



City of Colorado Springs

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

Meeting Minutes City Council

City Council meetings are broadcast live on Channel 18.

Tuesday, June 23, 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

Council President Bennett introduced the students from the Deerfield Hills, Meadows Park, and Hillside Community Center camps to the meeting.

2. Invocation and Pledge of Allegiance

The Invocation was led by Joshua Wise from the Family Worship Center.

The Pledge of Allegiance was led by the students from the Community Centers.

3. Changes to Agenda/Postponements

Council President Bennett stated agenda item 11.B. will be moved to the end of the meeting.

Councilmember Knight requested items 4.B.D. and 4.B.E. 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:

4B. First Presentation:

4B.A. [15-00352](#)

City Council Special Session Meeting Minutes June 8, 2015

The Meeting Minutes were approved on the Consent Calendar.

4B.B. [15-00353](#) City Council Meeting Minutes June 9, 2015

The Meeting Minutes were approved on the Consent Calendar.

4B.C. [15-00328](#) Boards and Commissions

This agenda item was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by President Pro Tem Gaebler, 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.

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

5. Recognitions

5.A. [15-00274](#) A Resolution Proclaiming July 2015 to be Park and Recreation Month for the City of Colorado Springs

Res/Ord Number: 67-15

Council President Pro Tem Gaebler read the resolution and encouraged citizens to enjoy the local parks

Karen Palus, Parks, Recreation and Cultural Services Director, thanked City Council for approving the resolution. Ms. Palus asked some of the children to share how local parks affect their lives. Derrick Williams said he met most of his friends at the community center. Aureilia Hall said parks are important because you get to play there. Lars Williams said he benefits from the community centers by having a place to go during the day to meet people and make friends.

Ms. Palus challenged Council to try a new activity in one of the many parks in the community and reminded Council to wear the proper gear to keep them safe.

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, that the Resolution proclaiming July 2015 as Park and Recreation Month for the City of Colorado Springs 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 the wealth of information available

in the public libraries.

Citizen George Borja spoke about the local transit system and requested additional transit funds be included in the 2106 budget.

Citizen Deborah Stout-Meiningner spoke about local stormwater spending.

Citizen Walter Lawson spoke about the cable franchise agreement.

Citizen Zaina Braddy spoke about the importance of transit services and encouraged Council to increase transit spending.

Citizen Dave Hawkins spoke about funding infrastructure projects in the community.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

- 4B.D.** [15-00332](#) An ordinance amending the Zoning Map of the City of Colorado Springs for 13.845 acres, located east of Tutt Boulevard and north of South Carefree Boulevard.
(Quasi-Judicial Matter)

Res/Ord Number: 15-39

Councilmember Knight explained he pulled these items off the Consent Calendar because he has several questions about the situation, including how the conditions of record will be enforced, what the public input process will look like, and how the decision made today will impact and possibly be impacted by future changes to the area.

Peter Wysocki, Director, Planning and Development, stated the conditions of record are captured in the concept plan which will be enforced through the development review process. The public input process will follow the established routine of sending post cards to all residents within a prescribed distance of the development and holding a public hearing.

Karen Palus, Director of Parks, Recreation and Cultural Services, stated the zone change and development is intended to enhance the viable use of the land and attract more business to the golf course. The

second agreement is for the City to accept land for trail development in the area.

Councilmember Knight expressed concern about the Parks Board approving a land deal which is not in the purview of the Board. Ms. Palus stated the Parks Board recommended approval of the plan by City Council, but did not approve anything. Ms. Palus continued to explain this is not a cash deal and the developer will be credited for the cost of developing the trails and pedestrian bridge, which will offset park development fees.

Councilmember Murray asked about the need for trails in the area. Ms. Palus stated the existing sidewalks and trails are not connected, the planned trails will connect the walking trails are vital to the overall trail plan for the City.

Councilmember Knight asked how the golf course will be affected by the proposed changes. Tom Tauche, owner of the golf course, explained how the course will be re-configured based on the plan. Mr. Tauche also spoke about the introduction of foot golf to the course as part of the plan to increase business and maintain the viability of the property.

