



# City of Colorado Springs

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

## Meeting Minutes - Draft City Council

*City Council meetings are broadcast live on Channel 18.*

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Tuesday, October 14, 2014

1:00 PM

Council Chambers

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1. Call to Order
2. Invocation and Pledge of Allegiance

The invocation was led Reverend Douglas Brauner, Holy Cross Lutheran Church.

The Pledge of Allegiance was led by President King.

### 1. Call to Order

**Present:** 8 - President Pro Tem Merv Bennett, Councilmember Helen Collins, President Keith King, Councilmember Don Knight, Councilmember Jan Martin, Councilmember Joel Miller, Councilmember Andy Pico, and Councilmember Val Snider

**Excused:** 1 - Councilmember Jill Gaebler

### 3. Changes to Agenda/Postponements

Eileen Gonzalez, City Council Administrator, stated the following items will be pulled from the consent calendar; 5.A.A., 5.A.B., 5.A.C., 5.B.G., 5.B.H., and 5.B.X.

#### 5A.C. 14-0568

Ordinance No. 14-66 amending Section 201 (Definitions) of Part 2 (Definitions); Section 702 (Wastewater Discharge; Prohibitions), Section 703 (Wastewater Discharge; Limitations), and Section 705 (Silver Source Control) of Part 7 (Prohibitions - Limitations on Wastewater Discharge); Section 901 (Reporting Requirements) and Section 903 (Inspection, Sampling, and Analysis) of Part 9 (Industrial Wastewater Monitoring and Reporting); Section 1002 (Manifest System), Section 1004 (Vehicle Maintenance Requirements) and 1005 (Financial Assurance Requirements) of Part 10 (Liquid Waste Hauler Requirements); Section 1102 (Discharge Permit; Application For), 1104 (Significant Industrial User Discharge Permit; Conditions), 1106 (Discharge Permit; Duration), 1108 (Liquid Waste Hauler Permit; Application For), 1109 (Liquid Waste Hauler Permit; Conditions) and 1112 (Modification for Permits and Control Mechanisms of Part 11 (Permit and Control Mechanism System); and Section 1201 (Enforcement Generally; Remedies Cumulative) and 1207 (Affirmative

Defenses) of Part 12 (Enforcement) of all Article 5 (Wastewater Treatment Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended

Councilmember Knight made a motion to postpone item 5.A.C. to a date certain, November 10, 2014, due to the item being in a public comment period required by the EPA.

**Motion by Councilmember Knight, seconded by President Pro Tem Bennett, that the Ordinance be postponed to a date certain, November 10, 2014. The motion passed by a vote of 8-0-1.**

**Yes:** 8 - Bennett, Collins, King, Knight, Martin, Miller, Pico, and Snider

**Excused:** 1 - Gaebler

**10.B. 14-0616** A Resolution Setting the Gas Cost Adjustment Effective November 1, 2014

Councilmember Knight requested to postpone item 10.B. to October 28, 2014 to allow for public review.

**Motion by Councilmember Knight, seconded by President Pro Tem Bennett, that the Resolution be postponed to a date certain, October 28, 2014. The motion passed by a vote of 8-0-1.**

**Yes:** 8 - Bennett, Collins, King, Knight, Martin, Miller, Pico, and Snider

**Excused:** 1 - Gaebler

**10.A. 14-0615** Request to Establish a Public Hearing Date for the Consideration of Resolutions Regarding Certain Changes to Utilities Rules and Regulations and Setting Electric Rates Within the Service Areas of Colorado Springs Utilities

There were no comments or discussion on this item.

**Motion by President Pro Tem Bennett, seconded by Councilmember Knight, that the request to move the proposed hearing date to November 25, 2014 be approved. The motion passed by a vote of 8-0-1.**

**Yes:** 8 - Bennett, Collins, King, Knight, Martin, Miller, Pico, and Snider

**Excused:** 1 - Gaebler

#### 4. Councilmember Comments

Councilmember Collins advised citizens to vote no on item 1.B.

