



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, April 24, 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 Victoria Heim from Crossroads Ministries and Councilmember Bennett.

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Eileen Krauth, City Council Administrator, stated Councilmember Knight requested item 4B.B. related to appointments to boards and commissions be removed from the Consent Calendar. She also stated that item 13.A. has been added to the agenda and requested it be moved before New Business.

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. [18-0135](#)

Ordinance No. 18-30 amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$757,443 for the final payment to the Colorado Springs Convention & Visitors Bureau

relating to the 2017 contract

Presenter:

Charae McDaniel, Chief Financial Officer
Doug Price, President and CEO of the Colorado Springs Convention
and Visitors Bureau

Attachments: [Ordinance for LART CVB 2017 final payment](#)

[Signed Ordinance 18-30](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.B.** [18-0143](#) Ordinance No. 18-31 amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$50,000 for events recommended by the LART Citizen Advisory Committee

Presenter:

Charae McDaniel, Chief Financial Officer
Fred Veitch, Chair, LART Citizen Advisory Committee

Attachments: [LART Resolution Exhibit A - 2018.pdf](#)

[Ordinance for LART 2018 Additional Events.docx](#)

[Signed Ordinance 18-31](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.C.** [18-0124](#) Ordinance No. 18-32 amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a Supplemental Appropriation to the Pikes Peak - America's Mountain Fund in the Amount of \$13,500,000 for the Pikes Peak Summit Complex Project

Presenter:

Karen Palus, Director - Parks, Recreation and Cultural Services
Jack Glavan, Pikes Peak - America's Mountain Manager - Parks,
Recreation and Cultural Services

Attachments: [3-26-18 - ORDINANCE - PPAM Summit Complex Supplemental](#)

[Signed Ordinance 18-32](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.D.** [CPC MPA](#)
[02-00101-A9](#)
[MJ18](#) Ordinance No. 18-33 adopting a Major Master Plan amendment to the Intermodal Transportation Plan by approving and incorporating BikeCOS! A Citywide Bicycle Master Plan

Presenter:

Kathleen Krager, Transportation Manager

Kate Brady, Senior Bicycle Planner

Attachments: [ORD PlanDev-BikeMasterPlan-2018-01-31](#)
[ExhibitA-ColoradoSpringsPlan_final](#)
[Appendix A - State of Bicycling in Colorado Springs Report](#)
[Appendix B - Bicycle Facility Toolbox](#)
[Appendix C-Public Engagement Summary](#)
[Appendix D - Summary of Public Comments](#)
[BikeCOS_2018_03_26_Council](#)
[CPC Staff Rep - Bicycle Master Plan](#)
[Colorado Springs Plan_finalv2_lowres.pdf](#)
[Signed Ordinance 18-33](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.E. [18-0099](#)** Ordinance No. 18-34 Including Certain Property into the First and Main Business Improvement District No. 2

(Legislative)

Presenter:
Conrad Olmedo, Comprehensive Planner II, Planning & Community Development
Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Attachments: [ORD First&MainBIDNo.2](#)
[Figure 1 - Transmittal Letter to City](#)
[Figure 2 - Petition for Inclusion of Property](#)
[Figure 3 - Notice of Inclusion](#)
[Figure 4 - Boundary Map](#)
[Signed Ordinance 18-34](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.F. [CPC PUZ 17-00132](#)** Ordinance No. 18-35 amending the zoning map of the City of Colorado Springs pertaining to 28 acres of land from A (Agricultural) to PUD (Planned Unit Development: Single-Family Detached Residential; Maximum Density of 3.29 Dwelling Units per acre; and Maximum Building Height of 35 feet), located west of the future alignment of Secretariat Drive.

(QUASI-JUDICIAL)

Presenter:

Peter Wysocki, Director Planning and Community Development
Daniel Sexton, Senior Planner, Planning and Community Development

Attachments: [ZC ORD FarmFiling](#)
[Exhibit A - LegalDescription](#)
[Exhibit B - Zone Change Exhibit](#)
[Signed Ordinance 18-35](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [18-0203](#) City Council Regular Meeting Minutes April 10, 2018

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [4-10-2018 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.C. [CPC CA 18-00014](#) Ordinance No. 18-37 amending Section 102 (General Standards) of Part 1 (General Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Screening and Fencing.

