



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, January 22, 2019

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 Bill Murray, Councilmember Andy Pico, President Richard Skorman, and Councilmember Tom Strand

Excused: 1 - Councilmember Don Knight

2. Invocation and Pledge of Allegiance

The Invocation was made by Victoria Heim from Crossroads Ministry.

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Emily Evans, City Council Administrator, stated item 5.A., a Resolution of appreciation for Kathleen Krager upon her retirement from the City of Colorado Springs, has been postponed to the February 12, 2019 City Council meeting and item 10.A., reconsideration of the postponement date of an Ordinance pertaining to the authority to impound recreational vehicles, has been withdrawn.

Consensus of Council agreed to these changes 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.** [18-0552](#) Ordinance No. 19-1 adopting revised Procurement Rules and Regulations for the City of Colorado Springs

Presenter:
Nicole Spindler, Procurement Services Manager
Bret Waters, Deputy Chief of Staff

Attachments: [ProcurementRulesORD-2019](#)
[Exhibit A Procurement Rules & Regulations](#)
[Signed Ordinance 19-1](#)

This Ordinance was finally passed on the Consent Calendar.

4A.B. [CPC CA 18-00082](#) Ordinance No. 19-2 adopting PlanCOS as the City of Colorado Springs Comprehensive Plan

(Legislative Item)

Presenters:
Peter Wysocki, Planning and Development Director
Carl Schueler, Comprehensive Planning Manager, Planning and Development Department

Attachments: [ORD PlanCOS](#)
[Exhibit A PlanCOS Comprehensive Plan](#)

This Ordinance was finally passed on the Consent Calendar.

4A.C. [CPC CA 18-00152](#) Ordinance No. 19-3 Amending Multiple Sections under Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to the City's Comprehensive Plan

(Legislative Item)

Presenters:
Peter Wysocki, Planning and Development Director
Carl Schueler, Comprehensive Planning Manager, Planning & Development Department

Attachments: [ORD PlanCOS CodeAmendments](#)
[Signed Ordinance 19-3](#)

This Ordinance was finally passed on the Consent Calendar.

4A.D. [18-0622](#) Ordinance No. 19-4 amending Section 104 (Council Meetings; Procedure) of Part 1 (Elective Officers) 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 approval of settlement of claims and litigation by City Council.

Presenter:

Tracy Lessig, Employment Division Chief, Office of the City Attorney
Erik Lamphere, Litigation Division Chief, Office of the City Attorney

Attachments: [CAO-SettlementsCouncilORD-2018-11-30](#)

[Signed Ordinance 19-4](#)

This Ordinance was finally passed on the Consent Calendar.

4A.E. [18-0623](#)

Ordinance No. 19-5 amending Section 407 (Make Reports) of Part 4 (Powers and Duties of the City Attorney) 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 reports made by the City Attorney to the Mayor and City Council.

Presenter:

Tracy Lessig, Employment Division Chief, Office of the City Attorney
Erik Lamphere, Litigation Division Chief, Office of the City Attorney

Attachments: [CAO-MakeReportsORD-2018-12-04](#)

[Signed Ordinance 19-5](#)

This Ordinance was finally passed on the Consent Calendar.

4A.F. [18-0624](#)

Ordinance No. 19-6 Amending Section 503 (Compromise or Settlement of Claims) of Part 5 (Claims Management) of Article 5 (Finance Management Procedures) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the City Attorney's Authority to Settle Claims

Presenter:

Tracy Lessig, Employment Division Chief, Office of the City Attorney
Erik Lamphere, Litigation Division Chief, Office of the City Attorney

Attachments: [CAO-CAOAuthoritySettlementsORD-2018-11-26](#)

[Signed Ordinance 19-6](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [19-065](#)

City Council Regular Meeting Minutes January 8, 2019

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [1-8-2019 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

4B.B. [19-061](#) Appointments to Boards and Commissions

Presenter:
Jacquelyn Puett, Assistant to Council

Attachments: [012219 Boards and Commissions](#)

This Item was approved on the Consent Calendar.

4B.C. [19-016](#) A Resolution Authorizing the Acquisition of Two Parcels of Land Totaling Approximately 1.744 Acres of Real Property and a Temporary Construction Easement Containing Approximately 0.212 Acres from Heriberto Lopez and Blanca F. Magallan Velasquez.

Presenter:
Richard Mulledy, City Water Resources Engineering Division Manager
Jeff Dunn, City Water Resources Engineering Project Manager

Attachments: [Exhibits.pdf](#)
[Lopez Acquisition for Council.pptx](#)
[Resolution.docx](#)
[Signed Resolution 6-19](#)

This Resolution was adopted on the Consent Calendar.

