



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, July 25, 2017

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 Councilmember Merv Bennett.

3. Changes to Agenda/Postponements

Eileen Lynch Gonzalez, City Council Administrator, stated that she received notification from staff that the applicant for the Dale Street, Items 12.A., 12.B. and 12.C. has withdrawn the appeal and staff has requested the items to be withdrawn.

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
17-00052](#)

Ordinance No. 17-62 amending the zoning map of the City of Colorado Springs pertaining to 40.82 acres from PIP2/CR/AO/APZ1/RPZ/SS (Planned Industrial Park with conditions of record, airport overlay, accident potential zone 1, runway protection zone and streamside overlay) to APD/AO/APZ1/RPZ (Airport Planned Development with airport overlay, accident potential zone 1, runway protection zone) and APD/AO/APZ1/RPZ/SS (Airport Planned Development with airport overlay, accident potential zone 1, runway protection zone and streamside overlay), located northeast of Stewart Avenue and Airport Road

(Quasi-Judicial)

Related File: CPC CP 17-00053

Presenter:

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

Attachments: [ZC ORD Project Vector](#)

[Exhibit A - Parcel A](#)

[Exhibit B - Parcels B & C](#)

[Exhibit C - depiction](#)

[Vicinity Map](#)

[Signed Ordinance 17-62](#)

This Ordinance was finally passed on the Consent Calendar.

**4A.B. [CPC ZC
17-00008](#)**

Ordinance No. 17-63 amending the zoning map of the City of Colorado Springs pertaining to 1.61 acres located southwest of 1170 Kelly Johnson Boulevard from PIP-1 (Planned Industrial Park) to PBC (Planned Business Park)

(Quasi-Judicial)

Related File: CPC CP 17-00009

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development
Peter Wysocki, Director Planning and Community Development

Attachments: [ZC ORD 1170 Kelly Johnson Boulevard](#)

[Exhibit A - LEGAL DESCRIPTION FOR 1170 KELLY JOHNSON BOULEVARD](#)

[Exhibit B - Vicinity Map - Kelly Johnson](#)

[Signed Ordinance 17-63](#)

This Ordinance was finally passed on the Consent Calendar.

4A.C. [17-1019](#)

Ordinance No. 17-60 repealing Part 10 (Taxicabs) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to taxicabs

Presenter:

Sarah B Johnson, City Clerk

Attachments: [17update_memo_on_regulation_of_carrier_service_and_tncs.pdf](#)
[6-15-17-TaxicabsPart10ORD-Final.docx](#)
[Signed Ordinance 17-60](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.D. [17-1143](#)** Ordinance No. 17-61 amending Section 507 (License Fees Enumerated) of Part 5 (License Fees) of Article 1 (General Business License Provisions) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to taxicabs

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [6-15-17-TaxicabsLicenseFeesORD-Final.docx](#)
[Signed Ordinance 17-61](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A. [17-1161](#)** City Council Regular Meeting Minutes July 11, 2017

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [7-11-2017 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

- 4B.B. [17-1168](#)** Appointments to Boards and Commissions

Presenter:
Jacquelyn Puett, Assistant to Council

Attachments: [072517 Boards and Commissions](#)

This Item was approved on the Consent Calendar.

- 4B.C. [17-1052](#)** A Resolution Authorizing Acquisition of Approximately 85.61 Acres of Real Property Known as the Kyle Property for Expansion of the Corral Bluffs Open Space

Presenter:
Karen Palus, Director - Parks, Recreation and Cultural Services
Sarah Bryarly, Interim Parks Development Manager - Parks,
Recreation and Cultural Services

Attachments: [7-10-17 - Kyle Property Acquisition PowerPoint](#)
[KylePropertyAcquisitionRES-2017-07-03](#)
[Exhibit B-depiction of Kyle Property \(Corral Bluffs\)](#)
[Signed Resolution 84-17](#)

This Resolution was adopted on the Consent Calendar.