(Legislative)

Presenter:
Peter Wysocki, Director of Planning and Community Development
Meggan Herington, Assistant Planning Director

Attachments: [Ordinance ScreeningAndFencing 4-17-18](#)
[FIGURE 1 Temporary Fences Pic Packet](#)
[Signed Ordinance 18-37](#)

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

4B.D. [CPC CA 18-00020](#) Ordinance No. 18-38 amending Section 1102 (Specific Requirements Prior to Building Permit Issuance) of Part 11 (Assurances and Guaranties for Public Improvements) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Utilities Charges.

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development
Meggan Herington, Assistant Planning Director
Mike Schultz, Principal Planner

Attachments: [PlanDev-UtilityPaymentsORD-2018-04-02](#)
[Signed Ordinance 18-38](#)

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

4B.E. [CPC PUZ](#)
[17-00122](#)

Ordinance No. 18-39 amending the zoning map of the City of Colorado Springs relating to 62.5 acres from A (Agriculture) to PUD (Planned Unit Development; single-family residential, 2.45 DU/AC, 35-foot maximum building height), located southwest of Hawkstone Drive and Walnut Creek Drive.

(Quasi-Judicial)

Related Files: CPC PUZ 17-00122, CPC ZC 17-00123, CPC PUD 17-00124

Presenter:

Peter Wysocki, Director Planning and Community Development
Catherine Carleo, Principal Planner, Planning and Community Development

Attachments: [EXHIBIT A_PUD Zone](#)
[EXHIBIT B_PUD Zone](#)
[Vicinity Map_FH #4 Palermo](#)
[ZC Ordinance Flying Horse #4](#)
[Signed Ordinance 18-39](#)

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

4B.F. [CPC ZC](#)
[17-00123](#)

Ordinance No. 18-40 amending the zoning map of the City of Colorado Springs relating to 10.2 acres from A (Agriculture) to PK (Public Parks), located southwest of Hawkstone Drive and Walnut Creek Drive.

(Quasi-Judicial)

Related Files: CPC PUZ 17-00122, CPC ZC 17-00123, CPC PUD 17-00124

Presenter:

Peter Wysocki, Director Planning and Community Development
Catherine Carleo, Principal Planner, Planning and Community Development

Attachments: [EXHIBIT A PK Zone](#)
[EXHIBIT B PK Zone](#)
[ZC Ord PK-Flying Horse #4 Palermo](#)
[Signed Ordinance 18-40](#)

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

- 4B.G.** [CPC PUD 17-00124](#) The Flying Horse Number 4 Palermo Development Plan for development of 62.5 acres into 178 single-family residential lots and 10.2 acres of Public Park located southwest of Hawkstone Drive and Walnut Creek Drive.

(Quasi-Judicial)

Related Files: CPC PUZ 17-00122, CPC ZC 17-00123, CPC PUD 17-00124

Presenter:
Peter Wysocki, Director Planning and Community Development
Catherine Carleo, Principal Planner, Planning and Community Development

Attachments: [FIGURE 1 Palermo DP Site Plan](#)
[7.3.606 PUD Development Plan](#)
[7.5.502.E Development Plan Review](#)

This Item was approved on the Consent Calendar.

- 4B.H.** [18-0177](#) A Resolution for Acquisition of a 0.2997 Acre Parcel of Real Property from the Union Pacific Railroad Company to the City of Colorado Springs

Presenter:
Richard Mulledy, City Water Resources Engineering Division Manager
Brian Kelley, City Water Resources Engineering Programs Manager

Attachments: [Resolution UP Acquisition - Final](#)
[UP Parcel Acquisition - Exhibit A](#)
[UP Parcel Acquisition - Exhibit B](#)
[Signed Resolution 32-18](#)

This Resolution was adopted on the Consent Calendar.

- 4B.I.** [18-0167](#) Ordinance No. 18-41 amending multiple sections within Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of

Colorado Springs 2001, as amended, pertaining to Colorado Springs Utilities

Presenter:

Ken Burgess, Division Chief-Utilities, Office of the City Attorney
Jerry A. Forte, P.E., CEO, Colorado Springs Utilities

Attachments: [18-0167 GovernanceCh1ORD-2018-04-17FINAL.docx](#)

[Signed Ordinance 18-41](#)

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

- 4B.J.** [18-0188](#) Ordinance No. 18-42 amending Article 1 (General Provisions) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Colorado Springs Utilities

Presenter:

Ken Burgess, Division Chief-Utilities, Office of the City Attorney
Jerry A. Forte, P.E., CEO, Colorado Springs Utilities

Attachments: [18-0188 GovernanceCh12ORD-2018-04-13FINAL.docx](#)

[Signed Ordinance 18-42](#)

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

- 4B.K.** [18-0165](#) A resolution setting the Electric Cost Adjustment effective May 1, 2018

Presenter:

Sonya Thieme, Rates Manager, Colorado Springs Utilities

Attachments: [04-24-2018 ECA Filing Packet](#)

[18-0165 ECA Resolution.pdf](#)

[Signed Resolution 33-18](#)

This Resolution was adopted on the Consent Calendar.