4B.D. [19-020](#) A Resolution of Approval Regarding the Permanency of the Velodrome Roof Enclosure at Memorial Park

Presenter:
Kurt Schroeder, Parks Operations and Maintenance Manager
Aron McGuire, Senior Director - Olympic Training Centers

Attachments: [1-7-19 - Velodrome Enclosure Resolution](#)
[1-7-19 - Memorial Park Velodrome Meeting Comments](#)
[1-7-19 - Velodrome Permanency Powerpoint](#)
[Signed Resolution 7-19](#)

This Resolution was adopted on the Consent Calendar.

4B.E. [19-025](#) Ordinance No. 19-7 Amending Sections 102 (Definitions) and 103 (Independent Ethics Commission) of Article 3 (Code of Ethics) of Chapter 1 (Administration, Personnel, and Finance) of The Code of The City Of Colorado Springs 2001, as amended, Pertaining to Independent Ethics Commission Alternates and Applicability of the City Code of Ethics

Presenter:
Tracy Lessig, Employment Division Chief, Office of the City Attorney

Attachments: [IEC AlternatesORD-2018-12-27](#)

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

4B.F. [19-050](#)

A resolution finding a petition for annexation of the area known as the USAFA Annexation Addition No. 1-2 consisting of 183.14 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of February 26, 2019 for the Colorado Springs City Council to consider the annexation of the area.

(Legislative)

Presenter:

Catherine Carleo, Principal Planner, Planning & Development
Peter Wysocki, Planning & Development Director

Attachments: [RES USAFA Annex 1&2](#)

[EXHIBIT A USAFA Annexation Petition](#)

[EXHIBIT A-1 Legal Description Annexation Addition No. 1](#)

[EXHIBIT A-2 Legal Description Annexation Addition No. 2](#)

[Vicinity USAFA Annexation](#)

[Ortho USAFA Annexation](#)

[PUBLIC NOTICE USAFA Annexation](#)

[Signed Resolution 8-19](#)

This Resolution was adopted on the Consent Calendar.

**4B.G. [CPC ZC](#)
[18-00117](#)**

Ordinance No. 19-8 amending the zoning map of the City of Colorado Springs pertaining to 2.59 acres located at 2433 East Fountain Boulevard from PBC (Planned Business Center) to C-6/CR (General Business District with Conditions of Record).

(QUASI-JUDICIAL)

Presenter:

Peter Wysocki, Director of Planning and Community Development
Lonna Thelen, Principal Planner, Planning and Community Development

Attachments: [Zoning Ord 2433 E Fountain](#)

[Exhibit A - legal description](#)

[Exhibit B - zone change exhibit](#)

[Vicinity Map #2](#)

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

- 4B.H.** [CPC CP
18-00118](#) 2433 East Fountain Boulevard Concept Plan illustrating future commercial development of a 2.59 acre site for automotive storage yard for recreational vehicles and auto storage and mini-warehouses.

(Quasi-Judicial)

Related File: CPC ZC 18-00117

Presenter:

Peter Wysocki, Director of Planning and Community Development

Lonna Thelen, Principal Planner, Planning and Community Development

Attachments: [FIGURE 2 - Concept Plan](#)

[7.5.501.E Concept Plans](#)

This Item was approved on the Consent Calendar.

- 4B.I.** [CPC V
18-00157](#) Ordinance No. 19-9 vacating portions of a public right-of-way known as Zircon Drive consisting of 0.41 of an acre.

(LEGISLATIVE)

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning and Community Development

Peter Wysocki, Director of Planning and Community Development

Attachments: [Plan_Dev-ZirconDriveVacationORD-2019-01-15.docx](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Zircon Drive Vacation Plat](#)

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

- 4B.J.** [18-0598](#) Ordinance No. 19-10 amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$41,555 for a transfer to the Capital Improvement Program Fund; and to the Capital Improvement Program Fund in the amount of \$41,555 for street paving in The Estates at Rockrimmon (formerly Crown Hill at Rockrimmon)

Presenter:

Charae McDaniel, Chief Financial Officer

Travis Easton, P.E., Public Works Director

Corey Farkas, Manager of Operations and Maintenance, Public Works

Attachments: [Ordinance-Supplemental Approp for Assurance -Rockrimmon Estates](#)

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

- 4B.K.** [19-034](#) A Resolution Authorizing the Acquisition of Property to be Used for Southern Delivery System Project Improvements

Presenter:

Lyman Ho, SDS Land Acquisition Manager
Aram Benyamin, Chief Executive Officer

Attachments: [SDS Bostrom Res Land Acqu CC Bachmann Roberts Jan 2019 Final.pptx](#)
[SDSPurchasePriceForAcquisitionRES Exhibits RobertsBachmann.pdf](#)
[SDSPurchasePriceForAcquisitionRES RobertsBachmann-2018-10-23.docx](#)
[Signed Resolution 9-19](#)

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 8-0-1-0

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

Absent: 1 - Knight

5. Recognitions

- 5.A.** [19-072](#) A Resolution of appreciation for Kathleen Krager upon her retirement from the City of Colorado Springs

Presenter:

Richard Skorman, City Council President
Jill Gaebler, City Council President Pro-Tem

Attachments: [Retiree Resolution K Krager.docx](#)

This item was postponed to the February 12, 2019 City Council meeting.