Councilmember Miller spoke about transparency and the City for Champions, listing amounts of money spent on studies associated with

building a downtown stadium and voicing his concerns about the lack of information provided by the City Attorney's Office.

President King stated he requested the Mayor provide periodic reports to City Council on severance packages provided to city employees. President King indicated that the Mayor agreed to provide the reports as requested.

## 5. 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.)

### 5A. Second Presentation:

**5A.D. 14-0517** Ordinance No. 14-69 amending Section 401 (Shoplifting Prohibited) of Part 4 (Shoplifting) of Article 6 (Offenses Affecting Property) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to theft

**This Ordinance was finally passed on the Consent Calendar.**

**5A.E. 14-0518** Ordinance No. 14-70 amending Section 218 (Signal Lamps and Devices; Street Rod Vehicles and Custom Motor Vehicles) of Part 2 (Vehicle Equipment and Inspection) of Article 22 (Vehicle Equipment and Inspection); Section 101 (Obstruction of View or Driving Mechanism) of Article 23 (Miscellaneous Rules of the Road); and Section 101 (Compulsory Vehicle Insurance) of Article 28 (Compulsory Insurance) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to motor vehicles and traffic

**This Ordinance was finally passed on the Consent Calendar.**

**5A.F. 14-0519** Ordinance No. 14-71 amending Section 207 (Perishable or Hazardous Property) of Part 2 (Custody of Property and Weapons) of Article 1 (Administration and Enforcement) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to destruction of perishable and hazardous property

**This Ordinance was finally passed on the Consent Calendar.**

## 5B. First Presentation:

- 5B.A. 14-0624** City Council Meeting Minutes Special Session September 17, 2014  
**The Special Session Meeting Minutes were approved on the Consent Calendar.**
- 5B.B. 14-0609** City Council Regular Meeting Minutes September 23, 2014  
**The Meeting Minutes were approved on the Consent Calendar.**
- 5B.C 14-0605** Boards and Commissions  
**The Appointments to Boards and Commissions were approved on the Consent Calendar.**
- 5B.D. 14-0300** A resolution authorizing free parking on Saturday November 8, 2014 for the Veteran's Day Parade.  
**The resolution was adopted on the Consent Calendar.**
- 5B.E. 14-0301** A Resolution Authorizing Free On-Street Metered Parking on Saturday, November 29; Saturday, December 6; Saturday, December 13; and Saturday, December 20, 2014  
**The resolution was adopted on the Consent Calendar.**
- 5B.F. 14-0572** Ordinance No. 14-72 amending 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 general business license provisions  
**This Ordinance was approved on first reading on the Consent Calendar.**
- 5B.I. 14-0579** Ordinance No. 14-73 amending Part 4 (Alarm Licenses and Registration) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to alarm licenses  
**This Ordinance was approved on first reading on the Consent Calendar.**
- 5B.J. 14-0581** Ordinance No. 14-74 amending Part 6 (Escort Services) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to escort services licenses  
**This Ordinance was approved on first reading on the Consent Calendar.**

- 5B.K. 14-0582** Ordinance No. 14-75 amending Sections 701 (Definitions) and 702 (License Required; Fee; Term) of Part 7 (Peddler of Food Wares) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to food peddler licenses

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

- 5B.L. 14-0583** Ordinance No. 14-76 amending Sections 803 (License Required; Fee; Term) and 804 (Bonds Required) of Part 8 (Pawnbrokers) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to pawnbroker licenses

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

- 5B.M. 14-0585** Ordinance No. 14-77 amending Part 10 (Taxicabs) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to taxicab licenses

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

- 5B.N. 14-0586** Ordinance No. 14-78 amending sections 1103 (License Required; Expiration; Transferability; Fees), 1104 (Applications; Funeral Escort Service Agency, Funeral Escort Service Agency Officers) and 1105 (Funeral Escort Agency License; Insurance Requirements; Training) of Part 11 (Funeral Escorts) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to funeral escort licenses