- 4B.L.** [18-0166](#) A resolution setting the Gas Cost Adjustment effective May 1, 2018

Presenter:

Sonya Thieme, Rates Manager, Colorado Springs Utilities

Attachments: [04-24-2018 GCA Filing Packet](#)

[18-0166 GCA Resolution.pdf](#)

[Signed Resolution 34-18](#)

This Resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Bennett, 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 9-0-0-0

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

5. Recognitions

Eileen Krauth, City Council Administrator, presented City Council's recognition of Citizen Gerald Miller for his generous donation to Catholic Charities.

- 5.A.** [17-1412](#) A resolution in support of Colorado Springs' Council of Neighbors and Organizations and Neighbor Up! Week in Colorado Springs

Presenter:

Diane Loschen, Chief Executive Officer, CONO

Sarah Vaas, Assistant Director

Attachments: [NeighborUpWeekRES-2018-02-23](#)

[Signed Resolution 35-18](#)

Diane Loschen, Chief Executive Officer, Council of Neighbors and Organizations (CONO), introduced several members of CONO. Sarah Vaas, Assistant Director, identified the planned neighborhood events and expressed appreciation for the support of neighborhoods in the community.

President Pro Tem Gaebler read the Resolution in support of Colorado Springs' Council of Neighbors and Organizations and Neighbor Up! Week in Colorado Springs.

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

Citizen Kevin Bright spoke regarding the petitions of complaint that she has filed with the assistance of Healthy Engaged and Living Sober (H.E.A.L.S.) court for her defense of violations that have been filed against her.

Citizen Bette Kelso commented that there are too many car dealership locations within the City and this affects bus service and transit.

Citizen Frances Gomeztagle spoke regarding the imbalance of non-profit, public, and private sectors within the City and spoke in favor of recreational marijuana.

Citizen Ross Klinger stated that he will be filing an appeal of the Planning Commission's decision on the changes to Tutt Boulevard.

Citizen Gerald Miller expressed appreciation for City Council's recognition of his donation and spoke about his childhood.

Citizen Tom Noonan stated that he does not feel that citizens are being heard at the Transit meetings.

Citizen Nazit Ari spoke against the narrowing of Cascade Avenue.

Citizens Sally Green, Bob Swan, Helen Gilbert, and Beth Hoover from One Nation Walking Together spoke regarding the upcoming Native American Intertribal Powwow and Indigenous Peoples' Day.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

4B.B. [18-0205](#) Appointments to Boards and Commissions

Presenter:

Jacquelyn Puett, Assistant to Council

Attachments: [042418 Boards and Commissions](#)

Councilmember Knight stated that Marty Rush, the applicant for the Civil Service Commission, is not a citizen of the City and requested the item be divided.

Motion by Councilmember Knight, seconded by Councilmember Pico, that the appointments to Initiative Review Committee, Public Safety Sales Tax Oversight Committee, and Old Colorado City Security and Maintenance District Advisory Committee as presented be approved. The motion passed by a vote of 9-0-0

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

Councilmember Strand and Councilmember Pico commented that they participated in the interviews for the Civil Service Commission and feel that Marty Rush is the best candidate for the position.

Councilmember Avila commented that she believes that members of boards and commissions should reside within the City.

Motion by Councilmember Strand, seconded by Councilmember Pico, that the appointment of Marty Rush to the Civil Service Commission be approved. The motion passed by a vote of 7-2-0-0

Aye: 7 - Bennett, Gaebler, Geislinger, Murray, Pico, Skorman, and Strand

No: 2 - Avila, and Knight

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

There was no Unfinished Business.

11. New Business

- 11.A. [18-0132](#) A Resolution approving an Amended and Restated Banning Lewis Ranch Annexation Agreement

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Development
Bob Cope, Economic Development Manager
Bethany Burgess, Senior Attorney

Attachments: [042418 BLRAnnexationAgreement_RES_2018-04-02](#)
[042418 Proposed BLR Annexation Agreement with Exhibits](#)
[BLR Annex Presentation 041818a](#)
[11.A. 18-0132 Resolution No. 36-18 Annexation Agreement](#)
[Signed Resolution 36-18](#)

Mayor John Suthers identified the current economic status of the City in regards to employment openings and the need for housing and growth within the City. He spoke about the leapfrogging of development that has occurred in the City to the County and how the aspects of the Banning Lewis Ranch development process will be determined by City Council as the different planning processes are designed.

