



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, July 28, 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

2. Invocation and Pledge of Allegiance

The Invocation was led by Father Ken Pryzbyla, St Francis of Assisi Church.

The Pledge of Allegiance was led by Council President Bennett.

There was a moment of silence in honor of former City Attorney Jim Colvin who recently passed away.

3. Changes to Agenda/Postponements

Council President Bennett requested a discussion regarding the possible addition of broadband service as a fifth utility be added to the work session agenda August 10, 2015.

Eileen Gonzalez, City Council Administrator, stated Staff has requested agenda item 12.A. be postponed to the August 11, 2015 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:

4A.A. [15-00285](#) Ordinance No. 15-41 amending Ordinance No. 14-101 (2015 Appropriation Ordinance) for a supplemental appropriation to the

General Fund in the amount of \$558,447 for repairs due to hail damage that was incurred on May 21, 2014, an increase in insurance premiums, and an increase in court-appointed attorney costs; and to the Parking System Fund in the amount of \$31,937, and the Patty Jewett Golf Fund in the amount of \$10,138 for repairs due to hail damage that was incurred on May 21, 2014

Res/Ord Number: 15-41

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [15-00424](#) City Council Meeting Minutes July 14, 2015

The Meeting Minutes were approved on the Consent Calendar.

4B.B. [15-00430](#) Boards and Commissions

This item was approved on the Consent Calendar.

4B.C. [15-00382](#) The City Clerk reports that on May 8, 2015 there was filed with her a petition for the annexation of Dublin North Addition #4. She states that she has examined or caused to be examined the above mentioned petition and has determined that the petition is in substantial compliance with Section 31-12-107(1), C.R.S. The City Clerk herewith communicates such to City Council and recommends that the petition be referred to the City Administration for review and recommendation.

This item was approved on the Consent Calendar.

4B.D. [15-00318](#) A resolution authorizing the Mayor to execute a Memorandum of Agreement between the Fountain Creek Watershed, Flood Control and Greenway District and the City of Colorado Springs for Grant Matching Funds for the preparation of a watershed restoration master plan for Monument Creek

Res/Ord Number: 74-15

The resolution was adopted on the Consent Calendar.

4B.F. [15-00371](#) Ordinance No. 15-45 amending Section 201 (Definitions) and adding a new Section 213 (Economic Development Agreements) of Part 2 (General Provisions) of Article 1 (Municipal Airport) of Chapter 14 (Municipal Enterprises) of the Code of the City of Colorado Springs 2001, as amended, authorizing economic development agreements with businesses performing commercial aeronautical activities at the Colorado Springs Municipal Airport.

Res/Ord Number: 15-45

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

- 4B.G.** [15-00372](#) Ordinance No. 15-46 creating a new Article 12 (Economic Development Agreements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, authorizing economic development agreements with businesses performing commercial aeronautical activities within the commercial aeronautical zone.
Res/Ord Number: 15-46

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

- 4B.H.** [15-00405](#) Ordinance No. 15-47 amending the Zoning Map of the City of Colorado Springs relating to 27.3 acres located at the northeast corner of Templeton Gap Road and Dublin Boulevard from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development: Detached Single-Family Residential, maximum density 3.85 dwelling units per acre, maximum building height of 35 feet, with Airport Overlay) zone district.
(Quasi-Judicial Matter)
Res/Ord Number: 15-47

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

- 4B.I.** [15-00406](#) Dublin North Filing Number 8 Zone Change and Development Plan
(Quasi-Judicial Matter)

This item was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, 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 Jason Burtis, George Borja, and Lynn Harrington spoke about the importance of public transit and requested Council support improvements to the system.

Citizen Gabriele Gundlach spoke about the need for improved public

transportation.

Citizen Lane Williams, a downtown business owner, voiced his concerns about conditions in the downtown area, including beggars, litter, human waste and filth. Council President Pro Tem Gaebler asked if he has brought his concerns to the Downtown Partnership. Mr. Williams stated he has, and they have made minimal efforts to improve the situation.