Citizen Andy Sherwood voiced concern about the financial viability of the golf course. Councilmember Knight responded to Mr. Sherwood's concerns, stating it is not the role of city government to question the viability of a private business but to approve development plans within the scope of City laws.

Motion by President Pro Tem Gaebler, seconded by Councilmember Pico, that the Ordinance to approve the zone change from A/AO to R-5/AO for the Springs Ranch Golf Course R-5 Site, based on the finding the request complies with the review criteria in City Code Section 7.5.603.B (Establishment or Change of Zone District Boundaries) be approved on first reading. The motion passed by a vote of 8-1-0.

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

No: 1 - Murray

4B.E. [15-00333](#) Springs Ranch Golf Course R-5 Site
Concept Plan
(Quasi-Judicial Matter)

Please see comments in agenda item 4.B.D.

Motion by President Pro Tem Gaebler, seconded by Councilmember Pico, to approve the concept plan for the Springs Ranch Golf Course R-5 Site, based on

the finding the plan complies with the review criteria in City Code Section 7.5.501.E (Concept Plan Review Criteria) subject to compliance with the following technical and/or informational modification to the concept plan: Technical and/or Informational Modification to the Concept Plan :Revise note 11 on sheet 1 to: Park fees will be paid in lieu of park land dedication for this site. Fees will be applied to the construction of the Sand Creek Trail between Constitution Avenue and North Carefree Circle. The motion passed by a vote of 8-1-0.

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

No: 1 - Murray

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

There was no Unfinished Business.

11. New Business

- 11A.** [15-00358](#) An Ordinance amending Ordinance No. 14-101 (2015 Appropriation Ordinance) for a \$2,000,000 Supplemental Appropriation increasing revenue and expenditure in the Airport Capital Improvement Fund for the Airport Terminal Apron and Trench Drain System Reconstruction project.

Res/Ord Number: 15-40

There were no comments or questions on this agenda item.

Motion by Councilmember Pico, seconded by Councilmember King, to approve an Ordinance amending Ordinance No. 14-101 (2015 Appropriation Ordinance) for a \$2,000,000 Supplemental Appropriation increasing revenue and expenditure in the Airport Capital Improvement Fund for the Airport Terminal Apron and Trench Drain System Reconstruction project. The motion passed by a vote of 9-0-0.

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

- 11B.** [15-00360](#) Evidentiary hearing process relating to Independent Ethics Commission (IEC) complaint 2015-01 and Council's ethics charges issued June 9, 2015

Council President Bennett asked Councilmember Collins to recuse herself from this item. Councilmember Collins recused herself from voting on this item, but remained at the dais.

Councilmember Murray stated the evidentiary hearing will include additional information regarding the circumstances surrounding this situation. Council President Bennett reminded Council the decision to move forward with the evidentiary hearing has been made; the decision

today is limited to whether to appoint a hearing officer or if Council will as as the hearing body.

Council President Bennett reminded Councilmember Collins she had recused herself from this item, however; Councilmember Collins stated this is a witch hunt, she believes her rights have been violated and requested a full Council hearing rather than a single hearing officer be appointed. Councilmember Collins stated she believes the individual appointed will be biased. Council President Bennett and Councilmembers Pico and King explained the appointment of a hearing officer will help protect Ms. Collins' rights and help ensure a fair hearing.

Motion by Councilmember Strand, seconded by Councilmember Bagley, to appoint a hearing officer to conduct the evidentiary proceedings. The motion passed by a vote of 8-1-1.

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

No: 1 - Knight

Recused: 1 - Collins

12. Public Hearing

12.A. [15-00321](#) Amended Gold Hill Mesa Urban Renewal Plan (Legislative Matter)

Res/Ord Number: 68-15

Peter Wysocki, Planning and Development Director, provided a brief overview of this request to amend the existing Gold Hill Mesa Urban Renewal Plan by bifurcating the commercial and residential areas. Mr Wysocki also addressed Councilmembers' questions and concerns on this proposal.

Wynne Palermo, Chairman of the Board for the Colorado Springs Urban Renewal Authority, spoke about the success of the residential portion of this development and the potential benefits from the commercial development stemming from this proposal.

Anne Ricker of Ricker Cunningham provided an overview of the proposal and responded to questions posed by Council in the previous meeting. Ms. Ricker explained the cost of development, the proposed financing for the project and the potential fiscal impact of the development to the City.

