



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, October 9, 2018

1:00 PM

Council Chambers

1. Call to Order

Present: 9 - Councilmember Yolanda Avila, Councilmember Merv Bennett, President Pro Tem Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, President Richard Skorman, and Councilmember Tom Strand

2. Invocation and Pledge of Allegiance

The Invocation was made by Reverend Dr. Nori Rost from All Souls Unitarian Church.

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

President Skorman requested Mayor's Business be moved before Citizen Discussion.

Consensus of Council agreed to this change on 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.A. [18-0384](#)

Ordinance No. 18-96 Amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a Supplemental Appropriation to the Airport Capital Improvement Program Fund in the Amount of \$2,500,000 for Repairs Related to the April 2018 Fire at the Colorado Springs Airport

Presenter:
Chris Wheeler, City Budget Manager

Greg Phillips, Director of Aviation

Attachments: [Supplemental Approp Ordinance Airport Fire-Sept 2018](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.B.** [CPC ZC 18-00074](#) Ordinance No.18-97 changing the zoning of 5.54 acres from PUD/AO (Planned Unit Development: Single-Family Residential, 40 foot maximum building height, and a cumulative density of 7.99 dwelling unit per acre with an Airport Overlay) to PK/AO (Park with an Airport Overlay) located south of Dublin Boulevard and west of Banning Lewis Ranch Parkway within the Village 3 development.

(QUASI-JUDICIAL)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development

Peter Wysocki, Director of Planning and Community Development

Attachments: [ZC ORD - BLR Village 3 Park](#)

[Exhibit A](#)

[Exhibit B](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.C.** [18-0459](#) Ordinance 18-98 amending Ordinance No. 15-83 relating to Utilities System Commercial Paper Notes of the City; ratifying action heretofore taken relating to such Notes; and providing other matters relating thereto

Presenter:

Tamela Monroe, Chief Planning and Finance Officer

Eric Tharp, Acting Chief Executive Officer, Colorado Springs Utilities

Attachments: [10c - Commercial Papr Ordinance.DOCX](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A.** [18-0503](#) City Council Regular Meeting Minutes September 25, 2018

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [9-25-2018 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

- 4B.B.** [18-0498](#) Appointments to Boards and Commissions

Presenter:
Jacquelyn Puett, Assistant to Council

Attachments: [100918 Boards and Commissions](#)

This Item was approved on the Consent Calendar.

- 4B.C. [18-0436](#)** A Resolution approving the Intergovernmental Agreement with the Colorado Department of Transportation Regarding Funding of the Fairfax Tributary Basin Permanent Water Quality Pond Project

Presenter:
Richard Mulledy, P.E., Water Resources Engineering Division Manager
Brian Kelley, P.E., Engineering Programs Manager, Water Resources Engineering Division

Attachments: [RES Fairfax-2018-9-13](#)

[IGA](#)

[Vicinity Map-Fairfax Pond](#)

This Resolution was adopted on the Consent Calendar.

- 4B.D. [18-0439](#)** An Ordinance amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the Grants Fund in the amount of \$23,032,764 for the Federal Transit Administration's Section 5307 Grant.

Presenter:
Jennifer Vance, Grants Manager, Finance

Attachments: [Ordinance for 2018 Grants Fund Supplemental_rev8.27.18](#)

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

- 4B.E. [18-0458](#)** An Ordinance amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$4,423,414 for a transfer to the Capital Improvement Program Fund, and to the Capital Improvement Program Fund in the amount of \$4,423,414 for capital transportation infrastructure projects due to additional funding from the Highway Users Tax Fund

Presenter:
Charae McDaniel, Chief Financial Officer
Chris Wheeler, Budget Manager

Attachments: [Letter frm CML for HUTF funding](#)

[Supplemental Approp Ordinance for addl HUTF funding](#)

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

- 4B.F.** [18-0483](#) An Ordinance amending Section 315 (Delegation of Authority During Temporary or Short Term Absences) of Part 3 (Powers and Duties of the Mayor) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the delegation of Mayoral appointment authority for temporary replacement members on the Title Board

Presenter:

Marc Smith, Corporate Division Chief, Office of the City Attorney
Don Knight, City Councilmember

Attachments: [TitleBdApptMemberDelegationORD-2018-08-22\(2\).docx](#)

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

- 4B.G.** [CPC V](#)
[18-00099](#) An ordinance vacating portions of a public right-of-way known as Banning Lewis Ranch Parkway consisting of 14.645 acres

(LEGISLATIVE)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development
Peter Wysocki, Director of Planning and Community Development