Citizen Douglas Bruce expressed concern about the City's failure to maintain City owned property. Mr. Bruce provided a copy of an editorial to City Councilmembers and provided pictures of certain City owned parcels of land. Mr. Bruce also spoke about his recent experience involving a City water main break in the vicinity of property he owns, stating Colorado Springs Utilities did not apologize to him about the water main break and used his property to park equipment during the repair process without his permission.

Citizen Walter Lawson spoke about the customer service offered by Comcast and the pending cable franchise renewal agreement. He requested an election process be held to allow citizens to select a better cable company.

Citizen Deborah Stout-Meininger spoke about asbestos contamination in America the Beautiful Park.

Citizen Ron Ilgen, President of the Pikes Peak Ascent and Marathon, spoke about the 60th anniversary of the Pikes Peak Marathon and invited everyone to the Pikes Peak Run Fest at the Pioneer Museum Thursday August 13, 2015 from 5pm to 8pm.

Citizen Susanne Whited, Vice-Chair of the City Transit Passenger Advisory Committee requested Council support the public transport system. She also requested El Paso County, Colorado Springs and the City of Fountain work together to provide transportation to the new Walmart in Fountain, including changes to the curbs to accommodate wheelchair access.

7. Mayor's Business

There was not any Mayor's Business.

8. Items Called Off Consent Calendar

- 4A.B.** [15-00380](#) Ordinance No. 15-43 Annexing to the City of Colorado Springs that Area Known as Tutt Corners Addition Consisting of 6.331 acres. (Legislative Matter)

Res/Ord Number: 15-43

Councilmember Collins stated she pulled this and item 4.A.C. off the Consent Calendar because she previously voted for these items but will change her vote due to PPRTA constructing a road through the area eliminating the enclave situation. Councilmember Collins reiterated she votes against all annexations.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Ordinance to approve the Tutt Corners Addition annexation, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203, 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

- 4A.C.** [15-00383](#) Ordinance No. 15-44 Amending the Zoning Map of the City of Colorado Springs Relating to 4.8 Acres Located at the Northeast Corner of Templeton Gap Road and Dublin Boulevard Establishing the C-6/AO Zone. (Legislative Matter)

Res/Ord Number: 15-44

Councilmember Pico requested an explanation of why the construction of a road by PPRTA through the property caused Councilmember Collins to change her vote on this item. Councilmember Collins stated she feels like the City needs to take care of existing roads rather than annexing additional property to maintain.

Please see additional comments in agenda item 4.A.B.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Ordinance to approve the establishment of the C-6/AO (General Business with Airport Overlay) zone district, based upon the findings that the zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B), 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

- 4B.E.** [15-00370](#) Ordinance No. 15-48 amending Section 450 (Sales and Use Tax in a Commercial Aeronautical Zone) of Part 4 (Exempt Transactions, Commodities and Persons; Deductions) of Article 7 (Sales and Use

Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to expanded geographical area for commercial aeronautical zone and approving and adopting commercial aeronautical zone map.

Res/Ord Number: 15-48

Council President Pro Tem Gaebler explained she pulled this off the Consent Calendar for transparency, to be sure Council is aware of an additional whereas statement relating to community benefit agreements added to the document after it was presented in the work session.

Councilmember Collins stated she does not support this because she believes of the benefits of reduced taxes should be available City wide.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that an ordinance amending Section 450 (Sales and Use Tax in a Commercial Aeronautical Zone) of Part 4 (Exempt Transactions, Commodities and Persons; Deductions) of Article 7 (Sales and Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to expanded geographical area for commercial aeronautical zone and approving and adopting commercial aeronautical zone map 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 Utilities Business.

