



City of Colorado Springs

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

Meeting Minutes - Final City Council

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Tuesday, September 27, 2016

1:00 PM

Council Chambers

1. Call to Order

- Present:** 8 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Keith King, Councilmember Don Knight, Councilmember Andy Pico, and Councilmember Tom Strand
- Excused:** 1 - Councilmember Bill Murray

2. Invocation and Pledge of Allegiance

The Invocation was led by Reverend Dr. Paul Peel (Retired), First Lutheran Church.

The Pledge of Allegiance was led by Council President Bennett.

Councilmember Bagley read a proclamation of recognition in honor of Reverend Peel's service to this community.

3. Changes to Agenda/Postponements

Council President Bennett requested agenda item 7.A. be heard before agenda item 5. and agenda item 5.B. be moved to immediately follow agenda item 7.A. Consensus of Council agreed with these 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.A. [16-500](#)

Ordinance No. 16-94 authorizing the execution and delivery by the City of Colorado Springs (City) of a site lease between the City as

lessor and a financial institution to be identified, and, in connection therewith, a lease purchase agreement between the City, as lessee, and such financial institution, with respect to certain real property for the purpose of financing the construction and improvement of a police substation; authorizing officials of the City to take all action necessary to carry out the transactions contemplated hereby and providing for related matters

Presenter:
Kara Skinner, Chief Financial Officer
Tom Florczak, Deputy City Attorney
Res/Ord Number: 16-94

This Ordinance was finally passed on the Consent Calendar.

- 4A.B. [CPC ZC 16-00087](#) Ordinance No. 16-95 amending the zoning map of the City of Colorado Springs pertaining to 0.344 of an acre located at the northeast corner of East Boulder Street and North El Paso Street from OR/CR (Office Residential with Conditions of Record) to OR/CR (Office Residential with Conditions of Record).

(Quasi-Judicial)

Presenter:
Hannah Van Nimwegen, Planner II, Planning & Community Development
Peter Wysocki, Planning and Community Development Director
Res/Ord Number: 16-95

This ordinance was finally passed on the Consent Calendar.

- 4A.C. [15-00255](#) Ordinance No. 16-96 amending Ordinance No. 15-30 to correct the legal description related to the annexation to the City of Colorado Springs of that area known as Dublin Towne Centre Annexation.

(Legislative)

Presenter:
Meggan Herington, Planning Manager, Land Use Review Division
Peter Wysocki, Planning and Community Development Director
Res/Ord Number: 15-30 16-96

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A.** [16-559](#) City Council Meeting Minutes September 13, 2016
- Presenter:
Sarah Johnson, City Clerk
- The Meeting Minutes were approved on the Consent Calendar.**
- 4B.B.** [16-563](#) City Council Special Session Meeting Minutes September 19, 2016
- Presenter:
Sarah Johnson, City Clerk
- The Meeting Minutes were approved on the Consent Calendar.**
- 4B.C.** [16-566](#) Appointments to Boards and Commissions
- Presenter:
Jacquelyn Puett, Assistant to Council
- This item was approved on the Consent Calendar.**
- 4B.D.** [16-515](#) A resolution adopting City Council's annual Report to the Citizens for 2015-2016, pursuant to City Charter Section 3-10(d).
- Presenter:
Eileen Lynch Gonzalez, City Council Administrator
Res/Ord Number: 91-16
- The resolution was adopted on the Consent Calendar.**
- 4B.E.** [16-535](#) A Resolution Supporting the City of Colorado Springs Sponsorship of a Ring the Peak Planning Grant Application to Great Outdoors Colorado
- Presenter:
Tilah Larson, Senior Grants Analyst - Parks, Recreation and Cultural Services
Bill Koerner, Advocacy Director - Trails and Open Space Coalition
Res/Ord Number: 92-16
- The resolution was adopted on the Consent Calendar.**
- 4B.F.** [16-551](#) The City Clerk reports that on June 6, 2016 there was filed with her a petition for the annexation of Martin-Pfost Addition Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City

Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1)

Presenter:
Sarah B. Johnson, City Clerk

This item was received on the Consent Calendar.

- 4B.G.** [16-555](#) A Resolution Authorizing the Donation of Real Property for a Public Purpose to the Stratmoor Hills Sanitation District
- Presenter:
Brian Whitehead, Manager, System Extensions
Jerry A. Forte, P.E., Chief Executive Officer, Colorado Springs Utilities
Res/Ord Number: 93-16

The resolution was adopted on the Consent Calendar.

- 4B.H.** [16-556](#) A Resolution Directing the Chief Executive Officer of Colorado Springs Utilities to Execute a Second Amendment to the Groundwater Capacity Lease Agreement with Security Water District
- Presenter:
Abby Ortega, Planning Supervisor, Water Conveyance
Jerry A. Forte, P.E., Chief Executive Officer, Colorado Springs Utilities
Res/Ord Number: 94-16

The resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, 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 - Bagley, Bennett, Collins, Gaebler, King, Knight, Pico, and Strand

Excused: 1 - Murray

5. Recognitions

- 5.A.** [16-542](#) A resolution to support October 2016 as Fire Prevention Month in the City of Colorado Springs
- Presenter:
Fire Marshal Brett Lacey, Colorado Springs Fire Department

Res/Ord Number: 96-16

Fire Marshal Brett Lacey spoke about the importance of fire prevention and thanked Council for supporting this resolution.