Attachments: [ORD_VacationROW_Banning Lewis Ranch Parkway](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Vacation Plat](#)

[Figure 1 - Village 3 Development Plan](#)

[Vicinity Map](#)

[Banning Lewis Ranch ROW Vacation - Presentation](#)

[7.7.402.C Vacation Procedures](#)

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

- 4B.H.** [18-0484](#) An Ordinance amending Part 9 (Boards and Commissions) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, and associated ordinance and rules amendments pertaining to Council-appointed boards and commissions

Presenter:

Marc Smith, Corporate Division Chief, Office of the City Attorney

Don Knight, City Councilmember

Attachments: [BoardsCommissionsORD-2018-010-03](#)
[BoardsCommissionsORD-2018-09-27-Redline](#)

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

- 4B.I.** [18-0420](#) A Resolution Authorizing the Banning Lewis Ranch Metropolitan District No. 4 to Issue Series 2018A Limited Tax General Obligation Bonds in an Amount Estimated to be \$12,865,000, Series 2018B Subordinate Cash Flow Bonds in an Amount Estimated to be \$2,111,000 and Series 2018C Junior Subordinate Cash Flow Bonds in an Amount Estimated to be \$4,059,000.

(Legislative)

Presenter:
Carl Schueler, Comprehensive Planning Manager, Planning and Development

Attachments: [Resolution_BLRMetro_No4_2018_Debt_Authorization](#)
[Figure 1 Transmittal Letter](#)
[Figure 2 Term Sheet](#)
[Figure 3 Indentures of Trust](#)
[Figure 4 Development-Financial Projections](#)
[Figure 5 2018 Bonds Summary of Costs](#)
[Figure 6 General Counsel Opinion](#)
[Figure 7 Certificate of External Advisor](#)
[PowerPoint BLR4 Bond Issue](#)

This Resolution was adopted on the Consent Calendar.

- 4B.J.** [18-0421](#) A Resolution Authorizing the Banning Lewis Ranch Metropolitan District No. 5 to Issue Series 2018A Limited Tax General Obligation Bonds in an Amount Estimated to be \$6,440,000, Series 2018B Subordinate Cash Flow Bonds in an Amount Estimated to be \$1,030,000 and Series 2018C Junior Subordinate Cash Flow Bonds in an Amount Estimated to be \$1,826,000.

(Legislative)

Presenter:
Carl Schueler, Comprehensive Planning Manager, Planning and Development

Attachments: [Resolution_BLRMetro_No5_2018_Debt_Authorization](#)
[Figure 1 Transmittal Letter](#)
[Figure 2 Term Sheet](#)
[Figure 3a - Senior Indenture of Trust](#)
[Figure 3b - Junior Indenture of Trust](#)
[Figure 3c - Subordinate Indenture of Trust](#)
[Figure 4 Development-Financial Projections](#)
[Figure 5 2018 Bonds Summary of Costs](#)
[Figure 6 General Counsel Opinion](#)
[Figure 7 Certificate of External Advisor](#)
[PowerPoint BLR5 Bond Issue](#)

This Resolution was adopted on the Consent Calendar.

4B.K. [18-0422](#)

A Resolution Authorizing the Banning Lewis Ranch Metropolitan Regional Metropolitan District No. 1 to Issue Series 2018A Limited Tax General Obligation Bonds in an Amount Estimated to be 10,790,000, Series 2018B Subordinate Cash Flow Bonds in an Amount Estimated to be \$1,234,000 and Series 2018C Junior Subordinate Cash Flow Bonds in an Amount Estimated to be \$1,770,000.

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Development

Attachments: [Resolution_BLR_Regional_Metro_2018_Debt_Authorization](#)
[Figure 1 Transmittal Letter](#)
[Figure 2 - Term Sheet](#)
[Figure 3a - Senior Indenture of Trust](#)
[Figure 3b - Junior Indenture of Trust](#)
[Figure 3c - Subordinate Indenture of Trust](#)
[Figure 4 - Development-Financial Projections](#)
[Figure 5 2018 Bonds Summary of Costs](#)
[Figure 6 General Counsel Opinion](#)
[Figure 7 Certificate of External Advisor](#)
[PowerPoint BLR Regional Bond Issue](#)

This Resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by President Pro Tem Gaebler, seconded by Councilmember Bennett,

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 9-0-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

5. Recognitions

- 5.A.** [18-0378](#) A Proclamation celebrating Pikes Peak Community College 50th Anniversary

Presenter:
John Suthers, Mayor
Richard Skorman, City Council President

Attachments: [PPCC 50th Proclamation](#)

Mayor Suthers introduced the delegation from Pikes Peak Community College and read the Proclamation celebrating Pikes Peak Community College's 50th Anniversary.

