



City of Colorado Springs

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

Meeting Minutes - Draft City Council

*City Council meetings are broadcast live on Channel 18,
beginning at 1:00 p.m.*

Tuesday, August 26, 2014

1:00 PM

Council Chambers

1. Call to Order

Present: 9 - President Pro Tem Merv Bennett, Councilmember Helen Collins, Councilmember Jill Gaebler, President Keith King, Councilmember Don Knight, Councilmember Jan Martin, Councilmember Joel Miller, Councilmember Andy Pico, and Councilmember Val Snider

2. Invocation and Pledge of Allegiance

The Invocation was led by Mark Dezuba, Chaplain Cross Roads Ministry One Hour Volunteers.

The Pledge of Allegiance was led by President King.

3. Changes to Agenda/Postponements

There were no Changes to the Agenda.

4. Councilmember Comments

Councilmember Collins acknowledged the work of Karen Palus, Parks Director, and her staff for the work on local parks.

Councilmember Miller presented a statement on the building of a downtown stadium and event center stating the building of a stadium does not fall under government authority and outlined public spending on this project. Councilmember Miller stated his intent to place a measure on the April, 2015 ballot allowing citizens to vote on the project.

5. 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.)

5A. Second Presentation:

5A.A. 14-0409

Ordinance No. 14-55 of the City of Colorado Springs, Colorado

Approving and Authorizing the Execution and Delivery of the Second Amendment to the Standby Bond Purchase Agreement by and Among the City of Colorado Springs, Colorado and Wells Fargo Bank, N.A., as Tender Agent and Paying Agent and Royal Bank of Canada, as Credit Facility Bank and the First Amendment to the Fee Letter Between the City of Colorado Springs, Colorado and Royal Bank of Canada; and Providing Other Matters Relating Thereto

This Ordinance was finally passed on the Consent Calendar.

- 5A.B. 14-0410** Ordinance No. 14-56 of the City of Colorado Springs, Colorado Approving and Authorizing the Execution and Delivery of a Remarketing Agreement Between the City of Colorado Springs, Colorado and Barclays Capital Inc. Relating to Utilities Revenue Bonds; and Ratifying Certain Action Heretofore Taken

This Ordinance was finally passed on the Consent Calendar.

- 5A.C. 14-0433** Ordinance No. 14-58 Annexing to the City of Colorado Springs That Area Known as Flying Horse Ranch Addition No. 2 As Hereinafter Specifically Described in Exhibit "A" (Legislative Matter)

This Ordinance was finally passed on the Consent Calendar.

- 5A.D. 14-0434** Ordinance No. 14-59 Amending the Zoning Map of the City of Colorado Springs Relating to 1.67 Acres Located South of Diamond Rock Road and Roughly 1,000 Feet West of Pride Mountain Drive (Legislative Matter)

This Ordinance was finally passed on the Consent Calendar.

- 5A.E. 14-0435** Ordinance No. 14-60 Amending the Zoning Map of the City of Colorado Springs Relating to 2.22 Acres Located South of Diamond Rock Road and Roughly 1,000 Feet West of Pride Mountain Drive (Quasi-Judicial Matter)

This Ordinance was finally passed on the Consent Calendar.

5B. First Presentation:

- 5B.A. 14-0530** City Council Regular Meeting Minutes August 12, 2014

The Meeting Minutes were approved on the Consent Calendar.

- 5B.B. 14-0533** Boards and Commissions

This Informational Report was received on the Consent Calendar.

Approval of the Consent Agenda

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, 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.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

6. Recognitions

There were no Recognitions.

7. Citizen Discussion

Citizen Deborah Stout-Meiningner voiced her concerns about Councilmembers voting to support the Mayor's initiatives.

Citizen Roger McCarville commented on an article in the paper about a property management organization.

