



City of Colorado Springs

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

Meeting Minutes - Final City Council

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Tuesday, January 10, 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 Reverend Dr. Chuck Stephens, First United Methodist Church.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

Council President Bennett stated agenda items 4.B.E., 4.B.F. and 4.B.G. will be heard under Recognitions.

Wynetta Massey, City Attorney, requested agenda item 4.A.A. be pulled from the Consent Calendar.

There has been a request to postpone Agenda item 11.A. to the January 24, 2017 meeting.

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. [16-763](#)

City Council Meeting Minutes December 13, 2016

Presenter:
Sarah Johnson, City Clerk

The Meeting Minutes were approved on the Consent Calendar.

- 4B.B.** [16-723](#) Annual Designation of the City Clerk's Office as the public place for posting of public notices for public meetings.

This item was approved on the Consent Calendar.

- 4B.C.** [CPC ZC](#)
[16-00113](#) Ordinance No. 17-1 amending the zoning map of the City of Colorado Springs pertaining to 2.00 acres located at 1060 Kelly Johnson Boulevard from PIP-1 (Planned Industrial Park) to PBC (Planned Business Park). (Quasi-Judicial)

Presenter:
Rachel Teixeira, Planner II, Planning and Community Development
Peter Wysocki, Director Planning and Community Development
Res/Ord Number: 17-1

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

- 4B.D.** [CPC CP](#)
[16-00114](#) A Concept Plan for a 96-room hotel on 2.00 acres located at 1060 Kelly Johnson Boulevard. (Quasi-Judicial)

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

This 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

- 4B.E.** [17-780](#) Resolution of Appreciation for Stephen Kuehster on the Occasion of his Retirement as the Office of Engineering Development Review's Engineering Program Manager with the City of Colorado Springs

Presenter:
Merv Bennet, City Council President

Res/Ord Number: 2-17

Council President Bennett read the resolution of appreciation.

Mr. Kuehster thanked Council for their support and expressed appreciation for the opportunity to work for the City. Councilmembers and Jeff Greene, Chief of Staff, expressed appreciation for the work done by Mr. Kuehster.

Motion by Councilmember Strand, seconded by President Pro Tem Gaebler, 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

4B.F. [17-781](#)

Resolution of Appreciation for Tim Mitros on the Occasion of his Retirement as the Office of Emergency Management's Engineering Program Manager with the City of Colorado Springs

Presenter:

Merv Bennett, City Council President

Res/Ord Number: 1-17

Councilmember Strand read the resolution of appreciation.

Mr. Mitros thanked everyone for the opportunity to serve the City for the past 25 years. Councilmembers and Jeff Greene, Chief of Staff, expressed appreciation to Mr. Mitros for his work and dedication to the public.

Motion by Councilmember Strand, seconded by Councilmember Knight, 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

4B.G. [17-782](#)

Resolution of Appreciation for Patrick Jernigan on the Occasion of his Retirement as a Senior Licensed Surveyor in the Department of Engineering Development Review with the City of Colorado Springs

Presenter:

Merv Bennett, City Council President

Res/Ord Number: 3-17

Council President Pro Tem Gaebler read the resolution of appreciation.

Mr. Jernigan was unable to attend the meeting. Councilmembers expressed appreciation for Mr. Jernigan and his service to the City.

Motion by Councilmember Strand, seconded by Councilmember Murray, 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 Andrews VanDerWege, on behalf of Bike Colorado Springs, expressed frustration about the early termination of the trial bike lane project on Research Parkway.

Citizen Bridget Seritt spoke about her experience in registering her special needs granddaughter in School District 20.

Citizen Jim Coonradt spoke about rising rent rates in the City.

Citizen Gerald Miller spoke about an unsafe intersection in his neighborhood.

Citizens Trig Bumgaard and Raven Canon spoke in opposition to the proposed ban on loitering in the medians.

Citizen Robert Berwheim voiced his opposition to the Strawberry Fields/Broadmoor Land Exchange.

Citizen Walter Lawson spoke in opposition to increased cable franchise fees in the Comcast Cable franchise agreement and about service protection plans and fees included in the agreement.

Citizen Jaymen Johnson spoke about the illegal commerce in the City and requested assistance placing the question of legalizing recreation marijuana on the April ballot.