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

- 5B.O. 14-0587** Ordinance No. 14-79 amending Article 4 (Sexually Oriented Businesses) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to sexually oriented business licenses

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

- 5B.P. 14-0588** Ordinance No. 14-80 amending Section 203 (Application for License; Bond and Insurance Requirements; Suspension or Revocation) of Part 2 (Excavations) of Article 3 (Streets and Public Ways) of Chapter 3 (Public Property and Public Works) of the Code of the City of Colorado Springs 2001, as amended,

pertaining to excavation licenses

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

**5B.Q. 14-0590**

Ordinance No. 14-81 amending Part 5 (Concrete Contractors) of Article 3 (Streets and Public Ways) of Chapter 3 (Public Property and Public Works) of the Code of the City of Colorado Springs 2001, as amended, pertaining to concrete contractor licenses

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

**5B.R. 14-0573**

Ordinance No. 14-82 repealing Part 1 (Circuses, Carnivals and Menageries) of Article 2 (Amusements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to circus, carnival, and menagerie licenses

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

**5B.S. 14-0574**

Ordinance No. 14-83 repealing Part 2 (Billiard and Pool Tables) of Article 2 (Amusements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to billiard and pool table licenses

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

**5B.T. 14-0575**

Ordinance No. 14-84 repealing Part 3 (Coin-Operated Machines) of Article 2 (Amusements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to coin-operated machine licenses

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

**5B.U. 14-0576**

Ordinance No. 14-85 repealing Part 4 (Game Rooms) of Article 2 (Amusements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to game room licenses

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

**5B.V. 14-0580**

Ordinance No. 14-86 repealing Part 5 (Ash, Garbage, Refuse, Trash and Rubbish Haulers) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to ash, garbage, refuse, trash and rubbish hauler licenses

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

**5B.W. 14-0584**

Ordinance No. 14-87 repealing Part 9 (Going-Out-of-Business

Sales) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to going-out-of-business sale licenses

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

### **Approval of the Consent Agenda**

**Motion by President Pro Tem Bennett, seconded by Councilmember Knight, 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.**

**Yes:** 8 - Bennett, Collins, King, Knight, Martin, Miller, Pico, and Snider

**Excused:** 1 - Gaebler

### 6. Recognitions

There were no recognitions.

### 7. Citizen Discussion

Citizen Charles Barber spoke about problems he perceives in the local government.

Citizen Michael Tozier spoke in favor of having citizens vote to approve the construction of public facilities.

Citizen Deborah Stout-Meninger spoke about contamination testing in America the Beautiful Park.

Citizen Carl Strow spoke about derogatory comments made about the local police departments and the lack of response to his comments about corruption in the local government.

Citizens June Waller and Julie Ott representing the League of Woman Voters of the Pikes Peak Region requested Council encourage citizens to strive to understand ballot issues and vote.

Citizen Kyleah Dailey spoke on behalf of the Community Transit Coalition thanking the Councilmembers who participated in the "Rolling Office Hours" and read a proclamation written by a UCCS student.

Citizens Courtney Stone, Regina Dipadova, and Shawna Kempainen

spoke on behalf of the Community Transit Coalition in support of the proposed budget increase to fund additional transit services.

Citizen Roger McCarville commented on the limits on affordable housing and expressed appreciation to Councilmember Collins for her position on the ballot issue 1B and to Councilmember Miller for his information on the downtown stadium.

Citizen Anita Miller spoke on behalf of a committee working to get the downtown stadium on the April ballot, requesting Council take the initiative to place this on the ballot. Ms. Miller also expressed concern about citizen comments at the Urban Renewal Authority Board meeting being struck from the meeting minutes.

Citizen Doug Carter requested City Council support a debate between the 5th Congressional District candidates.

## 8. Mayor's Business

Mayor Bach spoke about upcoming Community Forums planned to discuss high priority backlogged Capital Improvement Projects. Mayor Bach invited Councilmembers and citizens to attend the Forums.