Motion by Councilmember Bennett, seconded by Councilmember Geislinger, that the Resolution of appreciation for a Kathleen Krager upon her retirement from the City of Colorado Springs be postponed to February 12, 2019 City Council meeting. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Knight

6. Citizen Discussion

Councilmember Strand stated Citizen Walter Lawson requested an index and page numbers in the PlanCOS document for easier navigation. Councilmember Bennett stated they will take that into consideration.

Citizens Judith Rice Jones, Ruth Obee, Kent Obee, Bruce Hamilton, Jim Lockhart, Donna Strom, spoke in support of a proposed Protect Our Parks (POPS) ballot item.

Citizen Gerald Miller spoke about drag racing in his neighborhood.

Citizens Jane Glenn, Andrew Cole, and Janice Moglen spoke in support of PlanCOS.

Citizen Lowell Posey discussed his issues with RV Horizons. Councilmember Murray stated he has requested additional information from the organization.

Citizen Tom Noonan expressed appreciation for full bus service on Martin Luther King, Jr. Day, requested more frequent transit service to the Veteran's Affairs (VA) facility and requested an affordable annual pass for residents.

Citizen Lawrence Martinez spoke regarding issues with the guards at the bus terminal.

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. [19-071](#) A Resolution setting the Gas Cost Adjustment effective February 1, 2019

Presenter:

Tamela Monroe, Chief Planning and Finance Officer

Attachments: [1-22-19 CC - GCA Resolution, Tariff Sheets, & Sch 1.pdf](#)

[01-22-2019 CC ECA-GCA.pptx](#)

[Signed Resolution 10-19](#)

Sonya Thieme, Rates Manager, Colorado Springs Utilities, presented the proposed rate adjustment of the Gas Cost Adjustment (GCA) from \$0.2047 to \$0.3034 per Ccf to be effective February 1, 2019 which would increase the typical residential gas bill by \$5.92 per month, the typical commercial gas bill by \$122.39 per month and the typical industrial gas bill by \$1,223.88 per month.

There were no comments on this item.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution setting the Gas Cost Adjustment effective February 1, 2019 be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Knight

- 9.B.** [19-033](#) A resolution setting the Electric Cost Adjustment effective February 1, 2019

Presenter:

Tamela Monroe, Chief Planning and Finance Manager

Aram Benyamin, Chief Executive Officer

Attachments: [01-22-2019 CC -ECA Resolution, Tariff Sheets, & Sch 1.pdf](#)
[Signed Resolution 11-19](#)

Sonya Thieme, Rates Manager, Colorado Springs Utilities, presented the proposed rate adjustment of the Electric Cost Adjustment (ECA) from \$0.0223 to \$0.0245 per kWh to be effective February 1, 2019 which would increase the typical residential electric bill by \$1.54 per month, the typical commercial gas bill by \$13.20 per month and the typical industrial gas bill by \$880.00 per month.

Citizen Gerald Miller asked if it would cost citizens more to switch to natural gas or go on the grid. Councilmember Pico stated the Drake Power Plant would not have enough natural gas supply to run solely on it in the winter and it would cost more than twice what coal does.

Motion by Councilmember Pico, seconded by Councilmember Murray, that the Resolution setting the Electric Cost Adjustment effective February 1, 2019 be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Knight

10. Unfinished Business

- 10.A. [18-0610](#) Reconsideration of the postponement date of an Ordinance No. 18-131 amending Section 101 (Authority to Impound Vehicles) of Article 25 (Removal and Impoundment of Vehicles) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the authority to impound recreational vehicles and providing penalties for the violation thereof.

Presenter:

Richard Skorman, City Council President

Attachments: [Council Reconsideration Letter - Skorman 1.11.19 \(002\).pdf](#)
[Recreational Vehicles Tow 2018 11 14.docx](#)

This item was withdrawn.

