



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, August 11, 2015

1:00 PM

Council Chambers

1. Call to Order

Present: 9 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Keith King, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, and Councilmember Tom Strand

2. Invocation and Pledge of Allegiance

The Invocation was led by Pastor Stan Lightfoot, Rustic Hills Baptist Church.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

Council President Bennett stated agenda items 11.A. and 11.B. will be discussed during agenda item 7. Mayor's Business.

Councilmember Gaebler requested agenda item 4.B.B. be pulled off the Consent Calendar.

Councilmember Collins requested agenda items 4.A.A., 4.A.B. and 4.B.E. be pulled off the Consent Calendar.

Councilmember Murray requested agenda item 4.B.G. 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.C.** [15-00405](#) Ordinance No. 15-47 amending the Zoning Map of the City of Colorado Springs relating to 27.3 acres located at the northeast corner of Templeton Gap Road and Dublin Boulevard from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development: Detached Single-Family Residential, maximum density 3.85 dwelling units per acre, maximum building height of 35 feet, with Airport Overlay) zone district.
(Quasi-Judicial Matter)

Res/Ord Number: 15-47

This Ordinance was finally passed on the Consent Calendar.

- 4A.D.** [15-00367](#) Ordinance No. 15-49 creating a new Part 12 (Pedal-Cab Services) of Article 3 (Sales of Good and Services) of Chapter 2 (Business Licensing, Liquor Regulations and Taxation) and providing penalties for the violation thereof.

Res/Ord Number: 15-49

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A.** [15-00486](#) City Council Meeting Minutes July 28, 2015

The meeting minutes were approved on the Consent Calendar.

- 4B.C.** [15-00442](#) The City Clerk reports that on July 20, 2015 there was filed with her a petition for the annexation of Kum & Go Store 685 (corner of Templeton Gap Rd and Dublin Blvd). 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) .

This item was approved on the Consent Calendar.

- 4B.D.** [15-00324](#) Ordinance No. 15-51 amending Ordinance No. 14-101 (2015 Appropriations Ordinance) to adopt the budget and appropriate monies for the Senior Programs Fund

Res/Ord Number: 15-51

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

- 4B.F.** [15-00393](#) Ordinance No. 15-56 authorizing the issuance by the City of Colorado Springs, Colorado, of its Parking System Revenue Refunding Bonds, Series 2015 in the aggregate principal amount of not to exceed \$11,000,000 for the purpose of refunding all of the City's outstanding Parking System Revenue Bonds, Series 1999, and Parking System Revenue Bonds, Series 2006; providing

the form, terms and conditions of said Series 2015 Bonds, the manner and terms of their issuance, the manner of their execution, the method of paying them and the security therefor from the net pledged revenues of the parking system; providing for the sale of said Series 2015 Bonds; providing other details concerning said Series 2015 Bonds, and providing other matters relating thereto; and approving other documents relating thereto.

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

- 4B.H.** [15-00399](#) Ordinance No. 15-52 amending Section 201 (Appointees) and Section 204 (Assistants) of Part 2 (Appointive Officers; General Provisions) and creating a new Part 10 (Powers and Duties of the City Council Administrator) 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 the City Council Administrator

Res/Ord Number: 15-52

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

- 4B.I.** [15-00398](#) Ordinance No. 15-53 approving the salary of the City Council Administrator

Res/Ord Number: 15-53

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

Approval of the Consent Agenda

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

5. Recognitions

- 5A.** [15-00361](#) A resolution proclaiming August 2015 to be Science, Technology, Engineering and Math (STEM) Education month in the City of Colorado Springs

Res/Ord Number: 77-15

Councilmember Knight read the resolution and spoke about the importance of STEM education to our community and nation.

Motion by Councilmember Knight, seconded by Councilmember Bagley, that the Resolution be adopted. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

6. Citizen Discussion

Citizen Charles Barber spoke about City Councilmember salaries.

Citizen George Borja, representing the bus drivers' union, spoke about the condition of city buses. Council President Bennett stated these concerns have been brought to the Chief of Staffs' attention.

Citizen Longinos Gonzalez spoke about the presence of tennis player Venus Williams in the City and the lack of invitations to participate in local events and promote our City. Mr. Gonzalez suggested exhibits and art auctions to raise money for the Olympic Committee.

Citizen Douglas Bruce spoke about poor maintenance of city property and City Utilities leaving a light pole on his property.

Citizen Gabriele Gundlach spoke about the importance of public transportation and money management of PPRTA funds.

Citizen Deborah Stout-Meiningner spoke about possible alternate uses of funds designated for the Urban Renewal Authority as there is no voter approval of their spending. She also spoke about soil contamination in America the Beautiful Park and surrounding areas.

Citizen Gary Casimir spoke about the cable franchise agreement with Comcast and suggested the City organize a consortium of cities franchised with Comcast in an attempt to obtain better service and suggested the City initiate a month-to-month agreement rather than a ten year agreement.

Citizen Dennis Leeby voiced concerns about the conditions of roads in his neighborhood. Council President Bennett directed him to discuss his concerns with Corey Farkas, Streets Division Manager.

Citizen Walter Lawson spoke about the Comcast cable franchise agreement process, urging Council to take more time to consider the agreement.

7. Mayor's Business

Please see agenda items 11.A. and 11.B.

8. Items Called Off Consent Calendar

- 4A.A.** [15-00371](#) Ordinance No. 15-45 amending Section 201 (Definitions) and adding a new Section 213 (Economic Development Agreements) of Part 2 (General Provisions) of Article 1 (Municipal Airport) of Chapter 14 (Municipal Enterprises) of the Code of the City of Colorado Springs 2001, as amended, authorizing economic development agreements with businesses performing commercial aeronautical activities at the Colorado Springs Municipal Airport.

Res/Ord Number: 15-45

Councilmember Collins stated she pulled this item off the Consent Calendar because she does not believe in targeting specific areas of the city for tax relief benefits.

Citizen Douglas Bruce spoke in opposition of this item.

Councilmembers Pico and Knight stated they agree tax reductions should be city wide.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the ordinance amending Section 201 (Definitions) and adding a new Section 213 (Economic Development Agreements) of Part 2 (General Provisions) of Article 1 (Municipal Airport) of Chapter 14 (Municipal Enterprises) of the Code of the City of Colorado Springs 2001, as amended, authorizing economic development agreements with businesses performing commercial aeronautical activities at the Colorado Springs Municipal Airport be finally passed. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

- 4A.B.** [15-00372](#) Ordinance No. 15-46 creating a new Article 12 (Economic Development Agreements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, authorizing economic development agreements with businesses performing commercial aeronautical activities within the commercial aeronautical zone.

Res/Ord Number: 15-46

Councilmember Collins stated she pulled this item off the Consent Calendar because she does not believe in targeting specific areas of the City for tax breaks, everyone should benefit from these initiatives.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the ordinance creating a new Article 12 (Economic Development Agreements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, authorizing economic

development agreements with businesses performing commercial aeronautical activities within the commercial aeronautical zone be finally passed. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

4B.B. [15-00504](#) Boards and Commissions

Council President Pro Tem Gaebler stated she pulled this item off the Consent Calendar to recognize the members of the Food Policy Advisory Board, their first meeting is scheduled for September.

Councilmember Collins stated she does not support the Food Policy Advisory Board nor does she support Craig Valentine for reappointment to the Independent Ethics Commission.

Councilmember Pico requested to bifurcate these two items as he does not support the Food Policy Advisory Board.

Citizen Douglas Bruce spoke in opposition of this item.

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, to approve the appointees to the Food Policy Advisory Board. The motion passed by a vote of 7-2-0.

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

No: 2 - Collins, and King

Citizen Douglas Bruce spoke in opposition of this item.

Motion by Councilmember Murray, seconded by Councilmember Strand, to approve Craig Valentine as a reappointment to the Independent Ethics Commission. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

4B.E. [15-00386](#) A resolution authorizing the acquisition of certain property and the acceptance of a donation of certain property, which together shall serve as the future site of the City of Colorado Springs Police Department Sand Creek Substation

Res/Ord Number: 80-15

Councilmember Collins stated she pulled this item off the Consent Calendar because the Sand Creek Substation is in her district. She applauded the successful efforts of the CSPD staff to reduce crime in the area, stated the current facility was built on a faulty drainage system

and cannot be expanded, she would like to see more research and blueprints for the proposed new building before agreeing to purchase land she would also like to consider the old Sam's Club building as an alternate site.

Citizen Douglas Bruce spoke in opposition to this item.

Councilmember Murray stated he has seen many buildings demolished because they could not be specialized and stated he believes the CSPD has researched this item and made the best decision to meet their needs.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Resolution be adopted. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

4B.G. [15-00394](#)

Ordinance No. 15-54 adopting Articles of Amendment to the Articles of Incorporation of The City of Colorado Springs Public Facilities Authority

Res/Ord Number: 15-54

Councilmember Murray stated he pulled this item off the Consent Calendar to inform the audience that any member of the audience can pull an item off the Consent Calendar and stated that all city bonds have to come through City Council for approval.

Citizen Douglas Bruce spoke in opposition of this item.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the ordinance adopting Articles of Amendment to the Articles of Incorporation of the City of Colorado Springs Public Facilities Authority be approved on first reading. The motion passed by a vote of 7-2-0.

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

No: 2 - Collins, and Pico

9. Utilities Business

There was not any Utilities Business.

10. Unfinished Business

10.A. [15-00370](#)

Ordinance No. 15-48 amending Section 450 (Sales and Use Tax in a Commercial Aeronautical Zone) of Part 4 (Exempt Transactions, Commodities and Persons; Deductions) of Article 7 (Sales and Use

Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to expanded geographical area for commercial aeronautical zone and approving and adopting commercial aeronautical zone map.

Res/Ord Number: 15-48

There were no questions or comments on this agenda item.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Ordinance amending Section 450 (Sales and Use Tax in a Commercial Aeronautical Zone) of Part 4 (Exempt Transactions, Commodities and Persons; Deductions) of Article 7 (Sales and Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to expanded geographical area for commercial aeronautical zone and approving and adopting commercial aeronautical zone map be finally passed. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

10.B. [15-00401](#)

Ordinance No. 15-50 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 pedal-cab services license fees

Res/Ord Number: 15-50

Councilmember Collins stated she does not support this or any business license fees.

Citizen Douglas Bruce spoke in opposition to this agenda item.

Council President Pro Tem Gaebler reminded everyone the business license fees only cover the cost of issuing a license and the business owner who attended the meeting two weeks ago stated he supports the license fees.

Motion by President Pro Tem Gaebler, seconded by Councilmember Strand, that the ordinance amending Section 507(License Fees Enumerated) of Part 5 (License Fees) of Article 1 (General Business License provisions) of Chapter 2 of the City Code of the City of Colorado Springs, as amended pertaining to pedal-cab services license fees be finally passes. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

11. New Business

- 11.A. [15-00431](#) A resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the coordinated election conducted by mail ballot to be held on Tuesday, November 3, 2015, the question of temporarily increasing sales and use taxes by 0.62% for road repairs and improvements for a period of five (5) years and constituting a voter approved revenue change exempt from spending and revenue limitations; providing for the form of the ballot title and text; providing for certain matters with respect to the election; and providing the effective date of this resolution.

Res/Ord Number: 78-15

Mayor John Suthers and City Staff members provided an overview of the request to place a proposed .62% sales tax increase on the November ballot for the purpose of completing road improvement projects. This included additional information about the condition of the city streets, the requirements to perform needed improvements and maintenance.

Council President Pro Tem Gaebler expressed appreciation for the proposal and encouraged Mr. Farkas to follow the “complete streets” process including bike lanes and pedestrian walk-ways on all new streets.

Councilmember King pointed out this is a temporary increase, with exemptions for food, drugs and utilities, funds are designated, work will be contracted out, the projects are well defined, it includes a maintenance of effort and the City Auditor will be overseeing the work.

