



City of Colorado Springs

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

Meeting Minutes - Final-revised City Council

City Council meetings are broadcast live on Channel 18. In accordance with the ADA, anyone requiring an auxiliary aid to participate in this meeting should make the request as soon as possible but no later than 48 hours before the scheduled event.

Tuesday, August 25, 2015

1:00 PM

Council Chambers

1. Call to Order

Rollcall

Present: 8 - 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

Excused: 1 - Councilmember Larry Bagley

2. Invocation and Pledge of Allegiance

The Invocation was led by Dr. Harley Ihm, Central Christian Church.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

Council president Bennett stated there has been a request to postpone item 12.C. to September 8, 2015.

Eileen Gonzalez, City Council Administrator, stated there is a request to move agenda item 11.A., the election item, to follow the Mayor's Business.

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. [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 finally passed on the Consent Calendar.

- 4A.B.** [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 finally passed on the Consent Calendar.

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

Res/Ord Number: 15-53

This Ordinance was finally passed on the Consent Calendar.

- 4A.D.** [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 finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A.** [15-00534](#) City Council Meeting Minutes August 11, 2015

The meeting minutes were approved on the Consent Calendar.

- 4B.B.** [15-00535](#) City Council Special Session Meeting Minutes August 10, 2015

The meeting minutes were approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by President Pro Tem Gaebler, seconded by Councilmember King, 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 8-0-1.

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

Excused: 1 - Bagley

5. Recognitions

There were no Recognitions.

6. Citizen Discussion

Citizen Charles Barber spoke about City Councilmember earnings and the future leaders of our community.

Citizens Sherise Nipper, K.C. Stark, and Eddie Jackson spoke in support of Marijuana smoking clubs.

Citizen John Kilbury spoke about safety hazards in the downtown area.

Citizens Jason Burtis, George Borja and Ryan Bias spoke in support of improving the public transit system.

Citizen David Hopkins spoke about the role of City Council and the public in the generation and implementation of ideas to improve society.

Citizen Eric Verlo and Carrie Baatz spoke in opposition to the proposed sitting ban in downtown Colorado Springs.

Citizen Deborah Stout-Meiningner spoke about the finances of the Urban Renewal Authority.

7. Mayor's Business

There was not any Mayor's Business.

8. Items Called Off Consent Calendar

4B.C. [15-00436](#) Ordinance No. 15-57 amending Ordinance No. 14-101 (2015 Appropriation Ordinance) for a \$35,000 supplemental appropriation

increasing expenditures in the Lodgers and Automobile Rental Tax (LART) fund for the purpose of providing 2015 funding to the Regional Business Alliance

Res/Ord Number: 15-57

Councilmember Collins stated she pulled this off the Consent Calendar due to concerns she has about the LART budget and expenditures.

Motion by Councilmember Knight, seconded by Councilmember Murray, that the Ordinance be approved on first reading. The motion passed by a vote of 7-1-1.

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

No: 1 - Collins

Excused: 1 - Bagley

4B.D. [15-00505](#) Ordinance No. 15-58 vacating a public right of way of a portion of Cragmor Village Road consisting of 1.103 acres located north of Austin Bluffs Parkway east of Regent Circle

Res/Ord Number: 15-58

Councilmember Knight stated he pulled this off the Consent Calendar for transparency purposes and because he would like to know what the plan is for this narrow segment of road.

Steve Tuck with City Planning provided an overview of the development of this area and the events leading to the recommendation for this vacation of a right-of-way. Mr. Tuck stated the road is no longer needed due to construction of alternate roadways in the area and is completely surrounded by property owned by UCCS.

Councilmember Knight asked if there is room to turn around without going to the end of the street. Gary Reynolds, representing UCCS, stated there is a fire lane turnaround located just west of the road.

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, to approve the vacation of the right-of-way for Cragmor Village Road, based on the finding the request complies with the review criteria in City Code Section 7.7.402.C (Review Criteria for the Vacation of Right-of-Way). The motion passed by a vote of 8-0-1.