Peter Wysocki, Director of Planning and Development, presented a Resolution approving an amended and restated Banning Lewis Ranch Annexation agreement. He provided background information on the current annexation agreement, identified development growth areas from 1998 to

2018 in the City, Falcon, and Front Range area, and stated the City should accommodate the growth within its current boundaries. Mr. Wysocki explained the issues with the 1988 annexation agreement and the reasons the amendment is needed. He identified the proposed changes, explained how land use and zoning will be determined, and explained the development review process.

Kathleen Krager, Traffic Engineering Division Manager, gave an overview of the street, bridges, and traffic control requirements of the amended annexation agreement.

Travis Easton, Public Works Director, stated developers will be responsible to construct stormwater infrastructure in conformance with the City's Drainage Criteria Manual and all applicable Drainage Basin Planning Studies.

Britt Haley, Parks Design and Development Manager, identified the developers' requirements for park land dedications and trails and stated that the Parks and Recreation Advisory Board will review and approve proposed park master plans.

Bethany Burgess, Senior Attorney, gave an overview of the developers' responsibilities in regards to police and fire fees and utility services. She stated that the Office of the City Auditor's report concluded that given the assumptions and methodology used, the Tischler Bise Fiscal Impact Study appeared reasonable.

Bob Cope, Economic Development Manager, presented the projected Banning Lewis Ranch thirty-year growth summary and the economic and fiscal impact analysis. He also provided a summary of the fiscal impact of Banning Lewis Ranch for the City from the past twenty-two years.

Councilmember Knight asked how the fifty percent credit for open space is determined. Ms Haley stated that if the Parks and Recreation Advisory Board determines that the offered open space meets the assessment criteria and chooses to accept it, then there would be a recognition of at least a fifty percent credit toward the requirement. She said that in previous agreements, the baseline approval was thirty percent credit.

Councilmember Knight stated that he will be voting for the annexation

agreement based on the requirement that the development has to pay for itself.

Councilmember Geislinger asked that if there are adjustments to police and fire fees in City Code, if they would be applicable to Banning Lewis Ranch. Mr. Wysocki confirmed they would. Jeff Greene, Chief of Staff, identified the City's commitment to review the City's policy for fiscal impact analysis and determining police and fire fees.

Councilmember Murray requested the fiscal impact analysis for the 1988 annexation agreement. Councilmember Knight stated that the City will provide that information when the requests for zoning changes are presented.

Councilmember Knight said a minor plan amendment does not require a fiscal impact analysis and requested that if there is a major land classification change, it be identified as a major master plan amendment. Mr. Wysocki said that if there is a minor master plan amendment with a change in land use, it would require City Council approval. Mr. Greene and Wynetta Massey, City Attorney, stated that the City Attorney's Office will assist the departments with drafting policies in regards to the interpretation and implementation process of the amended Banning Lewis Ranch annexation agreement.

Councilmember Strand commented about the letters of support that were received from eleven of the current property owners within Banning Lewis Ranch. Councilmember Strand asked about the requirement for a closed basin. Mr. Easton stated the proposed amended annexation agreement recommends Jimmy Camp Creek and Sand Creek be closed basins which would be subject to approval by the Drainage Board.

Citizens John Edward Hawk, Lee Milner, Ross Klinger, Samuel Woods, Scott Weiser, Esther Mueller, and Tim Hoiles spoke in opposition of the amended and restated Banning Lewis Ranch annexation agreement.

Citizens Mary Ellen McNally, Tony Gioia, Mike Routt, Mike DeGrant, Craig Anderson, Diane Loschen, Doug Quimby, Doug Stimple, Chuck Murphy, Tony Rosen, Dan Malinaric, and Dirk Draper, spoke in favor of the amended and restated Banning Lewis Ranch annexation agreement.

Councilmember Knight commented that the park credit for Banning Lewis Ranch is not equitable with what the rest of the City's developments are offered and asked what the outcome would be if the parcel of property donated for park land dedication does not meet the value of fifty percent credit for open space. He also asked if the rest of the City is at thirty percent. Mr. Greene said the City does not have a policy that obligates them to offer a certain percentage. Ms. Haley explained the how the Parks Advisory Board determines the percentage based on the value of the open space and if the Banning Lewis Ranch property being dedicated does not meet the value of a fifty percent credit, they will not accept the dedication.