## 9. Items Called Off Consent Calendar

**5A.A. 14-0562** Ordinance No. 14-64 amending the Zoning Map of the City of Colorado Springs relating to 10.78 acres located north of Fillmore Street and east of Centennial Boulevard  
(Quasi-Judicial Matter)

Councilmember Knight recused himself from voting on this and item 5A.B. since he was not present for the first vote.

**Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Ordinance to approve the 10.78-acre zone change for Centennial East, based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.B be finally passed. The motion passed by a vote of 7-0-2.**

**Yes:** 7 - Bennett, Collins, King, Martin, Miller, Pico, and Snider

**Recused:** 1 - Knight

**Excused:** 1 - Gaebler

**5A.B. 14-0563** Ordinance No. 14-65 amending the Zoning Map of the City of Colorado Springs relating to 18.47 acres located north of Fillmore Street and east of Centennial Boulevard



(Quasi-Judicial Matter)

Please see comments in item 5.A.A.

**Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Ordinance to approve the 18.47-acre zone change for Centennial East, based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.B be finally passed. The motion passed by a vote of 7-0-2.**

**Yes:** 7 - Bennett, Collins, King, Martin, Miller, Pico, and Snider

**Recused:** 1 - Knight

**Excused:** 1 - Gaebler

**5B.G. 14-0577** Ordinance No. 14-88 amending Part 2 (Private Security Services) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to private security service licenses

Sarah Johnson, City Clerk, provided a brief overview of the proposed changes to this business license including changes to all general business license types and the changes specific to this license.

Citizen Spencer Stringham voiced concern about restrictions on the number of hand cuffs (the proposed ordinance will allow security officers to carry two sets of handcuffs instead of one) and rounds of ammunition security officers are permitted to carry compromising the safety of individuals he employs through his Security Agency. Stringham also expressed concern about security officers being prohibited from carrying concealed weapons while on duty.

Councilmember Miller requested clarification on the fee reductions associated with the ordinance. Ms. Johnson explained how the fee reduction was calculated. Ms. Johnson explained that the proposed ordinance will eliminate the application fee, decrease the background check fee and eliminate the firearm endorsement fee. Ms. Johnson also added that the training requirements were established by a Council appointed Security Training Advisory Board consisting of a representative from a licensed security agency employing more than 50 employees, a representative from a licensed security agency employing less than 50 employees, two representatives of a higher educational institution with a criminal justice curriculum, two representatives of a group or association related to firearms and conductive energy device use or training and a citizen at large.

Peter Carey, Police Chief, spoke about the importance of security officers wearing uniforms so police arriving on a scene can quickly identify them. Chief Carey also stressed the importance of police awareness of weapons on a scene to ensure safety, security officers carrying concealed weapons could compromise the safety of a situation.

Frederick Stein with the City Attorney's Office spoke about the legal aspects of the license, stating the City Attorney's Office has reviewed the license requirements and the public safety issues related to security officers carrying concealed weapons and agrees with the restriction.

President King asked for clarification between police officers working undercover carrying concealed weapons versus police officers openly carrying weapons. Chief Carey explained that all officers have a sworn duty to protect and are authorized to carry a weapon, open or concealed. Councilmember Miller requested additional information on the State Statutes for carrying concealed weapons. Lindsey Rose with the City Attorney's Office spoke about the State Statutes allowing regulation and the general police powers of a municipality. Ms. Rose explained that these restrictions do not apply to citizens in the private setting, but are applicable to licensed professionals.

Councilmember Knight asked Mr. Stringham, given the proposed changes to the current ordinance, which way he would prefer to go. Mr. Stringham stated these are steps in the right direction and he would like to see more done.

Ms. Johnson stated the City Clerk's Office will review all the general business licenses annually and continue to make changes and improvements.

**Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Ordinance amending Part 2 (Private Security Services) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to private security service licenses be approved on first reading. The motion passed by a vote of 8-0-1.**

**Yes:** 8 - