



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, February 14, 2017

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 Emeritus Paul Peel, of First Lutheran Church.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

Item 4.A.B. was postponed until the March 28, 2017 meeting.

President Bennett asked that Citizen Discussion be moved to after the Mayor's Business. This was approved by Consensus of the Council.

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
16-00125](#)**

Ordinance No. 17-4 amending the zoning map of the City of Colorado Springs pertaining to 0.16 of an acre located west of the southwest corner of North Circle Drive and Willamette Place, addressed as 2709 Willamette Place, from R-5 (Multi-Family Residential) to C-6 (General Business)
(Quasi-Judicial)

Related Items: CPC MDP 07-00131-A1MN16, AR R 16-00763

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

Attachments: [ZC ORD Metal Products](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Vicinity Map](#)

The ordinance was finally passed on the Consent Calendar.

- 4A.B. [16-765](#)** Ordinance No. 17-5 Amending Section 703 (Wastewater Discharge; Limitations) of Part 7 (Prohibitions - Limitations on Wastewater Discharge) of Article 5 (Wastewater Treatment Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Wastewater Discharge

Presenter:
Dave Padgett, Chief Environmental Officer
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Attachments: [CSU-WastewaterDischargeORD-2017-1-04](#)

This ordinance has been postponed to the March 28, 2017 meeting.

- 4A.C. [CPC CA](#)
[16-00116](#)** Ordinance No. 17-8 amending Part 2 (Off Street Parking 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 Parking.

(Legislative)

Presenter:
Meggan Herington, LUR/DRE Planning Manager, Planning and
Community Development
Peter Wysocki, Director of Planning and Community Development

Attachments: [Planning-ParkingORD-2016-12-05 FINAL](#)

The Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A. [17-820](#)** City Council Meeting Minutes January 24, 2017

Presenter:
Sarah Johnson, City Clerk

Attachments: [Meeting Minutes 24-Jan-2017..pdf](#)

The meeting minutes were approved on the Consent Calendar.

4B.B. [17-833](#) Appointments to Boards and Commissions

Presenter:
Jacquelyn Puett, Assistant to Council

Attachments: [021417 Boards and Commissions](#)

The appointments were approved on the Consent Calendar.

4B.D. [16-771](#) An Ordinance Authorizing a Supplemental Appropriation for the John Venezia Community Park in the Amount of \$800,000

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

Attachments: [1-23-17 Venezia Suppl AppropriationORD-Final](#)
[1-23-17 - Venezia Community Park Supplemental Appropriation Presentation - Powerpoint](#)

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

4B.E. [16-772](#) A Resolution Authorizing a Land Exchange Between the City of Colorado Springs and Interquest Westside LLC, a Delaware Limited Liability Company

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

Attachments: [1-23-17 Larry Ochs Land Exchange Resolution - Final 1-18](#)
[LarryOchs Exhibit A](#)
[Larry Ochs - Exhibit B](#)
[1-23-17 Larry Ochs Land Exchange - Powerpoint](#)

The resolution was adopted on the Consent Calendar.

4B.F. [16-775](#) A Resolution Approving the Renewal of the \$1,000,000 Loan Agreement and Promissory Note between the Great Outdoors Colorado Trust Fund (GOCO) and the City of Colorado Springs

Presenter:

Karen Palus, Director of Parks, Recreation and Cultural Services
Tilah Larson, Senior Grants Analyst

Attachments: [City Council Loan Resolution 2017](#)
[Exhibit I from RRC Loan Agreement 03-05-2005](#)

The resolution was adopted on the Consent Calendar.

- 4B.G. [17-805](#)** An Ordinance Amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a Supplemental Appropriation to the Public Space and Development Fund in the Amount of \$60,000 to Fund the Planning Process for the Larry Ochs Sports Complex

Presenter:

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

Attachments: [2-14-17 - Larry Ochs Supplemental Appropriation Ordinance - Final](#)
[1-23-17 Larry Ochs Supplemental Appropriation - Ordinance](#)
[1-23-17 Larry Ochs Land Exchange - Powerpoint](#)

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

- 4B.H. [16-774](#)** A Resolution Authorizing the Acquisition of Property Owned by the American Numismatic Association to be Used for the Rock Island Trail - Legacy Loop

Presenter:

Karen Palus, Director of Parks, Recreation and Cultural Services
Sarah Bryarly, Landscape Architect II

Attachments: [2-14-17 Resolution Purchase Price For Acquisition Numismatic - Final](#)
[Numismatic Legal](#)
[2-14-17 Numismatic Property Acquisition Powerpoint](#)

The resolution was adopted 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

There were no recognitions.