Citizen Dirk Draper spoke in opposition to the sale tax increase to support parks.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

4A.A. [16-725](#)

Ordinance No. 16-125 Submitting A Charter Amendment to the Registered Qualified Electors Of The City At The General Municipal Election To Be Held April 4, 2017, Relating To Sale Or Conveyance Of Units Of Colorado Springs Utilities And Amending Section 6-80 Of The City Charter

Presenter:

Christian Nelson, Strategy & External Affairs
Jerry Forte, P.E., CEO, Colorado Springs Utilities

Res/Ord Number: 16-125

Wynetta Massey, City Attorney, stated she pulled this item off the Consent Calendar because the correct version of the ordinance was not attached to the agenda and a few language changes have been made since the previous meeting. Ms. Massey read the amended ordinance and noted the language changes.

Councilmember Knight clarified the proposed changes with Ms. Massey and expressed concern about the Utility Board not having the ability to dispose of unneeded property without a vote of the citizens. Ms. Massey explained, if property is deemed obsolete, the Utility Board will still have the authority to dispose of said property without a vote of the citizens.

Motion by Councilmember King, seconded by President Pro Tem Gaebler, that the Ordinance to place the Charter Amendment requiring a sixty percent (60%) supermajority vote of the City's electors to sell, convey, or lease a substantial part of the City's Utilities systems on the April 2017 ballot as amended be approved on first reading. The motion passed by a vote of 8-1-0

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

No: 1 - Collins

9. Utilities Business

There was no formal Utilities Business.

Councilmember Pico thanked City and Utilities Staff for the tremendous response to damages caused by the recent wind storm.

10. Unfinished Business

There was no unfinished business.

11. New Business

11.A. [CPC CA 16-00116](#)

An Ordinance 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
Res/Ord Number: 17-8

Motion by Councilmember Knight, seconded by Councilmember Bagley, that the ordinance be postponed to a date certain, the January 24, 2017 City Council meeting. The motion passed by a vote of 9-0-0

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

11.B. [CPC CA 16-00115](#)

Ordinance No. 17-2 Amending Section 201 (Definitions Enumerated) of Part 2 (Definitions of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications); Section 1205 (Nonconforming Lots) of Part 12 (Nonconforming Development) of Article 5 (Administration and Procedures), and Multiple Sections of Article 7 (Subdivision Regulations) All within Chapter 7 (Planning, Development and Building of the Code of The City of Colorado Springs 2001, as Amended, Pertaining to Waiver of Replat (Legislative)

Presenter:
Meggan Herington, LUR/DRE Planning Manager, Planning and Community Development
Peter Wysocki, Director of Planning and Community Development
Res/Ord Number: 17-2

There were no questions or comments on this agenda item.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the ordinance amending Section 201 (Definitions Enumerated) of Part 2 (Definitions of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications); Section 1205 (Nonconforming Lots) of Part 12 (Nonconforming Development) of Article 5 (Administration and Procedures), and Multiple Sections of Article 7 (Subdivision Regulations) All within Chapter 7 (Planning, Development and Building of the Code of The City of Colorado Springs 2001, as Amended be approved on first reading. The motion passed by a vote of 9-0-0

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

11.C. [CPC V 16-00067](#)

Ordinance No. 17-3 vacating excess portions of public rights-of-way within Banning Lewis Ranch located near the intersection of Vista Del Flores Street and Vista Del Tierra Drive, and along Dublin Boulevard west of Vista Del Tierra Drive.

(Legislative)

Presenter:
Katie Carleo, Principal Planner, Planning & Community Development
Peter Wysocki, Director Planning and Community Development

Res/Ord Number: 17-3

There were no questions or comments on this agenda item.

Motion by Councilmember Strand, seconded by Councilmember Bagley, that the ordinance vacating City right-of-way for Vista Del Flores Street intersection with Vista Del Tierra Drive and excess right-of-way along Dublin Boulevard based on the finding the request complies with the review criteria in City Code Section 7.7.402.C. be approved on first reading. The motion passed by a vote of 9-0-0

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

11.D. [16-724](#)

A resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado at the general municipal election conducted by mail ballot to be held on Tuesday, April 4, 2017, the question of re-establishing the city's authority to provide, or to facilitate or partner or coordinate with service providers for the provision of, "advanced (high-speed internet) service," "cable television service," and "telecommunication service," either directly, indirectly, or by contract, to residential, commercial, nonprofit, government or other subscribers and to acquire, operate and maintain any facility for the purpose of providing such services, restoring local authority and flexibility that was taken away by Title 29, Article 27, Part 1 of the Colorado Revised Statutes, without increasing taxes

Presenter:

Councilmember Bill Murray

Res/Ord Number: 4-17

Councilmember Pico stated he will support this but, he is in opposition to the City competing with private industry to provide telecommunication service to citizens.

Citizens David Zelenok and Walter Lawson spoke in support of this proposal.

Citizen Jaymen Johnson expressed concern about this proposal.

Citizen Charles Castle expressed concern about customer service provided by Comcast.