Lance Bolton, President of Pikes Peak Community College, gave a brief overview of the contributions Pikes Peak Community College has made to the community over the past fifty years.

- 5.B.** [18-0477](#) A Resolution to Support October 2018 as Fire Prevention Month in the City of Colorado Springs

Presenter:
Fire Marshal Brett Lacey

Attachments: [Resolution - Fire Prevention Month - 2018](#)

Councilmember Murray read the Resolution to support October 2018 as Fire Prevention Month.

Colorado Springs Fire Department (CSFD) Fire Chief Ted Collas expressed appreciation for the members of the CSFD and the importance of Fire Prevention Month.

CSFD Fire Marshal Brett Lacey presented a brief background on the origination of Fire Prevention Month and identified the number of fire related fatalities in the community in 2018 as compared to 2017.

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

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

6. Citizen Discussion

President Pro Tem Gaebler read the Proclamation celebrating October 1, 2018 as World Habitat Day.

Several representatives from Habitat for Humanity expressed appreciation for the support they have received from City Council and the community.

Citizen Debbie Clay spoke in opposition of short term rentals.

Citizen Gerald Miller presented various photos.

Citizen Kevin Bright spoke about her bee keeper state flag.

Citizen Jennifer Polk spoke regarding the needs of families in regards to homelessness.

Citizen Lisa Wright spoke about flooding in her home and the City issued hillside grading plan for her property.

Citizen Bill Wysong requested neighborhood covenant and homeowner's association enforcement of short term rentals be documented in the proposed Ordinance. Marc Smith, Corporate Division Chief, Office of the City Attorney, stated the City's zoning code does not supersede a stricter neighborhood covenant.

Citizen Chesley Miller gave a brief history of road dieting within the City.

Citizen JD Elder spoke about his history of skiing, his disability, and about the removal of benches from a local Safeway store.

Citizens Mark Heismann and Rose Porter spoke in opposition of the addition of bicycle lanes.

Citizen Deborah Stout-Meiningner spoke in opposition of the proposed I-25 toll road.

Citizen Lawrence Martinez spoke about homelessness in the community.

Citizen Everett Snyder spoke in opposition of road narrowing.

Citizen Scott Anderson stated the City's anti-handout signs are not effective and it is wasteful spending.

7. Mayor's Business

- 7.A. [18-0508](#) A Resolution opposing "Amendment 74", a proposal to amend the Colorado Constitution

Presenter:

Jill Gaebler, Council President Pro Tem

Attachments: [Amendment74-RES-2018-10-02-clean.docx](#)

President Pro Tem Gaebler stated Amendment 74 is a proposed amendment to the Colorado Constitution which would require the City to award just compensation to owners of private property when a City Ordinance or regulation reduces the fair market value of the property. She stated she, along with the Mayor and forty other jurisdictions, is opposed to Amendment 74.

Councilmember Murray stated he believes if Amendment 74 is passed, it would be to the detriment of the City.

Councilmember Knight requested an amendment be made to the Resolution to include the final vote total. Marc Smith, Corporate Division Chief, Office of the City Attorney, stated the language "This City Council Resolution was passed on a ___ - ___ vote." has been added to the Resolution. Councilmember Knight stated voters need to be educated on this item, but he will not be supporting the Resolution.

Councilmember Geislinger said Amendment 74 is too broad reaching and poorly drafted legislation leads to poor consequences. He said it would severely limit Colorado's ability to govern.

President Skorman stated the unintended consequences would cost the City billions of dollars in lawsuits.

Councilmember Pico stated he also opposes Amendment 74 because it is a losing situation for every government body and the taxpayers.

Councilmember Strand stated he is opposed to Amendment 74, but will not be voting in favor of this Resolution because he believes it sets a negative

precedence for City Council who is expected to be bipartisan and it could reflect that City Council is being self-protecting.

Citizens Deborah Stout-Meiningner and Mark Heismann spoke in opposition to the Resolution.

Motion by Councilmember Murray, seconded by President Pro Tem Gaebler, that the Resolution, as amended with the inclusion of Councilmember vote totals, opposing "Amendment 74", a proposal to amend the Colorado Constitution which would drastically limit state and local government services at a high cost to taxpayers be adopted. The motion passed by a vote of 6-3-0-0

Aye: 6 - Avila, Bennett, Gaebler, Geislinger, Murray, and Skorman

No: 3 - Knight, Pico, and Strand

8. Items Called Off Consent Calendar

There were no items called off the Consent Calendar.