Citizens Debra Zawacky and Donald Meaney voiced concerns about an issue in a neighborhood destroyed by the Waldo Canyon Fire allowing a two story home to be built and homeowners' lack of ability to appeal planning decisions. Councilmember Knight stated he understood decisions by the City Planning Department could be appealed. Peter Wysocki, Planning and Development Director, stated the plan for the home Ms. Zawacky is referring to had a building plan approved in 1987 and there is not an option to appeal that building plan at this time. Councilmember Knight asked if the Recovery Resource Guide for the Waldo Canyon Fire stated neighbors would be notified of rebuilding plans that include significant changes. Mr. Wysocki explained the development plan process and how home owners can obtain a building permit to re-build based on building code and zoning.

Citizen Chad Lawrence requested Council support for a program called Designated Drivers of Colorado Springs.

Citizen Kyleah Daily, representing the Community Transit Coalition, requested Council consider expanding the transit system in the City.

Citizen Mark Coakley, Finance Officer at American Legion Post 39 in

Manitou Springs, shared the difficulties he has had with Colorado Springs Utilities (CSU) having the post receive tax exempt status and requested assistance from Council with completing this process. Councilmember Knight asked CSU to assist with this gentleman's request.

Citizens Joel Aigner and Matt Moorman spoke about taxation and regulation of recreational cannabis.

Citizen Gerald Miller spoke about an individual in his neighborhood seeking a pardon for a crime.

Citizen Robert Hale spoke about corruption in the judicial system.

8. Mayor's Business

Steve Cox, Chief of Staff, thanked City staff for all the work involved in the USA Pro Challenge bike race and announced the next C4C meeting will be held September 16, 2014, location and time to be announced.

9. Items Called Off Consent Calendar

There were no items called off the Consent Calendar.

10. Utilities Business

There was no Utilities Business.

11. Unfinished Business

11.A. 14-0449

Ordinance No. 14-57 of the City of Colorado Springs, Colorado Providing for the Extension, Betterment, Other Improvement and Equipment of the City of Colorado Springs Utilities System; Providing for the Issuance and Sale of the City of Colorado Springs, Colorado, Utilities System Improvement Revenue Bonds, Series 2014A-1 in An Aggregate Principal Amount of not to Exceed \$80,000,000 and Series 2014A-2 in an Aggregate Principal Amount of Not to Exceed \$80,000,000 Payable Solely Out of the Net Revenues to be Derived from the Operation of the City of Colorado Springs Utilities System; Authorizing the Execution by the City of a Bond Purchase Agreement and an Official Statement; and Providing Other Matters Relating Thereto

Bill Cherrier, CEO, CSU, was available to answer questions, there were no questions or comments.

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, that

the proposed 2014A Bond Ordinance be finally passed. The motion passed by a vote of 8-1-0.

Yes: 8 - Bennett, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

No: 1 - Collins

12. New Business

12.A. 14-0536 A resolution confirming the Mayor's appointment of Director of Public Works/City Engineer

Mike Sullivan, HR Director, explained the process the City went through to recommend the best candidate for this position. Mr. Sullivan introduced Travis Easton, the Mayor's appointee for Director of Public Works/City Engineer. Mr. Easton stated he requested the prolonged confidentiality in order to make a smooth transition into this position.

Councilmember Bennett asked Mr. Easton if he has financial interests that may prohibit him from making fair and equitable decisions in this position. Mr. Easton replied that he does, but will divest himself of these prior to assuming this position.

Councilmember Collins made a statement about the selection process and recommended the salary for this position be within the salary bracket approved by Council for this position.

Councilmember Gaebler requested human resources work on a consistent appointment process that works well for both sides of the government.

Councilmember Martin asked what Mr. Easton's salary will be; Mr Sullivan stated the salary will be \$150,000 per year.

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, that the Resolution to Confirm Mayoral appointment of the Public Works Director/City Engineer be adopted. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

12.B. 14-0406 A resolution adopting final form of Intergovernmental Agreement for the creation of the Pikes Peak Regional Drainage Authority

Councilmember Collins stated she believes this is an illegal tax and provided an explanation of how this tax will affect schools, churches, military installations and poor citizens of this community.

Citizen Charles Barber spoke about changes he feels need to be made to the confluence drainage in the City.