- 4B.D. [17-1119](#)** An Ordinance Amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks (TOPS) Fund (Open Space Category) in the Amount of \$580,000 for the Acquisition of Approximately 85.61 Acres of Real Property Known as the Kyle Property for Expansion of Corral Bluffs Open Space

Presenter:

Karen Palus, Director - Parks, Recreation and Cultural Services
Sarah Bryarly, Interim Parks Development Manager - Parks,
Recreation and Cultural Services

Attachments: [7-10-17 - Kyle Property Acquisition PowerPoint](#)
[TOPSAmendAppropReKyleAcquisitionORD-2017-07-03clean](#)

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

- 4B.E. [CPC MP](#)
[87-00381-A1](#)
[7MN17](#)** Minor Amendment to the Banning Lewis Ranch Master Plan changing the land use of 3.37 acres from Park to Residential-Medium (3.5-7.99 dwelling units per acre)

(Quasi-Judicial)

Related Files: CPC PUZ 17-00051, CPC PUP 07-00093-A6MN17

Presenter:

Hannah Van Nimwegen, Planner II, Planning & Community
Development
Peter Wysocki, Planning and Community Development Director

Attachments: [CPC Staff Report BLR](#)
[Figure 1 - Existing Land Use](#)
[Figure 2 - Project Narrative](#)
[Figure 3 - Master Plan Amendment](#)
[Figure 4 - Concept Plan Amendment](#)
[7.5.408 MASTER PLAN REVIEW CRITERIA](#)

This Item was approved on the Consent Calendar.

- 4B.F.** [CPC PUP 07-00093-A6 MN17](#) Minor Amendment to the Banning Lewis Ranch Concept Plan illustrating a change of use from parkland to single-family residential, located north of Dublin Boulevard and west of Banning Lewis Ranch Parkway

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A17MN17, CPC PUZ 17-00051

Presenter:

Hannah Van Nimwegen, Planner II, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

Attachments: [Figure 4 - Concept Plan Amendment](#)

[7.5.501.E Concept Plans](#)

This Item was approved on the Consent Calendar.

- 4B.G.** [CPC PUZ 17-00051](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 3.37 acres from PK/AO (Park with an Airport overlay) to PUD/AO (Planned Unit Development: Single-Family Detached, 35 foot maximum building height, and 6.37 dwelling units per acre with an Airport Overlay), located north of Dublin Boulevard and west of Banning Lewis Ranch Parkway

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A17MN17, CPC PUP 07-00093-A6MN17

Presenter:

Hannah Van Nimwegen, Planner II, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

Attachments: [ZC ORD - BLR V2](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Legal Description Depicted](#)

[Figure 1 - Existing Land Use](#)

[Figure 2 - Project Narrative](#)

[7.5.603 Findings - ZC req CA](#)

[7.3.603 Establishment & Development of a PUD Zone](#)

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

- 4B.H.** [17-1078](#) An Ordinance of the City of Colorado Springs, Colorado approving and authorizing the execution and delivery of Amendments to Standby

Bond Purchase Agreements

Presenter:

Bob Leshner, Manager, Treasury and Finance

Jerry Forte, P.E., CEO, Colorado Springs Utilities

Attachments: [Ordinance No. 17- - 2008A 2007A 2006A \(45795273v1\).doc](#)

[Ordinance No. 17- - 2008A 2007A 2006A \(45795273v1\).doc](#)

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

4B.I. [17-1162](#)

An Ordinance of the City of Colorado Springs, Colorado approving and authorizing the execution and delivery of the Standby Bond Purchase Agreement - Series 2009C ("the 2009C Bonds") and Variable Rate Demand Utilities System Improvement Revenue Bonds, Series 2010C ("the 2010C Bonds").

Presenter:

Bob Leshner, Manager, Treasury and Finance

Jerry Forte, P.E., CEO, Colorado Springs Utilities

Attachments: [ORDINANCE NO. 17- - 2009C and 2010C \(45636903v1\).docx](#)

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

Approval of the Consent Agenda

Motion by Councilmember Bennett, seconded by Councilmember Murray, 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

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

5. Recognitions

There were no Recognitions.

6. Citizen Discussion

David Edmondson, Lieutenant, Colorado Springs Police Department, Chair of the Pikes Peak Region Peace Officer's Memorial Organization (PPRPOM) proposed the building of a memorial for the thirty-one fallen officers in the Pikes Peak Region. Lt. Edmondson presented PPRPOM's mission statement, project timeline, location and illustration of the proposed Peace Officers' Memorial, the project cost, and funding sources. Councilmember Strand extended his appreciation and commented that this project was fully funded by private donation at no cost to the City.