Citizens Deborah Stout-Meininger and Douglas Bruce spoke in opposition to the proposal.

Citizen Longinos Gonzales requested a breakdown of project spending to include the amount to be spent on sidewalks and bike lanes verses roads.

Citizen Angela Dougan, with AFP, stated AFP hired an independent accountant to look at the city budget, and encouraged Council to wait to review his report before voting on this item.

Citizens Tony Gioia, Lynnette Crow-Iverson, Yolanda Avila, Dirk Draper, Ralph Braden, Mike Edmondson, Melissa Walker, Dave Munger, Ray Nunn, Bob Falcone, and Toby Gannett spoke in support of the proposal.

Councilmember Collins stated she opposes this due to misappropriation of City funds.

Councilmember Knight stated he supports this largely because it is time-limited and allows for review in five years, adding he does not see any other way to fund the needed improvements to the city streets and addressed some of the concerns presented by citizens who spoke in opposition or neutrality of the proposal.

Councilmember Pico stated he is reluctant to increase taxes, but he supports this much needed initiative.

Councilmember King read a statement supporting this item.

Councilmember Murray stated everyone agrees something must be done and requested citizens support this initiative to help Council help them.

Council President Bennett applauded the efforts of the Mayor to tackle this issue with a viable and sustainable solution to the road problem.

Motion by Councilmember Strand, seconded by Councilmember Murray, that a resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the coordinated election conducted by mail ballot to be held on Tuesday, November 3, 2015, the question of temporarily increasing sales and use taxes by 0.62% for road repairs and improvements for a period of five (5) years and constituting a voter approved revenue change exempt from spending and revenue limitations; providing for the form of the ballot title and text; providing for certain matters with respect to the election; and providing the effective date of this resolution be adopted. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

11.B. [15-00432](#)

A resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the coordinated election conducted by mail ballot to be held on Tuesday, November 3, 2015, the question of retaining and spending up to \$2,100,000, the estimated 2014 fiscal year revenue above the 2014 fiscal year revenue and spending limitations, as a voter approved revenue change; providing for the form of the ballot title and text; providing for certain matters with respect to the election; and providing the effective date of this resolution.

Res/Ord Number: 79-15

Mayor John Suthers presented a summary of this proposed resolution.

Kara Skinner, CFO, provided an explanation of the TABOR limits and how the estimated excess amount is calculated. Ms. Skinner stated the estimated refund amount, if the citizens deny this request, is about \$11 per household.

Chris Lieber, Parks Development Manager, provided an overview of the specific projects included in the plan if the ballot measure is approved. Mr. Lieber explained how projects were prioritized for this potential opportunity using a community survey, the Parks Master Plan and citizen comments.

Tom Florczak with the City Attorney's Office provided the latest version of the proposed ballot language to Council and explained how the question was written to balance the legal requirements and the wishes of Council. Mr. Florczak also provided an overview of the changes made to the resolution since the previous meeting.

Council President Pro Tem Gaebler expressed appreciation of the work done to identify the trails to be improved with these funds if approved.

Councilmember Pico expressed concerns about these funds being used for parks, as he feels they should go to replace emergency funds used to repair weather damage to city properties, but he will support it.

Citizen Douglas Bruce spoke in opposition to this item.

Citizens Hank Scarangella, Allen Beauchamp, Cullen Redpillas, Yolanda Avila, Susan Davies, and Bob Falcone spoke in support of this initiative.

Councilmember King stated he supports allowing taxpayers to decide how to use these funds.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the coordinated election conducted by mail ballot to be held on Tuesday, November 3, 2015, the question of retaining and spending up to \$2,100,000, the estimated 2014 fiscal year revenue above the 2014 fiscal year revenue and spending limitations, as a voter approved revenue change; providing for the form of the ballot title and text; providing for certain matters with respect to the election; and providing the effective date of this resolution be adopted. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

- 11.C. [15-00410](#) Ordinance No. 15-55 creating a new Section 9.7.209 pertaining to the manufacture of marijuana concentrates involving the use of a compressed flammable gas, flammable gas, flammable liquid, or combustible liquid as a solvent in a residential setting, and providing penalties for the violation thereof.