Steve Cox, Chief of Staff, read a proclamation from the Mayor in opposition of the IGA and suggesting specific changes be made to the agreement if it is approved by Council.

Councilmember Miller addressed points from the Mayor's proclamation stating Council is not imposing this agreement on voters; they are making their own decision.

Councilmember Pico expressed concerns about the agreement and acknowledged the work done, stating it is not perfect but it has been an open, collaborative process and he supports letting the voters make the final decision.

Councilmember Knight noted the language stating that 10% of funds designated as the emergency funds will be exempt from administrative fees is no longer included in the agreement. David Andrews, Legislative Counsel, responded that the language of the document has to be considered as a whole, and pointed out the sections of the document that provide for this portion of the funds. Councilmember Knight stated he will not support it with the current language.

Councilmember Miller reminded Council and citizens that the PPRTA board initially faced resistance too; he feels this plan is transparent and allows citizens to see where their money is going and encouraged citizens to carefully consider this agreement and vote to make the right decision.

President King made a statement about the necessity of developing infrastructure that not only benefits this City but those in the region that are also affected by water runoff. He will support this and let the citizens decide on how they want to vote.

Motion by Councilmember Snider, seconded by Councilmember Martin, that the Resolution be Adopted as presented and amended. The motion passed by a vote of 7-2-0.

Yes: 7 - Bennett, Gaebler, King, Martin, Miller, Pico, and Snider

No: 2 - Collins, and Knight

12.C. 14-0395 BID Model Operating Plan and Budget

(Legislative Matter)

Carl Schueler with Land Use Review addressed Council's request to modify the timing of filing the plans. Mr. Schueler explained State law governs the process and the timelines. Councilmember Knight expressed appreciation for the work done.

Councilmember Miller asked about the ability to create new TIFs and Bonds, Mr. Schueler explained how the new structure allows these types of funding options to be created.

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, that the resolution approving the model annual business improvement district operating plan and budget be adopted. The motion passed by a vote of 8-1-0.

Yes: 8 - Bennett, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

No: 1 - Collins

12.D. 14-0412 Ordinance No. 14-61 Establishing 2015 Operating and Occupancy Rates for Non-Signatory Airlines and Other Users at the Colorado Springs Municipal Airport

June Eveland, Airport Accounting Manager, was available to answer questions.

Councilmember Knight asked about changes in the rental and lease rates at the airport. Ms. Eveland explained the two rate changes. Councilmember Collins requested what the FEMA rates are. Lindsey Rose with City attorney's office provided the FEMA rates.

Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that an ordinance establishing the 2015 operating and occupancy rates for non-signatory airlines and other users at the Colorado Springs Airport be approved on first reading. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

12.E. 14-0444 Ordinance No. 14-62 Amending Ordinance No. 13-77 (2014 Appropriation Ordinance) for a Supplemental Appropriation to the Subdivision Storm Drainage Fund in the Amount of \$2,000,000 for the Purpose of Reimbursements to Developers for Eligible Major Drainage Improvements

There were no questions or discussion on this agenda item.

Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Ordinance to approve supplemental appropriation be approved on first reading. The motion passed by a vote of 7-2-0.

Yes: 7 - Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

No: 2 - Collins, and Miller

12.F. 14-0527 Colorado Springs Health Foundation Update and Review of Policy Documents

Britt Haley with the City Attorney's Office and Jon Medved, Chairman, Colorado Springs Health Foundation Board of Trustees, provided an overview of the update.

Councilmember Bennett suggested this discussion be postponed to the Septmeber 8, 2014 Work Session and requested Council provide questions and suggestions regarding this discussion to the City Attorney and Mr. Medved by August 29, 2014 to allow them time to prepare a presentation to Council.

Councilmember Knight requested Council have the final review on changes to the investment policy. Mr. Medved agreed to make this change.

Councilmember Bennett requested Council be allowed to make recommendation for Board Member appointees.