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

Excused: 1 - Bagley

9. Utilities Business

9.A. [15-00502](#) Ordinance No. 15-59 of the City of Colorado Springs, Colorado Providing for the Refunding of Certain Outstanding Utilities System

Revenue Bonds of the City and an Escrow Therefore; Providing for the Issuance and Sale of the City of Colorado Springs, Colorado, Utilities System Refunding Revenue Bonds, Series 2015A in an Aggregate Principal Amount of Not to Exceed \$110,000,000 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 an Escrow Agreement, A Bond Purchase Agreement and an Official Statement; and Providing Other Matters Relating Thereto

Res/Ord Number: 15-59

Bill Cherrier, Planning and Finance Officer, Colorado Springs Utilities, provided an overview of this proposed ordinance.

Motion by Councilmember Pico, seconded by Councilmember Murray, that the Ordinance be approved on first reading. The motion passed by a vote of 8-0-1.

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

Excused: 1 - Bagley

- 9.B.** [15-00532](#) Ordinance No. 15-60 of the City of Colorado Springs, Colorado Approving and Authorizing the Execution and Delivery of the Standby Bond Purchase Agreements Among the City of Colorado Springs, Colorado, Wells Fargo Bank, National Association, As Tender Agent, and Certain Banking Organizations, The Fee Agreements Between the City of Colorado Springs, Colorado, and such Banking Organizations, and the Official Statements for the Utilities System Revenue Bonds Previously Issued by the City to Which the Agreements Relate; Ratifying Certain Action Heretofore Taken

Res/Ord Number: 15-60

Mr. Cherrier stated this bond issue requires an investor, if an investor is not found, this may not go through.

Motion by Councilmember Pico, seconded by Councilmember Murray, that the Ordinance be approved on first reading. The motion passed by a vote of 8-0-1.

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

Excused: 1 - Bagley

- 9.C.** [15-00503](#) A Resolution Authorizing the Acquisition of Property Owned by Jennifer M. Enriques, Now Known as Jennifer M. Meszler, To Be Used For Southern Delivery System Project Improvements

Res/Ord Number: 82-15

Lyman Ho, CSU Land Acquisition Manager, spoke about the need to acquire this property for a reservoir.

Motion by Councilmember Strand, seconded by Councilmember Pico, that the Resolution be adopted. The motion passed by a vote of 7-1-1.

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

No: 1 - Collins

Excused: 1 - Bagley

10. Unfinished Business

- 10.A.** [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 Knight stated he will support this and encouraged a future discussion about COP's.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the ordinance adopting Articles of Amendment to the Articles of Incorporation of the City of Colorado Springs Public Facilities Authority be finally passed. The motion passed by a vote of 6-2-1.

Aye: 6 - Bennett, Gaebler, King, Knight, Murray, and Strand

No: 2 - Collins, and Pico

Excused: 1 - Bagley

- 10.B.** [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

There were no questions or comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Pico, that the ordinance be finally passed. The motion passed by a vote of 8-0-1.

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

Excused: 1 - Bagley

11. New Business

- 11.A.** [15-00441](#) A resolution approving an intergovernmental agreement between the El Paso County Clerk and Recorder and the City of Colorado Springs regarding the conduct and administration of the November 3, 2015 Coordinated Election

Res/Ord Number: 81-15

Sarah Johnson, City Clerk, provide an overview of this IGA which is

required for the City to include the two referred issues in the November Coordinated Election.

Ms. Johnson reminded Council the cost to participate in the election is estimated and subject to change based on the number of entities participating in the election.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the resolution approving an intergovernmental agreement between the El Paso County Clerk and Recorder and the City of Colorado Springs regarding the conduct and administration of the November 3, 2015 Coordinated Election be adopted. The motion passed by a vote of 8-0-1.

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

Excused: 1 - Bagley

11.B. [15-00511](#)

Ordinance No. 15-61 amending Ordinance No. 14-101 (2015 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$213,188.77 for November 2015 election costs

Res/Ord Number: 15-61

Sarah Johnson, City Clerk, explained this is an estimate of the election cost based on anticipated entities participating in the election.