Motion by Councilmember Bennett, seconded by Councilmember Geislinger, that this Ordinance amending Section 101 (Authority to Impound Vehicles) of Article 25 (Removal and Impoundment of Vehicles) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the authority to impound recreational vehicles and providing penalties for the violation thereof be withdrawn. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Knight

11. New Business

- 11.A. [19-027](#) A Resolution Approving the Intergovernmental Agreement Between the City of Colorado Springs and El Paso County, Colorado Establishing the Pikes Peak Regional Office of Emergency Management

Presenter:

Bret Waters, Deputy Chief of Staff, Office of the Mayor

Attachments: [Resolution-OEM_RegionalOfficeEM-FINAL](#)
[Exhibit A- Revised City-County-JOEM-IGA.1.22.19.pdf](#)
[OEM IGA Presentation.1.7.19.pptx](#)

Bret Waters, Deputy Chief of Staff, Office of the Mayor, presented the Resolution approving the Intergovernmental Agreement (IGA) with El Paso County, Colorado establishing the Pikes Peak Regional Office of Emergency Management. He stated at the recommendation of City Council, changes had been made to the fiscal responsibilities in paragraph 8A and the El Paso County Commissioners have unanimously approved the IGA.

Marc Smith stated the Advisory Board will not be required to convene

under the open meetings law. Councilmember Pico recommended the meetings be transparent. Mr. Waters agreed.

Motion by Councilmember Murray, seconded by Councilmember Bennett, that the Resolution approving the Intergovernmental Agreement between the City of Colorado Springs and El Paso County, Colorado establishing the Pikes Peak Regional Office of Emergency Management be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Knight

- 11.B.** [18-0573](#) A Resolution authorizing issuance of debt by the Mountain Valley Metropolitan District in the form of general obligation limited tax bonds in an aggregate principal amount of \$2,430,000.

(Legislative Item)

Presenter:

Peter Wysocki, Director of Planning and Community Development
Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Attachments: [Resolution_MountainValley](#)
[Figure 1- Mountain Valley MD 2018 - Bond Resolution v5](#)
[Figure 2- MountainValleyPreserve MD \(30 mill bond levy\)](#)
[Figure 3 - Mountain Valley Metropolitan District Opinion Letter \(General Obligation Bonds Series 2019\)](#)
[Figure 4- External Financial Certificate](#)
[Figure 5 -MountainValley Calculations](#)
[Figure 6- MountainValley Cost Cert](#)
[Figure 7- Recomendation for Reimbursement](#)
[Mtn.Valley Metro Dist PowerPoint](#)
[Signed Resolution 13-19](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, presented the Resolution authorizing issuance of debt by the Mountain Valley Metropolitan District in the form of general obligation limited tax bonds in an aggregate principal amount of \$2,430,000.

There were no comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Resolution authorizing issuance of debt by the Mountain Valley Metropolitan District in the form of general obligation limited tax bonds, Series 2019 in the aggregate principal amount of \$2,430,000 and with a fixed interest rate not to

exceed 5.75% be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Knight

- 11.C.** [18-0574](#) A Resolution authorizing issuance of debt by the Silver Hawk Metropolitan District in the form of general obligation limited tax bonds in an aggregate principal amount of \$1,030,000.

(Legislative Item)

Presenter:

Peter Wysocki, Director of Planning and Community Development
Carl Schueler, Comprehensive Planning Manager, Planning and
Community Development

Attachments: [Resolution_SilverHawk](#)

[Figure 1- Silver Hawk MD 2018 - Bond Resolution v5](#)

[Figure 2- SilverHawk_MD \(30 mill bond levy\)](#)

[Figure 3 - Silver Hawk Metropolitan District - Opinion Letter \(General
Obligation Bonds Series 2019\)](#)

[Figure 4- External Financial Certificate](#)

[Figure 5- SilverHawk Cost Certification](#)

[Figure 6- SilverHawk_Calculation](#)

[Figure 7- SilverHawk_Cost Letter](#)

[SilverHawk Metro Dist PowerPoint](#)

[Signed Resolution 14-19](#)

Carl Schueler, Comprehensive Planning Manager, Planning and
Community Development, presented the Resolution authorizing issuance of
debt by the Silver Hawk Metropolitan District in the form of general
obligation limited tax bonds in an aggregate principal amount of
\$1,030,000.

There were no comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Resolution authorizing issuance of debt by the Silver Hawk Metropolitan District in the form of general obligation limited tax bonds, Series 2019 in the aggregate principal amount of \$1,030,000 and with a fixed interest rate not to exceed 5.75% be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 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

President Skorman stated in the Closed Executive Session on the Work Session agenda this morning, City Council provided direction to the City Attorney relating to legal advice and consultation with the City Attorney's Office regarding potential ADA litigation. He said he will entertain a motion to approve the settlement amount direction as discussed in the closed executive session conducted during this morning's Work Session.

Motion by Councilmember Murray, seconded by Councilmember Strand, to approve the settlement amount direction as discussed in the January 22, 2019 Work Session closed executive session. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Knight

15. Adjourn

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

Sarah B. Johnson, City Clerk