Motion by Councilmember Strand, seconded by Councilmember Bennett, that the Pikes Peak Region Peace Officer's Memorial be supported by unanimous consent of the members present. The motion passed by a vote of 9-0-0

Citizen Gerald Miller stated that he would like to donate \$1,000 for the Peace Officer's Memorial and spoke about his theory of using patterns for identifying potential bank robbers.

Citizen David Hopkins spoke in favor of in-club only recreational marijuana consumption.

Citizen Carrie Peterson spoke against the public art in front of City Hall stating that it interferes with citizen first amendment rights.

Councilmember Murray explained that it was called a "Conversational Bench" to encourage conversation.

Citizen Paige LaVoy spoke regarding her landlord, late fees, her property manager at New Horizon Apartments, and the landlord/tenant law. Councilmember Pico and Councilmember Strand recommended addressing the issue with the Human Relations Commission.

Councilmember Murray recommended contacting the Council of Neighbors and Organizations (CONO) and the Apartment Association.

Citizen Walter Lawson spoke against the proposed Colorado Springs Utilities increase and presented a City Charter formula to calculate any remaining surplus.

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. [17-1156](#) A Resolution setting the Electric Cost Adjustment effective August 1, 2017

Presenter:
Sonya Thieme, CSU Rates Manager

Attachments: [07-25-2017 CC Mtg-ECA Resolution-Alt1.docx](#)
[07-25-2017 CC Mtg-ECA Resolution -Alt2.docx](#)
[07-25-2017 CC Mtg-ECA Resolution -Alt3.docx](#)
[CSU Electric Cost Adjustment \(August 2017\).pub](#)
[Signed Resolution 85-17](#)

Sonya Thieme, Rates Manager, Colorado Springs Utilities, presented the proposed routine rate adjustment of the Electric Cost Adjustment (ECA). Ms. Thieme stated the current collection balance is \$1.4 million and the ECA rate effective May 1, 2017 is \$0.0195 per kWh. Ms. Thieme said the proposed Alternative 1 ECA rate of \$0.0267 per kWh would impact the respective customer's monthly electric bill as follows: typical residential electric bill increase of \$4.32, 5.9% to the electric bill, and 2.1% to the total for service bill. Ms. Thieme presented the Alternative 2 ECA rate of \$0.0231 per kWh and Alternative 3 ECA rate of \$0.0243 per kWh.

Councilmember Pico stated that he recommends Alternative 3 because of the uncertainty of what the future fuel price cost will be. Councilmember Bennett said that his preference is the staff recommendation of Alternative 1. Councilmember Murray said the Alternative 1 demonstrated the longest span of predictability. Councilmember Strand said that he would prefer that the rates did not change as frequently and Colorado Springs Utilities could balance them where there is not an excess of money that belongs to the citizens.

Councilmember Geislinger commented that another alternative would be to not change the rates at all. Ms. Thieme said if the ECA rates are not adjusted, the under-collection would be greater than \$5 million and recommends Alternative 1. Councilmember Pico said that he is recommending Alternative 3 because of the adjusted ECA collection balance and the adjusted ECA cost unit. Ms. Thieme stated that the Finance Committee identified the six percent forecast variance trend will continue and that they are continually realigning the information as it changes.

Councilmember Knight stated that the history of the last eighteen months reflected rates were only underestimated for one month and the average \$2.8 million difference was rate payer money. He stated that the adjustment in March 2017 was sufficient and no adjustment action was required in May 2017. He is recommending Alternative 2 as an

optimistic approach that can be revisited in November 2017.

Councilmember Murray suggested they stay within the guidelines and boundaries already established. President Skorman said he supports the motion of the proposed Alternative 2.

There was no public comment.

Motion by Councilmember Knight, seconded by Councilmember Strand, that the Resolution for ECA Alternative 2 be adopted. The motion failed by a vote of 4-5-0

Aye: 4 - Geislinger, Knight, Skorman, and Strand

No: 5 - Avila, Bennett, Gaebler, Murray, and Pico

Motion by Councilmember Bennett, seconded by Councilmember Murray, that the Resolution for ECA Alternative 1 be adopted. The motion passed by a vote of 6-3-0

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

No: 3 - Knight, Pico, and Strand

10. Unfinished Business

- 10.A.** [CPC ZC 17-00033](#) Ordinance No. 17-64 amending the zoning map of the City of Colorado Springs pertaining to 5.41 acres from PIP-2/CR/SS (Planned Industrial Park with Conditions of Record and Streamside Overlay) to OC/SS (Office Complex with Streamside Overlay), located south of the I-25/Mark Dabling Boulevard underpass

(Quasi-Judicial)

Related File: CPC CP 17-00070

Presenter:

Hannah Van Nimwegen, Planner II, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

Attachments: [ZC ORD - Monument Creek Apts](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Legal Description Depicted](#)
[CPC Staff Report Monument Creek](#)
[Figure 1. Concept Plan](#)
[Figure 2. Applicant Narrative](#)
[Figure 3. Surrounding Land Uses and Zoning](#)
[Figure 4. Neighbor Comment](#)
[Figure 5. Neighbor Comment](#)
[Figure 6. Building Elevations](#)
[Figure 7. SS Land Use Hierarchy](#)
[Figure 8. Trail Realignment](#)
[7.5.603.B Establishment or change of zone district boundaries](#)
[CPC June Minutes - Monument Apartments](#)
[Signed Ordinance 17-64](#)

There were no comments on this item.

Motion by Councilmember Bennett, seconded by Councilmember Murray, that the Ordinance rezoning 5.41 acres from PIP-2/CR/SS (Planned Industrial Park with Conditions of Record and a Streamside Overlay) to OC/SS (Office Complex with Streamside Overlay), based upon the findings that the zoning request complies with the review criteria set forth in City Code Section 7.5.603.B. 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

11. New Business

There was no new business.

12. Public Hearing

12.A. [CPC ZC 17-00059](#)

An appeal of the Planning Commission's decision to approve an Ordinance amending the zoning map of the City of Colorado Springs pertaining to 4,000 square feet at 315 E. Dale Street from R5 (Multi-Family Residential) to OR (Office Residential)

(Quasi-Judicial)

Related Files: CPC DP 17-00058, CPC NV 17-00060

Presenter:
Ryan Tefertiller, Urban Planning Manager, Planning and Community Development Department
Peter Wysocki, Planning and Community Development Director

Attachments: [Exhibit A Legal Description for 315 E Dale](#)
[Exhibit B](#)
[Vicinity Map](#)
[Appeal 315 E Dale](#)
[315 E Dale Presentation City Council - RBT](#)
[CPC Staff Report 315 E Dale](#)
[Figure 1](#)
[Figure 2 Proj Stmt](#)
[Figure 3](#)
[Figure 4](#)
[Figure 5](#)
[Figure 6](#)
[Figure 7](#)
[Figure 8](#)
[Figure 9](#)
[Figure 10](#)
[Figure 11](#)
[Figure 12](#)
[7.5.603.B Establishment or change of zone district boundaries](#)

There were no comments on this item.

Motion by Councilmember Bennett, seconded by Councilmember Strand, to accept the withdrawal of the application. The motion passed by a vote of 9-0-0

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

- 12.B.** [CPC DP 17-00058](#) An appeal of a Development Plan for 4,000 square feet at 315 E. Dale Street. to support the proposed OR zone (Quasi-Judicial)

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development Department

Peter Wysocki, Planning and Community Development Director

Attachments: [Figure 1](#)
[7.5.502.E Development Plan Review](#)

There were no comments on this item.

Motion by Councilmember Strand, seconded by Councilmember Bennett, to accept the withdrawal of the application. The motion passed by a vote of 9-0-0

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

- 12.C. [CPC NV 17-00060](#) An appeal of a non-use variance to allow 3 on-site parking stalls where 4 are required for a general office use at 315 E. Dale Street

(Quasi-Judicial)

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development Department

Peter Wysocki, Planning and Community Development Director

Attachments: [Figure 11 - parking analysis](#)

[Figure 12](#)

[7.5.802 Nonuse Variance](#)

There were no comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Strand, to accept the withdrawal of the application. The motion passed by a vote of 9-0-0

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

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.

Emily S. Evans, Deputy City Clerk