Councilmember Knight asked what happens if the actual cost is higher or lower than the estimate. Kara Skinner, CFO, stated the actual amount will be billed after the election, the necessary funds will come from the general fund with no further action from Council unless the amount is significantly higher than estimated.

Councilmember Collins requested closer scrutiny of the election judges at drop-off locations. Ms. Johnson will pass this request along the County Clerk and Recorder.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the ordinance approving a supplemental appropriation to the General Fund in the amount of \$213,188.77 for November 2015 election costs be approved on first reading. The motion passed by a vote of 8-0-1.

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

Excused: 1 - Bagley

12. Public Hearing

Council President Bennett disclosed the receipt of a phone call and an email regarding this quasi-judicial matter. He does not believe either communication will affect his ability to make an impartial decision today.

12.A. [15-00531](#) Village at Aeroplaza
Quasi-Judicial

Lonna Thelen, Principal Planner, Planning and Development Department, presented an overview of this appeal of a Planning Commission denial of this proposed project.

Councilmember Knight requested a copy of the requested conditions if Council upholds the appeal.

Councilmembers addressed concerns about developing a residential area adjacent to commercial properties and major arterials with Ms. Thelan.

Peter Wysocki, Director of Planning and Development, explained the City sees this area as a gateway to the city and a major industrial use area. The Planning department does not see using this land, available for additional commercial development, being used for residential sites.

Jim Hook and Jeff Mark representing the Appellant presented an overview of the development plan.

Citizen Howard Battista spoke in opposition of the appeal.

Frank Caris, CEO, dpiX, and Terry Peterson, Vice President of Quality, dpiX, spoke in support of the denial of the appeal.

Councilmember Knight asked if the area is included in the recently approved expansion of the commercial aeronautical zone (CAZ). Mr. Wysocki and Jeff Greene, Chief of Staff, stated the property is included in the CAZ.

Councilmember Collins stated she supports denial of this request due to the commercial nature of the area, power issues and environmental issues. Councilmember Collins encouraged the land owner to consider potential land use opportunities involving the CAZ.

Motion by President Pro Tem Gaebler, seconded by Councilmember Collins to deny the zone change for Village at Aeroplaza, based upon the finding that the zone change does not comply with the review criteria in City Code Sections 7.3.603 and 7.5.603. The motion passed by a vote of 8-0-1.

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

Excused: 1 - Bagley

12.B. [15-00508](#) Village at Aeroplaza (Quasi-Judicial)

Please see comments in agenda item 12.A.

Motion by President Pro Tem Gaebler, seconded by Councilmember Collins, to deny the appeal, upholding the Planning Commission's denial of the concept plan for Village at Aeroplaza, based upon the finding that the concept plan does not comply with the review criteria in City Code Section 7.3.605. The motion passed by a vote of 8-0-1.

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

Excused: 1 - Bagley

12.C. [15-00507](#) Appeal of the City Planning Commission approval of a Development Plan for the Bates Elementary School Student Housing project, located off Austin Bluffs Parkway and Stanton Street. (Quasi-Judicial)

Motion by Councilmember Knight, seconded by Councilmember Strand, to postpone this item to a date certain, the September 8, 2015 City Council meeting. The motion passed by a vote of 8-0-1.

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

Excused: 1 - Bagley

13. Added Item Agenda

13.A. [15-00550](#) 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: 83-15

Citizen Angela Dougan with Americans for Prosperity spoke in opposition of this item.

Councilmember King requested a copy of the comprehensive report analysis of the City budget from Americans for Prosperity. Ms. Dougan stated she will provide the report to Council when it is available.

Councilmember Strand stated that City Council is not raising taxes,

rather placing this on the ballot for citizens to make a decision.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Resolution be adopted. The motion passed by a vote of 7-1-1.

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

No: 1 - Collins

Excused: 1 - Bagley

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