10. Unfinished Business

10.A. [15-00335](#) Ordinance No. 15-42 approving the salary of the City Auditor

Res/Ord Number: 15-42

There were no questions or comments on this item.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Ordinance 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

11. New Business

11.A. [15-00130](#) A resolution approving the City Council's 2016 strategic plan pursuant to City Charter Section 3-10(C) to provide for the future of the City and for the Mayor's consideration in the development of the 2016

municipal administrative budget

Res/Ord Number: 75-15

Council President Pro Tem Gaebler explained the requested change to the resolution regarding the military support by Councilmember Knight has been made and expressed appreciation to the executive branch for the collaboration and support in this effort.

Councilmember Strand asked how the strategic plans of the Mayor and Colorado Springs Utilities align with this. Ms. Gaebler stated she feels all of the plans are aligned with similar visions and objectives. Council President Bennett stated this is true of the Regional Business Alliance and the Downtown Partnership also.

Councilmember Murray asked if a review of the 2014 strategic plan has been done. Ms. Gaebler stated this has not been done yet, and added that Councilmember Murray has been included on the committee to perform this review.

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

- 11.B.** [15-00367](#) Ordinance No. 15-49 creating a new Part 12 (Pedal-Cab Services) of Article 3 (Sales of Good and Services) of Chapter 2 (Business Licensing, Liquor Regulations and Taxation) and providing penalties for the violation thereof.

Res/Ord Number: 15-49

Council President Pro Tem Gaebler provided a brief overview of this ordinance.

Britt Haley with the City Attorney's Office provided a summary of the changes made to this ordinance based on Council requests from the discussion in the July 14, 2015 work session.

Councilmember Knight requested Section 2.3.1207(D) of the ordinance be amended to require a license to be relinquished within three business days rather than 72 hours.

Councilmember Knight asked why the required age for licensing is 18 years. Sarah Johnson, City Clerk, stated this is the standard age for granting a business license across all of the general business licenses.

Councilmember King asked about the cost of the required insurance for this type of business. Jeremiah King, current pedal-cab business owner, stated the insurance cost is comparable to automobile insurance.

Mr. King stated this is a good business opportunity for Colorado Springs, the benefits of offering pedal cab services include encouraging tourism and shopping and a "green" alternative means of transportation.

Councilmember Collins asked how many of Mr. King's drivers are under the age of 18. Mr. King stated most of the drivers are college students and some owners require drivers to be at least 21 years old.

Councilmember Strand asked when Mr. King anticipates starting the business in Colorado Springs. Mr. King stated he plans to start business as soon as he can be legally licensed. Ms. Johnson stated the second reading of the ordinance will be on August 11, 2015 and, if finally passed, will take effect five days following publication. The City Clerk's Office will make every effort to be ready to issue this license when it becomes legally available.

Councilmember Strand asked Mr. King if the drivers working for him will be independent contractors. Mr. King explained drivers operate more like subcontractors or independent contractors; leasing the vehicle from him, handling their own money, insurance and schedules.

Councilmember Strand asked how many drivers will be working for Mr. King. Mr. King stated initially it will be himself and two to three others, growth of his business is based on consumer demand and the availability of pedal-cabs (production is limited).

Councilmember King asked how much each pedal-cab costs. Mr. King stated the approximate cost for each pedal-cab is \$10,000; this includes \$5,000- \$7,000 for the vehicle, insurance and maintenance costs. The durability, construction materials and features of the vehicles account for the cost.

Sarah Harris, Director of Economic Development for the Downtown Partnership stated the Downtown Partnership supports this license and business venture.

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, that the Ordinance with the change in Section 2.3.1207(D) from 72 hours to 3 business

days 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.** [15-00401](#) Ordinance No. 15-50 amending Section 507 (License Fees Enumerated) of Part 5 (License Fees) of Article 1 (General Business License Provisions) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to pedal-cab services license fees

Res/Ord Number: 15-50

Councilmember Collins stated she does not support this because she does not agree with business license fees.

Councilmember King asked how the \$90 license fee is derived. Ms. Johnson explained the general business license fees were established through the analysis of the business license process done by the City Clerk's office last year during her overhaul of the general business licensing program. She stated actual cost to issue a business license is \$99, but due to efficiency in process, the license fee is \$90 for all general business licenses.