Councilmember Murray stated the language regarding the fifty percent credit toward the park dedication needs to be removed if it is not a requirement of the developer. Mr. Greene stated the City desires to obtain certain parcels in regards to the preservation of open space because of their unique characteristics. He said the developer's willingness to negotiate with the City in regards to open space is solely up to the developer's discretion. Councilmember Geislinger commented that the percentage could be revised through the revision of the Park Land Dedication Ordinance (PLDO) process. Councilmember Pico asked if this was more restrictive to the developer. Ms. Haley stated that it could be depending on the determination of the Parks Advisory Board.

Councilmember Knight asked what choice the developer has if the Parks Advisory Board determines an open space is not worth the fifty percent credit. Ms. Burgess stated that the developer would be able to choose to utilize this provision of the agreement or the provisions under the PLDO, but if the property is not worth the fifty percent credit, the City does not have to accept it. Ms. Massey explained the requirements of the existing PLDO.

Councilmember Pico commented that the Banning Lewis Ranch Parkway will not be scaled down to one lane in each direction, the City will not be mortgaging City buildings, and none of the cost for development will be shifted to taxpayers.

Councilmember Bennett expressed support of the amended and restated BLR agreement.

Councilmember Avila spoke in opposition of the amended annexation agreement due to the number of police officers, fire fighters, and transit

options already needed within the City. She commented that she would like to see developers revitalize the Southeast area.

Councilmember Knight commented that this annexation agreement removes the requirements that are no longer needed in Banning Lewis Ranch, that there will not be a shift of burden to the taxpayers, and that he supports the agreement.

Councilmember Murray commented that 2A and 2C were a direct result of development and taxpayers have to pay for them. He said that this is a settlement agreement for one-third of the original master plan and compared it to different developments within the City that have ended up costing the taxpayers. Councilmember Murray identified the leapfrogging that has occurred along Powers Boulevard and Briargate and said that the developers will use this agreement as leverage and the citizens will have to pay for it.

President Pro Tem Gaebler expressed appreciation for all the parties working together on the agreement and stated that growth is inevitable and it should be under the City's authority so that as development occurs, it will be in accord with the City's Comprehensive Plan.

Councilmember Geislinger stated that in order to have an abundance of caution and concern, the annexation agreement should be approved so that Council has control over it. He said that it is about the aesthetics of the City, the control of urban sprawl, ensuring the integrity of the parks, and the availability of land. He said growth is going to occur and Council should not be restricted from approving the annexation agreement based on wondering what future Councilmembers might decide.

Councilmember Strand stated the City is not going to lose money with this annexation agreement and that all developers, including Nor'wood Development Group, are required to adhere to the City's standards.

President Skorman stated that it comes down to trust and he understands that in certain situations the citizens have had to pay for mistakes that were made in the past, but he trusts that this annexation agreement is a good decision. He said that there is a housing shortage that needs to be addressed and this will start the process.

Motion by Councilmember Pico, seconded by Councilmember Bennett, that the Resolution approving an amended and restated Banning Lewis Ranch

annexation agreement be adopted. The motion passed by a vote of 7-2-0-0

Aye: 7 - Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

No: 2 - Avila, and Murray

11.B. [CPC CA
17-00144](#)

Ordinance No. 18-43 amending Section 705 (Right of Way Dedication and Street Improvements) of Part 7 (Streets in Subdivisions), Section 1102 (Specific Requirements Prior to Building Permit Issuance) of Part 11 (Assurances and Guaranties for Public Improvements), and repealing Part 19 (Banning Lewis Ranch Annexor Fees and Reimbursements), all of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City Of Colorado Springs 2001, as amended, pertaining to Banning Lewis Ranch Regulations

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Development

Attachments: [BLR_RegulationsORD-2018-04-02](#)

[CPC_Minutes_BLR_Code_Amendment](#)

[Signed Ordinance 18-43](#)

Peter Wysocki, Director of Planning and Development, stated that based on the approval of the amended and restated Banning Lewis Ranch annexation agreement, the shared Banning Lewis Ranch annexor fees are no longer applicable and need to be removed from City Code.