Motion by Councilmember Knight, seconded by Councilmember Pico, that the Resolution designating October 2016 as Fire Prevention Month in Colorado Springs be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Murray

5.B. [16-533](#) Global Supertanker Recognition

Presenter:

Dan Gallagher, Aviation Director

Jim Wheeler, President and CEO of Global SuperTanker Services, LLC

Jim Wheeler, President and CEO of Global SuperTanker Services, LLC, recognized City Council for their support in relocating the business to this City. Mr. Wheeler also recognized Mayor Suthers' leadership and presented him with a photo of the airplane and Councilmembers with challenge coins.

5.C. [16-564](#) October is Arts Month - Cultural Office of the Pikes Peak Region (COPPeR) Update

Presenter:

Andy Vick, Executive Director, Cultural Office of the Pikes Peak Region

Council President Pro Tem Gaebler read the proclamation. Andy Vick, Executive Director, Cultural Office of the Pikes Peak Region, spoke about the importance of arts and culture to the community and highlighted the planned events and activities in celebration of Arts Month.

6. Citizen Discussion

Citizen Gerald Miller thanked Council for their assistance in cleaning up his neighborhood.

Citizen Victoria Heim shared her request for a proclamation to establish a "Black Friday" event honoring law enforcement officers who have lost their lives in service to our community.

Citizen David Hawkins spoke about suicide prevention month.

7. Mayor's Business

Mayor Suthers expressed appreciation for the work done by Dan Gallagher, Director of Aviation. Mr. Gallagher has resigned to take a position in another state. Mayor Suthers stated he has appointed Troy Stover as the acting Aviation Director in the absence of Mr. Gallagher. Mr. Gallagher thanked City Council and the Mayor for their support.

- 7.A. [16-526](#) A resolution confirming the Mayor's appointment of the Fire Chief

Presenter:

John Suthers, Mayor

Res/Ord Number: 95-16

Mayor John Suthers reviewed the selection process for a new Fire Chief and introduced Ted Collas, his appointee for this position. Mayor Suthers provided an overview of the qualifications and experience of Mr. Collas and requested Council confirm this nomination. Mr. Collas thanked Council for this opportunity.

Motion by Councilmember Strand, seconded by Councilmember Pico, that the resolution confirming the appointment of Ted Collas as the Colorado Springs Fire Chief be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Murray

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

There was no Unfinished Business.

11. New Business

- 11.A. [16-530](#) Resolution Approving an Amendment to the Service Plan for the Colorado Crossing Metropolitan District Nos. 1, 2 and 3 Allowing the Operation and Maintenance of a Parking Garage and an Increase in the Maximum Operating Mill Levy from 10.0 to 20.0 Mills

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

This item was postponed to the October 10, 2016 Work Session and the October 25, 2016 Regular Meeting.

Motion by Councilmember Knight, seconded by Councilmember Strand, that the Resolution Approving an Amendment to the Service Plan for the Colorado Crossing Metropolitan District Nos. 1, 2 and 3 allowing Operation and Maintenance of; a Parking Garage and an Increase in the Maximum Operating Mill Levy from 10.0 to 20.0 Mills to be postponed to a date certain, the October 25, 2016 City Council meeting with discussion in the October 10, 2016 Work Session. The motion passed by a vote of 8-0-1

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

Excused: 1 - Murray

- 11.B.** [CPC 080](#) Reconsideration of a resolution approving a service plan prior to the creation of a Tuscan Foothills Village Metropolitan District

Presenter:

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Development Department

Res/Ord Number: 97-16

Councilmember King noted a correction to the maximum mill levy included in the plan. There were no other Councilmember questions or comments on this item.

Motion by Councilmember King, seconded by Councilmember Bagley, that the resolution approving a service plan for the Tuscan Foothills Village Metropolitan District be adopted. The motion passed by a vote of 5-3-1

Aye: 5 - Bagley, Bennett, Gaebler, King, and Strand

No: 3 - Collins, Knight, and Pico

Excused: 1 - Murray

- 11.C.** [CPC CA 16-00086](#) Ordinance No. 16-97 amending Section 1503 (Home Occupation Permit Standards and Criteria) of Part 15 (Home Occupations) 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, relating to the production and sales of plants, fruits, vegetables and cottage foods.

Presenter:

Peter Wysocki, Director of Planning & Community Development

Councilmember Collins stated she does not support this item due to concerns about health safety and excessive governmental regulation.

Councilmember King stated the State Statutes allow neighbors to come together and sell their own produce in one location.

Council President Pro Tem Gaebler stated this ordinance is about personal liberty and the use of private property, bringing neighbors together to share goods and removes the governmental regulation prohibiting the selling of these items on private property.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the ordinance amending section 1503 (Home Occupation Permit Standards and Criteria of Part 15 (Home Occupations 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, relating to the production and sales of plants fruits, vegetables and cottage foods be approved on first reading. The motion passed by a vote of 7-1-1

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

No: 1 - Collins

Excused: 1 - Murray

12. Public Hearing

- 12.A.** [CPC SWP 16-00057](#) A request to postpone an appeal of the City Planning Commission's approval of a subdivision waiver from design standards to provide legal access via a public alley to the property addressed as 543 Robbin Place.

(Quasi-Judicial)

Presenter:

Michael Turisk, Planner II, Planning and Community Department
Peter Wysocki, Director of Planning and Community Development

Councilmember Knight asked if this is an automatic bump. Michael Turisk, Planner II, stated this is a request to postpone by the defendant as he will be out of the Country during the October 11, 2016 meeting. Staff considers this a reasonable request as the trip was planned almost a year ago.

This item was postponed to the October 25, 2016 City Council meeting.

Motion by Councilmember Strand, seconded by Councilmember Bagley, to postpone the appeal hearing to a date certain, the October 25, 2016 City Council Meeting. The motion passed by a vote of 8-0-1

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

Excused: 1 - Murray

13. Added Item Agenda

There were no items added to the agenda.

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