Council President Pro Tem Gaebler made a motion to approve the ordinance. Councilmember King requested the ordinance be amended to change the license fee to \$45 for both licenses.

Council President Pro Tem Gaebler stated she discussed the cost of business license fees with the City Clerk and the \$90 fee is the cost of issuing each license. A removal of or decrease in fees reflects the tax payer picking up remaining the cost of issuing a business license.

Councilmember Strand asked Mr. King what impact the \$90 license fee has on his business. Mr. King stated he supports the \$90 license fee to ensure reputable businesses are established rather than having substandard companies enter the market.

Motion by Councilmember King, seconded by Councilmember Pico, that the Ordinance be amended to reduce the fee to \$45 for an annual license for a Pedal-Cab Agency and \$45 for an annual license for a Pedal-Cab Driver be approved on first reading. The motion failed by a vote of 2-7-0.

Aye: 2 - King, and Pico

No: 7 - Bagley, Bennett, Collins, Gaebler, Knight, Murray, and Strand

Res/Ord Number: 15-50

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, that

the ordinance amending Section 507(License Fees Enumerated) of Part 5 (License Fees) of Article 1 (General Business License provisions) of Chapter 2 of the City Code of the City of Colorado Springs, as amended pertaining to pedal-cab services license fees 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

11.D. [15-00381](#)

A Resolution Setting a Public Hearing to Receive Public Comment Concerning the City of Colorado Springs' Future Cable-Related Community Needs and Interests and Concerning Past Performance of Comcast of Colorado/Pennsylvania/ West Virginia, LLC (Locally Known as Comcast) Under the Existing Franchise.

Res/Ord Number: 76-15

Renee Congdon with the City Attorney's Office stated the public comment meeting has been scheduled for 6 to 8 pm on August 10, 2015 in the City Council Chambers. Only the public will be allowed to speak at this meeting, another meeting has been scheduled for interested business entities to comment. Ms. Congdon stated the press release is intended to clarify the topics of discussion included in this meeting.

Councilmember Strand asked how to best publicize this event and if notice can be included on Comcast customer billing statements. Ms. Congdon stated inclusion on Comcast bills will require 60 day lead time. Ms. Congdon emphasized additional public comment meetings can be scheduled and reviewed the publications and press releases to publicize this public comment session. Ms. Congdon will initiate a discussion with Comcast to have notice included on cable bills.

Councilmember Strand asked if a notice about the comment session could be included on City utility bills and encouraged Council to consider additional ways to publicize this event. Jerry Forte, CEO, CSU, will check with the Utilities Board regarding including this on utility bills. Councilmember Pico stated he would like to keep this separate from the utility bill and suggested using the Utilities newsletter as an appropriate venue.

Councilmember Knight asked how customer service/performance comments will be handled during the public comment meeting. Ms. Congdon explained how the categories have been established in an attempt to keep the meeting in order.

Citizen Walter Lawson stressed the need to notify citizens of the public hearing process, reminded Council not all citizens have internet access, and encouraged them to set another public hearing date.

Councilmember Pico emphasized this is a limited to cable service only and encouraged Council to stay focused on the objective of the franchise agreement which includes establishing use the of right-of-way for cable service. Federal law prohibits franchise agreements from establishing cable rates.

Councilmember Murray stated this is an opportunity for the public to rebalance the cable service offered to them.

Motion by Councilmember Murray, seconded by Councilmember Bagley, 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

- 12.A. [15-00407](#) Appeal of the Historic Preservation Board Action for 1232 N Nevada - Fire Escape
(Quasi-Judicial Matter)

This item was postponed to the August 11, 2015 meeting.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Planning Case be postponed to a date certain, the August 11, 2015 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

13. Added Item Agenda

There were no items added to the agenda.

14. Executive Session

There was not an Executive Session.

15. Adjourn