6. Citizen Discussion

Citizens Charles Roberts, Bland Rooker, Barry Tanner, Chuck Peahl, Maggie Anderson, Jeremy Tipton, Patrick Maher, Scott Halisky, James Grover, Frank Brown, Edwin DeJesus, Joseph Ross, and Tamara Zvonkovich all spoke on behalf of the Colorado Springs taxi driver community. The community feels it is unfair that Uber and Lyft drivers are not held to the same local and state licensing and background check standards as taxi drivers, giving them an unfair advantage in driving in Colorado Springs.

Councilmember Knight asked that Council have an educational item for Council members on the local and state regulation of these groups.

Citizen John Kilbury spoke on a list of various items he'd like to see addressed by City Council.

Citizen Gerald Miller told the council that, although he worked for a local business man depicted in the movie *The Accountant*, he was not involved in money laundering.

Citizen Heidi Hall spoke about uninhabitable conditions with a 36 unit building at 220 Murray Blvd. The property owners also own 1700 other units in Colorado Springs.

Citizen Joseph Hall spoke about serious issues at another of the properties owned by the above company; they are not giving proper notice to tenants who leave the property because it's uninhabitable, resulting in fines for those tenants.

Citizen Matthew Driftmier, President of the Boulder Crescent Neighborhood Association expressed their thanks to Sgt. Joel Kern of the Colorado Springs Police Department for working tirelessly with neighborhood to improve public safety and rectify the situation.

Citizen Debra Stout Meininger spoke on the terms of retirement of City employee Tim Mitros.

7. Mayor's Business

- 7.A. [16-759](#) A Resolution Confirming the Mayor's Appointment of the Director of Aviation

Presenter:
Mayor John Suthers

Attachments: [2016-12-15PhillipsResolution](#)
[Phillips Resume \(3\) Redacted](#)
[Aviation Director COS Brochure Copy ak](#)

Motion by Councilmember Gaebler, seconded by Councilmember Bagley, for approval of the proposed resolution confirming appointment of Greg Phillips as Director of Aviation of the Colorado Springs Municipal Airport Enterprise. The motion passed by a vote of 9-0-0

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

- 7.B. [17-827](#) Nomination to reappoint David Lord for a three year term on the Colorado Springs Health Foundation Board of Trustees.

Presenter:
Mayor John Suthers

Attachments: [CSHF 2017 CC Memo](#)
[Resume DLord 2017_Redacted](#)

Motion by Councilmember Strand, seconded by Councilmember Bagley, to reappoint David Lord to serve on the Colorado Springs Health Foundation Board of Trustees for a term expiring 3/12/2020. The motion passed by a vote of 9-0-0

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

- 7.C. [17-828](#) Nomination to reappoint Zach McComsey for a three year term on the Colorado Springs Health Foundation Board of Trustees.

Presenter:
Mayor John Suthers

Attachments: [CSHF 2017 CC Memo](#)
[Resume - McComsey 2017_Redacted](#)

Motion by Councilmember Strand, seconded by Councilmember Bagley, to reappoint Zach McComsey to serve on the Colorado Springs Health Foundation Board of Trustees for a term expiring 3/12/2020. The motion passed by a vote of 9-0-0

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

- 7.D. [17-829](#) Nomination to reappoint BJ Scott for a three year term on the

Colorado Springs Health Foundation Board of Trustees.

Presenter:
Mayor John Suthers

Attachments: [CSHF 2017 CC Memo](#)
[Resume BJ Scott 2017_Redacted](#)

Motion by Councilmember King, seconded by Councilmember Murray, to reappoint BJ Scott to serve on the Colorado Springs Health Foundation Board of Trustees for a term expiring 3/12/2020. The motion passed by a vote of 9-0-0

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

8. Items Called Off Consent Calendar

- 4B.C. [17-786](#)** A resolution approving the issuance of debt by Allison Valley Metropolitan District No. 1 in the form of Series 2017 Limited Tax General Obligation Loans.

(Legislative)

Presenter:
Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Attachments: [Attachment 1- Allison Valley Slides](#)
[Attachment 2 - Resolution Allison Valley Metro District No 1 debt authorization](#)
[Attachment 3 - City Cover Ltr AVMD1 Financing Submittal](#)
[Attachment 4.a - 2017A Authorizing Resolution 34280332 1](#)
[Attachment 4.b- 2017B Authorizing Resolution 34280341 1](#)
[Attachment 5.a- Allison Valley No. 1 2017A Loan Agreement \(003\)](#)
[Attachment 5.b- Allison Valley No. 1 2017B Loan Agreement](#)
[Attachment 6- Vectra Term Sheet](#)
[Attachment 7- King Mkt Study AVMDistrict Dec 14 16](#)
[Attachment 8- AVMD 1 Budget City Submittal](#)
[Attachment 9- 2016-12-06 Allison Valley MD Financing Analysis](#)
[Attachment 10 2016-12-14 Allison Valley MD No 1 2017 Fairness Letter](#)
[Attachment 11.a Service Plan Compliance Ltr 2017A](#)
[Attachment 11.b Service Plan Compliance Ltr 2017B](#)

Citizen Meininger spoke in opposition to this resolution.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Resolution be adopted approving the issuance of debt by the Allison Valley Metropolitan District No. 1 in the form of a 2017A Limited Tax General Obligation Loan in an amount not to exceed \$10,000,000 and subordinate 2017B Limited Tax

General Obligation Loan in an amount not to exceed \$6,500,000. The motion passed by a vote of 7-2-0

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

No: 2 - Collins, and Murray

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

- 10.A.** [16-710](#) Ordinance No. 17-7 amending Part 2 (No Smoking in Public Places or on Park Property) of Article 6 (Public Health and Sanitation - No Smoking in Public Places) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to smoking.

Presenter:

Craig Blewitt- Transit Services Manager

Attachments: [010916 Transit-SmokingORD-slides](#)
[Transit-SmokingORD-2017FINAL](#)

Motion by Councilmember Gaebler, seconded by Councilmember Bagley, that the Ordinance amending Part 2 of Article 6 of Chapter 6 of the Code of the City of Colorado Springs 2001, as amended 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.** [16-776](#) Ordinance No. 17-6 creating a New Section 112 (Use Of Medians) of Article 18 (Pedestrians' Rights and Duties, Drivers to Exercise Due Care) and Amending Section 312 (Official Traffic Control Records) of Part 3 (Administration) of Article 1 (Administration And Enforcement), Both of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Pedestrian Use of Narrow or Domed Medians on Higher Volume and Higher Speed Roadways, and Providing Penalties for the Violation Thereof

Presenter:

Anne Turner, Senior Attorney

Kathleen Krager, Transportation Planning Manager, Traffic Engineering

Pete Carey, Police Chief

Attachments: [012417 Ch10-UseOfMediansORD-2017-01-16](#)

Citizen Alan Pitts, Co Executive Director for Coalition for Compassion and Action, spoke against the Ordinance. He asked that language be added regarding a warning before citation.

Motion by Councilmember Murray, seconded by President Pro Tem Gaebler, that the ordinance be amended to add a warning period before citation The motion failed by a vote of 2-7-0

Aye: 2 - Gaebler, and Murray

No: 7 - Bagley, Bennett, Collins, King, Knight, Pico, and Strand

Motion by Councilmember Strand, seconded by Councilmember Bagley, that the ordinance creating a new section of City Code pertaining to Pedestrian Use of Narrow or Domed Medians on Higher Volume and Higher Speed Roadways and amending the City Code section pertaining to Official Traffic Control Records be finally passed. The motion passed by a vote of 9-0-0

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

11. New Business

- 11.A. [CPC MP 16-00122](#) A resolution adopting the Envision Shook's Run Master Facilities Plan (Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager
Peter Wysocki, Planning and Community Development Director
Aaron Egbert, Senior Engineer, Public Works Department

Attachments: [RES EnvisionShooksRunRES-2017-01-10-clean](#)

[Figure 1 161102 Shooks Run FMP Public Circulation - Project Statement](#)

[Figure 3 - Shooks Run Letters of Support 1-27-17](#)

[Figure 4 Shooks Run, Draft FMP citizen comments.12-4-16 Text Edited Version](#)

[CPC Staff Report EnvisionShooksRun-1-19-17 - DJK Recommended Revisions](#)

[DRB Minutes DRAFT 1.04.17](#)

[7.5.408 MASTER PLAN REVIEW CRITERIA](#)

[Envision Shooks Run Corridor Facilities Master Plan](#)

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the resolution adopting the Envision Shook's Run Master Facilities Plan based on the findings that the plan complies with the criteria found in Section 7.5.408 of City Code, subject to minor technical and typographical corrections, be adopted. 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

There were no items for public hearing.

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.