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

- 10.A.** [18-0453](#) Ordinance No. 18-99 amending Section 111 (Camping Within Public Stream/Public Stream Riparian Zone Prohibited) of Part 1 (General Offenses) of Article 6 (Offenses Affecting Property) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to camping within public stream riparian zones, and providing penalties for the violation thereof

Presenter:

Marc Smith, Corporate Division Chief, Office of the City Attorney
David Geislinger, City Councilmember

Attachments: [StreamRiparianWaste AmendmentORD-2018-09-18.docx](#)

There were no comments on this item.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Ordinance amending Section 111 (Camping Within Public Stream/Public Stream Riparian Zone Prohibited) of Part 1 (General Offenses) of Article 6 (Offenses Affecting Property) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to camping within public stream riparian zones, and providing penalties for the violation thereof be finally passed. The motion passed by a vote of 8-1-0-0

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

No: 1 - Avila

11. New Business

- 11.A. [18-0467](#) An Ordinance amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$500,000 for capital and operating expenses associated with increasing the number of available low-barrier shelter beds in our community

Presenter:

Charae McDaniel, Chief Financial Officer

Andrew Phelps, Homelessness Prevention & Response Coordinator,
Neighborhood Services

Peter Wysocki, Director of Planning and Development

Steve Posey, HUD Grants Administrator

Attachments: [Supplemental Approp Ordinance for low-barrier shelter beds - with added whereas.docx](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance for a supplemental appropriation to the General Fund in the amount of \$500,000 for capital and operating expenses associated with increasing the number of available low-barrier shelter beds in the community. She stated as requested by Council, the Ordinance has been amended to include that staff will continue to work towards identifying ongoing operating funding from both internal departments and external agencies for this initiative.

Councilmember Strand asked if the funding could be used for capital improvements. Jeff Greene, Chief of Staff, said part of the funding will be used for ongoing operations and part will be used for capital improvements. Councilmember Strand asked if funding from the Development Review Enterprise could be used. Mr. Greene stated the Development Review Enterprise is similar to the Regional Building Department Enterprise with fees that may be allocated toward the funding which staff will be looking into.

Councilmember Strand asked if there is enough funding available to complete the project by November 2018. Mr. Greene stated they have received a cost estimate from Nunn Construction for the proposed project which is currently being negotiated. He said there has been additional funding received from El Paso County and a private developer.

Councilmembers Pico and Geislinger stated this a step toward addressing the issue of homelessness in the community.

Councilmember Knight stated he supports the project being done this year, but does not support the funding coming from the General Fund. He said this should be a loan, not a grant, and other agencies should provide repayment for it.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Ordinance for the supplemental appropriation to the general fund in the amount of \$500,000 for capital and operating expenses associated with increasing the number of available low-barrier shelter beds in our community be approved on first reading. The motion passed by a vote of 8-1-0-0

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

No: 1 - Knight

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

16. General Improvement Districts:

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

- A.** [18-0389](#) Request to set November 27, 2018 as the Public Hearing date for consideration of adopting the proposed 2019 Colorado Springs Marketplace at Austin Bluffs General Improvement District Budget and to advertise as required by law

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [MAB GID 2019 Budget](#)

There were no comments on this item.

Motion by Councilmember Strand, seconded by Councilmember Murray, to establish November 27, 2018 as the date of the Public Hearing to consider the 2019 Colorado Springs Marketplace at Austin Bluffs General Improvement District budget be approved. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

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

- A. [18-0390](#) Request to set November 27, 2018 as the Public Hearing date for consideration of adopting the proposed 2019 Colorado Springs Spring Creek General Improvement District Budget and to advertise as required by law

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Spring Creek GID 2019 Budget](#)

There were no comments on this item.

Motion by Councilmember Strand, seconded by Councilmember Bennett, to establish November 27, 2018 as the date of the Public Hearing to consider the 2019 Colorado Springs Spring Creek General Improvement District budget be approved. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

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

- A. [18-0370](#) Request to set November 27, 2018 as the Public Hearing date for consideration of adopting the proposed 2019 Colorado Springs Briargate General Improvement District Budget and to advertise as required by law

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Briargate GID 2019 Budget](#)

There were no comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Strand, to establish November 27, 2018 as the date of the Public Hearing to consider the

2019 Colorado Springs Briargate General Improvement District budget be approved. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand