



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 13, 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 Bill Murray, and Councilmember Andy Pico
- Excused:** 1 - Councilmember Tom Strand

2. Invocation and Pledge of Allegiance

The Invocation was led by Father Mark Zacker, Corpus Christi Catholic Church.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

Councilmember Knight requested agenda items 4.B.B. and 4.B.F. be pulled off the Consent Calendar.

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. [CPC ZC 15-00040](#)

Ordinance No. 16-92 amending the zoning map of the City of Colorado Springs pertaining to 1.21 acres located southeast of the Voyager Parkway and Ridgeline Drive from PIP-1 (Planned Industrial Park) to PBC (Planned Business Center).

(Quasi-Judicial)

Related Files: CPC MPA 05-00278-A3MN15, CPC ZC 15-00095,

CPC CP 07-00189-A1MJ15

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development
Peter Wysocki, Director Planning and Community Development

Res/Ord Number: 16-92

The ordinance was finally passed on the Consent Calendar.

4A.B. [CPC ZC
15-00095](#)

Ordinance No. 16-93 amending the zoning map of the City of Colorado Springs pertaining to 1.13 acres located southeast of the Voyager Parkway and Ridgeline Drive from PIP-1 (Planned Industrial Park) to PBC (Planned Business Center).

(Quasi-Judicial)

Related Files: CPC MPA 05-00278-A3MN15, CPC ZC 15-00040,
CPC CP 07-00189-A1MJ15

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development
Peter Wysocki, Director Planning and Community Development

Res/Ord Number: 16-93

The ordinance was finally passed on the Consent Calendar.

4A.C. [CPC ZC
16-00064](#)

Ordinance No. 16-91 amending the zoning map of the City of Colorado Springs pertaining to 3.084 acres located at the southwest corner of North Carefree Circle and North Powers Boulevard from R-5/CR/AO and PBC/CR/AO (Multi-Family Residential and Planned Business Center with Conditions of Record and Airport Overlay) to OC/CR/AO (Office Complex with Conditions of Record and Airport Overlay).

(Quasi-Judicial)

Related Files: AR CP 11-00482-A2MJ16, CPC DP 16-00066

Presenter:

Conrad Olmedo, Planner II, Planning & Community Development
Peter Wysocki, Director Planning and Community Development

Res/Ord Number: 16-91

The ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [16-541](#) City Council Meeting Minutes August 23, 2016

Presenter:
Sarah Johnson, City Clerk

The Meeting Minutes were approved on the Consent Calendar.

4B.C. [16-443](#) A resolution accepting and endorsing recommended expenditures from the Lodgers and Automobile Rental Tax (LART) special fund for inclusion in the 2017 budget

Presenter:
Fred Veitch, Chair, LART Citizens' Advisory Committee
Res/Ord Number: 88-16

The resolution was adopted on the Consent Calendar.

4B.D. [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 approved on first reading on the Consent Calendar.

4B.E. [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 approved on first reading on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Murray, seconded by President Pro Tem Gaebler, 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, Murray, and Pico

Excused: 1 - Strand

5. Recognitions

5.A. [16-508](#) A resolution recognizing September 24 through October 2, 2016 as “Creek Week” in the City of Colorado Springs

Presenter:

Larry Small, Executive Director, Fountain Creek Watershed, Flood Control and Greenway District

Res/Ord Number: 89-16

Larry Small, Executive Director, Fountain Creek Watershed, Flood Control and Greenway District, provided a brief history of this project.

Allison Plute, Chair of Creek Week, provided a summary of the work accomplished during Creek Week last year and shared a summary of the planned Creek Week activities for this year.

Jerry Cordova, Stormwater Specialist, invited everyone to come out and volunteer to help clean up the City’s waterways during this event.

Council President Pro Tem Gaebler read the resolution and expressed appreciation for this project.

Motion by President Pro Tem Gaebler, seconded by Councilmember Pico, that the resolution in of recognition of Creek Week be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Strand

6. Citizen Discussion

Citizen Gerald Miller expressed concern about alleged drug dealers in his neighborhood and congestion on his street. Jeff Greene, Chief of Staff, stated he will respond to this situation.

Citizen Linda Champlin-Frank spoke about Construction Career Days Southern Colorado to be held Thursday September 15 at the Norris Penrose Event Center and invited Councilmembers to attend.

Citizen Mary Preston expressed concern about the Planning Commission process involving a project in her neighborhood. Councilmember Knight requested the Planning Department provide a customer advocate to assist with navigating the planning process. Mr. Greene stated he has had a discussion with Mr. Wysocki regarding improving customer service in the Planning Department.

Citizen Deborah Stout-Meiningner expressed concern about contaminated soil in our City and stated Creek Week should be a year-long attitude of our community to protect water ways.

Citizen Martha Sloan spoke about damage to her neighborhood during recent flooding. Ms. Sloan recommended establishing a point of contact for each event or developing a resource guide to assist citizens in disaster situations. Council President Pro Tem Gaebler stated the City is working on developing a resource guide.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

4B.B. [16-548](#) Appointments to Boards and Commissions

Presenter:

Jacquelyn Puett, Assistant to Council

Councilmember Knight stated he called this item off the Consent Calendar because he would like to divide the item, separating the Independent Ethics Commission nominations from the Public Safety Sales Tax Oversight Committee nomination.

Council President Bennett explained only one candidate applied for the

open position on the Public Safety Sales Tax Oversight Committee; therefore, the normal procedure was not followed and the applicant was recommended for re-appointment to the committee.

Councilmember Knight reviewed recent changes to the vetting process which he is concerned have not been followed in this situation. Council President Bennett will address these concerns with staff and remind them to follow the established procedure even if there is only one candidate for a position.

Motion by Councilmember Knight, seconded by Councilmember Murray, to approve the appointments to the Independent Ethics Commission. The motion passed by a vote of 8-0-1

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

Excused: 1 - Strand

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, to approve the reappointment of Patricia Cucharrio to the Public Safety Sales Tax Oversight Committee. The motion passed by a vote of 8-0-1

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

Excused: 1 - Strand

4B.F. [16-537](#)

A resolution setting a public hearing date for consideration of The Reserve at Northcreek Annexation. (CPC A 15-00099)

(Legislative)

Presenter:

Meggan Herington, Planning Manager

Peter Wysocki, Planning and Development Director, Planning and Development Department

Res/Ord Number: 90-16

Councilmember Knight stated he called this item off the Consent Calendar because he has questions regarding the involvement of the Air Force Academy in this plan and the nature of this planned development since it is in the flight plan area of the Air Force Academy. Peter Wysocki, Director of Planning and Community Development, stated the Air Force Academy has been involved in this process from the initial application. Mr. Wysocki stated he cannot relay information about the development plan because it is a quasi-judicial matter and reminded Mr. Knight this action is to set a public hearing date to consider the annexation.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that

the resolution finding the petition for annexation to be in substantial compliance with C.R.S. section 31-12-107(1), setting a hearing date of October 25, 2016, for consideration of the Reserve at Northcreek Annexation, and directing the Clerk to provide notice in accord with C.R.S. section 31-12-108 be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Strand

9. Utilities Business

- 9.A.** [16-525](#) Request to Establish a Public Hearing Date for the Consideration of Resolutions Regarding Certain Changes to Utilities Rules and Regulations and Setting Electric, Water, and Wastewater Rates within the Service Areas of Colorado Springs Utilities

Presenter:

Sonya Thieme, Rates Manager

Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Sonya Thieme, Rates Manager, CSU, stated this is a request to set a hearing date of October 25, 2016 for the proposed rate change. There were no questions or comments regarding this item.