Motion by Councilmember Miller, seconded by President Pro Tem Bennett, that this Item be Postponed to a date certain, the September 8, 2014 City Council Work Session, with further consideration at the September 23, 2014 City Council Regular Meeting. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

13. Public Hearing

13.A. 14-0514 Villages VI at Wolf Ranch Major Amendment to the Wolf Ranch Master Plan and Development Plan (CPC MP 05-00080-A4MJ14) (Legislative Matter)

Councilmember Knight requested clarification on the difference between quasi-judicial and legislative matters. David Andrews, Legislative Council, explained the difference and suggested President King poll Council regarding ex parte communication about this matter.

Councilmembers Miller and Knight disclosed discussions they have had regarding this matter. President King polled Council regarding their ability to make a fair and unbiased decision. All Councilmembers stated they can make a fair decision.

Meggan Herington, Principal Planner, Land Use Review Division, presented the background, facts and changes to the Master Plan.

Chris Lieber, Manager of Design, Development and TOPS, Parks, Recreation and Cultural Services, presented the recommendations of the Parks department stating the proposal meets the requirements of the park land dedication. Mr. Lieber presented the pros and cons of the proposed changes. Councilmember Knight asked if this park in question was originally included in the Master Plan. Mr. Lieber responded yes.

Councilmember Miller commented on the easier access to the new park site and pointed out that School District 20 has not acknowledged a plan to build a school in the suggested location; Ms. Herington agreed that the school district has not committed to building a school on the designated site. Councilmember Miller requested clarification on the location of the park in the original Master Plan. Ms. Herington stated this location was marked as a future park.

Councilmember Miller questioned the additional expense of developing a streamside park. Mr. Lieber stated streamside parks aid in developing good hiking trails and access to open space.

Councilmember Miller requested further clarification about the location of the community park in the original and amended plans. Ms. Herington explained the requirements associated with changes to the Master Plan and zoning changes.

Ralph Braden with the Nor'wood Development Group, the applicant, presented an overview of the development plan. Mr. Braden explained interactions with School District 20 and the Parks Department throughout the planning process.

Councilmember Knight clarified that the community park will not be developed for many years, whether it is relocated or not, Mr. Braden agreed. Councilmember Knight commented on property owner concerns about property values being affected by this change. Mr. Braden stated that property values are negatively impacted only if the property is immediately adjacent to the park which will not be the case in this proposal.

Councilmember Knight questioned the small neighborhood parks, Mr.

Lieber responded that developers are not given credit for parks that don't meet the standard size requirements.

Citizens Henry Yankowski, Maryann Peterson, Yvette Benicas, Grace Covington, Jason Rhodes, Robin Searle, and Danno Ferrin spoke in favor of the park relocation.

Matt Veits, resident, appellant, spoke in opposition of this plan, supporting the sanctity of a master plan and expressing the concerns of homeowners in the area about this change.

Councilmember Miller expressed concerns about the public notification and community awareness of this change to the Master Plan and stated he cannot support this.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that Planning Case, CPC MP 05-00080-A4MJ14 - MAJOR MASTER PLAN AMENDMENT, the major amendment to the Wolf Ranch Master Plan, based upon the finding that the amendment meets the review criteria for master plan amendments as set forth in City Code Section 7.5.408 be approved. The motion passed by a vote of 7-2-0.

Yes: 7 - Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

No: 2 - Collins, and Miller

13.B. 14-0515 Villages VI at Wolf Ranch Major Amendment to the Wolf Ranch Master Plan and Development Plan (CPC PUD 14-00020) (Quasi-Judicial Matter)

Please see comments in agenda item 13.A.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that Planning Case, CPC PUD 14-00027 - PUD DEVELOPMENT PLAN, to Approve The Villages VI PUD Development Plan based upon the findings that the PUD development plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.606, and the development plan review criteria as set forth in Section 7.5.502.E be approved. The motion passed by a vote of 7-2-0.

Yes: 7 - Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

No: 2 - Collins, and Miller

14. Added Item Agenda

There were no Added Agenda Items.

15. Executive Session

There was not an Executive Session.

16. Adjourn

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

Sarah B. Johnson, City Clerk