of Colorado Springs that area known as Mountain Valley Preserve consisting of 44.71 acres  
(Legislative Matter)

Res/Ord Number: 15-102



Please see comments in item 12.A.

**Motion by Councilmember Murray, seconded by Councilmember King, to approve the Mountain Valley Preserve Annexation, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203. The motion passed by a vote of 8-0-1.**

**Aye:** 8 - Bagley, Bennett, Collins, King, Knight, Murray, Pico, and Strand

**Excused:** 1 - Gaebler

**12.D.** [15-00736](#)

Ordinance No. 15-103 amending the Zoning Map of the City of Colorado Springs relating to 37.35 acres located east of Marksheffel Road and south of Dublin Boulevard establishing the PUD/AO zone. (Legislative Matter)

Res/Ord Number: 15-103

Please see comments in item 12.A

**Motion by Councilmember Pico, seconded by Councilmember Murray, that the Ordinance to approve the establishment of the PUD/AO (Planned Unit Development: Single-Family Residential, 3.77 dwelling units per acre, 30 foot maximum building height with Airport Overlay) zone district, based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) and the criteria for the establishment and development of a PUD zone as set forth in City Code Section 7.3.603 be approved on first reading. The motion passed by a vote of 8-0-1.**

**Aye:** 8 - Bagley, Bennett, Collins, King, Knight, Murray, Pico, and Strand

**Excused:** 1 - Gaebler

**13. Added Item Agenda**

There were no added agenda items.

**14. Executive Session**

There was not an executive session.

**15. Adjourn**

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

Sarah Johnson  
City Clerk