Motion by Councilmember Murray, seconded by Councilmember Pico, that the resolution setting the proposed hearing date of October 25, 2016 be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Strand

10. Unfinished Business

There was no Unfinished Business.

11. New Business

- 11.A.** [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

Meggan Herington, Planning Manager, provided an explanation of this

corrective action. There were no questions or comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that an ordinance 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 be approved on first reading. The motion passed by a vote of 8-0-1

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

Excused: 1 - Strand

- 11.B.** [16-510](#) Resolution approving a service plan allowing for the creation of the Silver Hawk Metropolitan District.

Presenter:

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

Carl Schueler, Planning Manager - Comprehensive Planning, stated the developer has requested a two week delay on this item in order to have a full representation of Council for this decision.

Jeff Mark, the applicant, stated they have concerns about the approval of a district and would like additional time to respond to Council concerns regarding the development of these districts and provide transparency.

David O'Leary, with Spencer Fane, representing the applicant, spoke about the petition for organization process requiring the setting of a district court hearing date. A Council decision on October 11, 2016 could jeopardize the project by placing the hearing date after the November 8, 2016 election.

Council discussed the implications of the legal process as it relates to this decision.

Councilmember Collins stated the proposed Silver Hawk Metropolitan District is located in her Council district and she does not support special districts.

Motion by Councilmember Pico, seconded by Councilmember Bagley, to postpone to a date certain, the September 26, 2016 City Council Work Session and a vote at the October 11, 2016 Regular City Council meeting, a resolution of the City of Colorado Springs approving a service plan for the Silver Hawk Metropolitan District with a maximum debt authorization of \$3,619,984. The motion passed by a vote of 6-2-1

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

No: 2 - Collins, and Knight

Excused: 1 - Strand

- 11.C.** [16-511](#) Resolution approving a service plan allowing for the creation of the Mountain Valley Metropolitan District.

(Legislative)

Presenter:

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

Please see comments in agenda item 11.B.

Motion by Councilmember Pico, seconded by Councilmember Bagley, to postpone to a date certain, the September 26, 2016 City Council Work Session and a vote at the October 11, 2016 Regular City Council meeting, a resolution of the City of Colorado Springs approving a service plan for the Mountain Valley Metropolitan District with a maximum debt authorization of \$7,267,000. The motion passed by a vote of 8-0-1

Aye: 6 - Bagley, Bennett, Gaebler, King, Knight, and Pico

No: 2 - Collins, and Murray

Excused: 1 - Strand

- 11.D.** [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

Council President Bennett stated he received a letter after the previous meeting requesting a reconsideration of this item. Councilmember King stated he requested the reconsideration as he realized he did not fully understand the item at the time of the decision. He has now had time to do additional research on this item and would like the opportunity to reconsider his vote and make a better informed decision based on this new understanding.

Councilmember Murray spoke about Council's responsibility to facilitate dissolution of special districts, not build them.

Blair Dacone, representing the petitioners, stated changes have been made to the proposal based on Council comments and spoke about the reconsideration process and time-line.

Councilmember Collins will not support this because she feels it is inappropriate for a Councilmember to change their vote due to pressure. Councilmember King stated there was no pressure on him. He questioned his vote, did research with the planning director and would like the opportunity to reconsider his vote.

Council President Pro Tem Gaebler expressed appreciation for Councilmember King's willingness to make this request following the process set forth by Council Rule and spoke in support of this development.

Council President Bennett stated he would like to have full reconsideration of this item based on the understanding that changes have been made to the proposal.

Motion by Councilmember King, seconded by President Pro Tem Gaebler, to reconsider a resolution approving a service plan for the Tuscan Foothills Village Metropolitan District. The motion failed by a vote of 3-5-1

Aye: 3 - Bagley, Bennett, and Gaebler

No: 5 - Collins, King, Knight, Murray, and Pico

Excused: 1 - Strand

Councilmember King stated he intends to file a reconsideration request on this item.

12. Public Hearing

There was not a Public Hearing.

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