Motion by Councilmember Strand, seconded by Councilmember Murray, 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

12. Public Hearing

There was not a Public Hearing.

13. Added Item Agenda**13.A. 17-791**

A motion directing the City Attorney to draft for City Council consideration at its regular meeting on January 24, 2017, a Resolution submitting to the registered, qualified electors of the City of Colorado Springs, Colorado, at the general municipal election to be held on April 4, 2017, a question for increasing sales and use taxes by 0.1% for a temporary period to be determined by City Council for the purpose of protecting natural areas, conserving water and maintaining parks and open spaces as a voter approved revenue change, with such provisions as will comply with applicable City Charter requirements and law.

Presenter:

Tom Strand, City Council Member At-Large

Susan Davies with the Trails and Open Space Coalition provided a summary of this proposal. Nissa Steinhauer, local consultant with the Trust for Public Land (TPL) spoke about the process leading to this proposal. She also spoke about raising funds to support local parks and stated their survey data show citizens prefer a sales tax increase.

Councilmember King expressed concern about funds generated through this initiative replacing fund designated for parks through the general fund and encouraged the City to increase park funding through the City budget. Ms. Steinhauer stated language to this effect could be included in the proposal.

Councilmember Strand asked why this issue should be included on the ballot. Ms. Steinhauer discussed voter tendencies and preferences and stated this initiative is specific to broad maintenance of parks allowing the department to grow and adapt and leverage the funds, sort of a complement to the TOPS money.

Councilmember Murray asked how Ms. Steinhauer would address members of the business community who believe this measure may have an undesirable affect on their bottom line. Ms. Steinhauer stated parks are critical to communities and need to be taken care of to maintain the quality of life and attractiveness of the community to visitors and citizens.

Citizens Dan Woods, Charles Castle, John Hawk, Richard Skorman,

Scott Anderson, Dave Munger, Bob Falcone, John Maynard and Jaymen Johnson spoke in support of this proposal

Citizens Gerald Miller and Dirk Draper spoke in opposition of this proposal.

Councilmember King asked if the City has ever instituted maintenance of effort that did not require a charter amendment or voter approval and included requirements for the use of funds by subsequent Councils. Ms. Massey stated there are two City maintenance of effort provisions she is familiar with, one regarding PPRTA and the other with PSST. The PPRTA maintenance of effort is aspirational and not binding. She is unsure about the PSST language. If this measure passes, the City Attorney's Office will draft a resolution referring a ballot question regarding this topic along with a resolution that will include a time period and maintenance of effort for the tax increase. The ballot question would be limited to 30 words. Councilmember King suggested the only way to protect and grow the park funds in the general fund along with this initiative is through maintenance of effort and asked about requiring maintenance of effort in the City Charter. Ms. Massey stated she cannot respond to that inquiry at this time because it has to do with changing the City Charter or including maintenance of effort in each referred tax collection and she would need to review options regarding each situation.

Councilmember Knight commented on the amount of the budget going to parks and stated he believes the City needs to find other ways to support parks without tax increases.

Councilmembers continued to discuss this issue and consider alternate funding sources to support City parks.

Jeff Greene, Chief of Staff, thanked the parks advocates who presented in the meeting and stated the individuals presenting this initiative were encouraged to seek information regarding this proposal. The Mayor made a commitment to the citizens of Colorado Springs to address the infrastructure issues in the City. The number one issue was transportation, these issues are being addressed. The Mayor also committed to develop an agreement with Pueblo County to resolve storm water issues and preserve the Southern Delivery System. The Mayor has spent a great deal of time thinking through this process and

has had many discussions regarding this matter. At this time the Mayor's Office does not support the advancement of this question going forward, the Mayor is focused on infrastructure needs as a first priority. The Mayor understands and supports our park system but does not support this initiative at this time.

Motion by Councilmember Strand, seconded by President Pro Tem Gaebler, that the Resolution directing the City Attorney to draft for City Council consideration at its regular meeting on January 24, 2017, a Resolution submitting to the registered, qualified electors of the City of Colorado Springs, Colorado, at the general municipal election to be held on April 4, 2017, a question for increasing sales and use taxes by 0.1% for a temporary period to be determined by City Council for the purpose of protecting natural areas, conserving water and maintaining parks and open spaces as a voter approved revenue change, with such provisions as will comply with applicable City Charter requirements and law be adopted. The motion failed by a vote of 3-6-0

Aye: 3 - Gaebler, Murray, and Strand

No: 6 - Bagley, Bennett, Collins, King, Knight, and Pico

14. Executive Session

There was not an Executive Session.

15. Adjourn

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

Sarah Johnson, City Clerk