Res/Ord Number: 15-55

Fire Chief, Christopher Riley, stated this ordinance is about safety for citizens and firefighters.

Citizens Joel Aigner and Mark Patterson spoke in opposition of this item.

Council President Pro Tem Gaebler asked for additional information on the incidents of fire and explosions using ethanol. Fire Marshal, Brett Lacey, stated he knows of at least one explosion and reminded everyone this only applies to residential areas and only limits extraction methods, it does not ban hash oil extraction altogether.

Motion by Councilmember Strand, seconded by Councilmember Murray, to approve the ordinance as written. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

12. Public Hearing

- 12.A. [15-00407](#) Appeal of the Historic Preservation Board Action for 1232 N Nevada - Fire Escape (Quasi-Judicial Matter)

Katie Carleo, Planning Staff, Land Use and Review, provided an overview of this item.

Councilmember Gaebler asked why the revision fails to meet the required criteria of the Historic Preservation district. Ms. Carleo stated the HPDB feels the new feature does not maintain the original character of the structure as the new height of the fire escape is not to scale with the rest of the building. Ms. Carleo explained the project plans had been approved by the Pikes Peak Regional Building Department (PPRBD), placed on hold when the problem was identified, released in error and placed on hold once again.

Councilmember Murray asked what the ramifications of allowing this to

remain as is. Ms. Carleo stated this may set a precedent for other revisions in the neighborhood, altering the character of the structures throughout the area.

David Andrews, Legislative Counsel, presented an overview of section of the City Code the HPDB uses to determine the appropriateness of structural revisions.

Peter Wysocki, Planning and Development Manager, responded to Councilmember Murray's question, stating the role of the HPDB is to protect the integrity of the historic neighborhood; this is not in violation of City Code, but inconsistent with of the architectural character of homes in the area which the HPDB is trying to maintain.

Robert Pond with Ace Construction & Exteriors, representing the appellant, explained the property owner commissioned him to design and construct an improved fire escape and do some additional work on this unit. The previous fire escape was a steel hatch door which was not visible from the street but was unsafe for the resident due to the weight of the hatch and the tendency of the hatch to freeze closed in the winter weather. Mr. Pond explained how the plan to design and build a dormer with a fire escape door, consistent with the design of the building, was developed and approved by PPRBD.

Councilmember Knight requested the height difference between what has been built and what the HPDB would have approved. Mr. Pond stated the difference is 30 inches. Councilmember Knight asked about the logistical difference between a fire escape door and window. Mr. Pond explained the existing door is at the top of a staircase and opens to allow escape, a window, located at the top of the staircase would provide a very small escape route from the standard size stair as a landing area. Brittany Bermensolo, Office Manager, Ace Construction & Exteriors stated the cost of changing the construction to the smaller window desired by the HPDB would be between \$7,000 and \$12,000.

Christine, resident of the apartment, stated the new fire escape is much safer and she feels a window would not provide a safe exit in the event of a fire.

Citizens Amanda Pushcar, Bob Loevy, and Dave Munger, spoke in opposition of the application.

Councilmember Knight asked if the permit lock placed on the project was adhered to. Ms. Carleo stated the builder did follow the PPRBD permit lock and only continued to work on the roofing and deck portion of the project until the permit lock was released allowing completion of the project including the dormer. Upon inspection, the erroneous unlocking of the permit including the dormer was realized. Ms. Carleo reviewed to time-line for the project including the application approval, locking and release process.

Motion by Councilmember King, seconded by Councilmember Knight, to approve the appeal and modify the decision of the Historic Preservation Board based on the finding that the application for 1232 N. Nevada Ave. is consistent with the North End Historic Preservation Design Standards; and complies with the code review criteria set forth in City Code Section 7.5.1605 (C) with no additional modifications. The motion passed by a vote of 7-2-0.

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

No: 2 - Murray, and Strand

13. Added Item Agenda

There were not any added agenda items.

14. Executive Session

There was not an Executive Session.

15. Adjourn