There were no comments on this item.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Ordinance amending Section 705 (Right of Way Dedication and Street Improvements) of Part 7 (Streets in Subdivisions), Section 1102 (Specific Requirements Prior to Building Permit Issuance) of Part 11 (Assurances and Guaranties for Public Improvements), and repealing Part 19 (Banning Lewis Ranch Annexor Fees and Reimbursements), all of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City Of Colorado Springs 2001, as amended, pertaining to Banning Lewis Ranch Regulations be approved on first reading. The motion passed by a vote of 8-1-0-0

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

No: 1 - Murray

11.C. [18-0191](#)

A Resolution terminating that certain Modified and Restated Wastewater Facilities Participation, Utilization, and Service Agreement approved February 10, 2009, as amended, by and between Colorado Springs Utilities and the Banning Lewis Ranch Metropolitan District No. 1

Presenter:

Bethany Burgess, Senior Attorney, City Attorney's Office

Attachments: [BLRTerminationofWWAgreement RES 2018-04-02](#)

[Modified and Restated WW Agmt](#)

[Signed Resolution 37-18](#)

There were no comments on this item.

Motion by Councilmember Strand, seconded by Councilmember Pico, that the Resolution terminating that certain Modified and Restated Wastewater Facilities Participation, Utilization, and Service Agreement approved February 10, 2009, as amended, by and between Colorado Springs Utilities and the Banning Lewis Ranch Metropolitan District No. 1. be adopted. The motion passed by a vote of 8-1-0-0

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

No: 1 - Murray

- 11.D. [18-0209](#) A Resolution Recognizing the Unique Natural Characteristics within Banning Lewis Ranch

Presenter:

Karen Palus, Park, Recreation and Cultural Services Director
Britt Haley, Park Design and Development Manager

Attachments: [NDG BLR RES-2018-04-18](#)

[Signed Resolution 38-18](#)

Citizens Lee Milner, Jackie Hilaire, and Susan Davies, spoke in favor of a Resolution recognizing the unique natural characteristics within Banning Lewis Ranch.

Motion by Councilmember Bennett, seconded by Councilmember Pico, that the Resolution recognizing the unique natural characteristics within Banning Lewis Ranch 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

- 11.E. [18-0034](#) A Resolution approving a Second Amended and Restated Service Plan for the Banning Lewis Ranch Regional Metropolitan District (Legislative Item)

Presenter:

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

Attachments: [BLR_ServicePlanAmendmentRES-2018-04-02](#)
[Exhibit 1- BLR Regional MD Amended and Restated Service Plan](#)
[Ltr to C Schueler re BLR Regional MD Second Am and Restated Service Plan 12-21-17](#)
[REDLINE BLR Regional MD Second Am and Restated Svc Plan ver21FEB2018](#)
[BLR Regional MD Second Am Svc Plan - Exhibit C - District Map](#)
[CWS Powerpoint 03.12.18](#)
[BLR Regional MD Second Amended and Restated Svc Plan - Final - March 15, 2018 \(with Exhibits\)](#)
[Signed Resolution 39-18](#)

Bethany Burgess, Senior Attorney, identified the changes in language to the amended and restated service plan for the Banning Lewis Ranch Regional Metropolitan District that City Council requested and explained the new district boundaries

There were no comments on this item.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution approving a request by Banning Lewis Ranch Regional Metropolitan District for a Second Amended and Restated Service Plan for the Banning Lewis Ranch Regional Metropolitan District which will be contingent upon the subsequent approval of the Amended and Restated Banning Lewis Ranch Annexation Agreement be adopted. The motion passed by a vote of 8-1-0-0

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

No: 1 - Murray

12. Public Hearing

There was no Public Hearing.

13. Added Item Agenda

- 13.A. [18-0210](#)** An Emergency Ordinance Amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a Supplemental Appropriation to the Airport Capital Improvement Program Fund in the Amount of \$5,000,000 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-April 2018](#)
[EMERGENCY Supplemental Approp Ordinance Airport Fire-April 2018](#)
[Signed Emergency Ordinance 18-36](#)

Greg Phillips, Director of Aviation, presented an emergency Ordinance for a supplemental appropriation to the airport capital improvement program fund in the amount of \$5M for repairs due to the fire that occurred at the Colorado Springs Airport terminal building. He stated that he expects all of the repairs to be covered by insurance reimbursement.

There were no comments on this item.

Motion by Councilmember Knight, seconded by Councilmember Bennett, that the emergency Ordinance amending Ordinance no. 17-116 (2018 appropriation Ordinance) for a Supplemental Appropriation to the Airport Capital Improvement Program Fund in the Amount of \$5,000,000 for Repairs Related to the April 2018 Fire at the Colorado Springs Airport be finally passed. The motion passed by a vote of 9-0-0

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

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