Councilmember Strand requested Ms. Ricker confirm the environmental

mediation report determined this as a safe place to develop. Ms. Ricker stated the actions of the developers in creating the residential area prove the area is safe for development.

Councilmember Strand asked about the potential relocation of the mobile home park. Roger McEwan with the Gold Hill Neighborhood Property Owners stated they do not own the mobile home park and have no control over that property.

Councilmember Murray asked how this development plan will affect the partnership between the metropolitan districts. Ms. Ricker stated the metropolitan districts will continue to partner with each other until the vision for the area is complete.

Councilmember King asked about the infrastructure costs and the projects included in this estimate. Ms. Ricker provided detailed information on the improvements included in the proposal, adding this includes improvements to the areas surrounding the property.

Councilmember King requested clarification on the cost of the development versus the amount of money generated by the estimated sales tax collection and the amount of money borrowed from the Urban Renewal Authority (URA). Ms. Ricker explained the amount of money actually received for the development is dependent on the percentage of tax funds going to the TIF. The money borrowed by from the URA is to cover the gap between money going into the development and the cost of the development.

Councilmember Murray noted he contacted the EPA and spoke to an individual who stated designation of this land as an urban renewal area will increase the chances of successful development.

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, to approve the Master Plan Amendment application CPC MP 04-00012-A1MJ15, amending the existing Gold Hill Mesa Urban Renewal Plan and Master Plan by approving a resolution which adopts the Amended Gold Hill Mesa Urban Renewal Plan. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

12.B. [15-00322](#) Gold Hill Mesa Commercial Project Urban Renewal Plan
(Legislative Matter)
Res/Ord Number: 69-15

Please see comments in agenda item 12.A.

Councilmember King requested an additional whereas clause be added to the resolution to clarify that the developer will not receive 100% of the TIF funds collected.

Motion by Councilmember King, seconded by Councilmember Murray, that the Resolution be amended to include the following additional whereas statement, "Whereas, the City Council reserves the right to approve at a future date the use of a City Sales tax incremental financing arrangement at a rate of its determination. The City Council shall choose to limit the percentage of City sales tax incremental financing below the maximum permitted rate." The motion passed by a vote of 5-4-0.

Aye: 5 - Collins, King, Knight, Murray, and Pico

No: 4 - Bagley, Bennett, Gaebler, and Strand

Res/Ord Number: 69-15

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Resolution amending the existing Gold Hill Mesa Urban Renewal Plan and Master Plan be adopted as amended. The motion passed by a vote of 9-0-0.

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

13. Added Item Agenda

- 13A.** [15-00364](#) A resolution regarding a change to the Community Solar Garden Bill Credit (Pilot Program) electric rate schedule of Colorado Springs Utilities

Res/Ord Number: 70-15

Ken Burgess, City Attorney's Office, provided a brief explanation of this resolution to extend the completion date in the agreement to August 14, 2015.

Eric Schlichtmann, Project Manager for NRG Energy, Inc., explained how the rain and flooding affected the construction process.

Councilmember King asked what the normal construction schedule for this type of project would be. Mr. Schlichtmann stated they believed they had enough time to complete the project by the June 30th deadline; however, the weather and subsequent flooding delayed the construction process.

Councilmember Pico asked about the life-span of the equipment. Mr. Schlichtmann stated the plan has been modified, based on the weather related conditions, to accommodate possible future flooding, which

should have a positive impact on the life of the equipment.

Kenny Romero, CSU Renewable Energy Command Site Manager, explained how this program works to allow customers, who cannot support their own solar garden, the ability to participate in renewable energy production.

**Motion by Councilmember Pico, seconded by President Pro Tem Gaebler, that the Informational Report be accepted Proposed Motion:
Approve the resolution as presented. The motion passed by a vote of**

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

14. Executive Session

There was not an Executive Session.

Councilmember Knight expressed appreciation for the Edward Byrne Justice Assistance Grant (JAG) Program information provided to Council, and expressed his opinion that grants for salaries are not a good idea because when the grant expires the salary still has to be paid.

15. Adjourn

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

Sarah Johnson
City Clerk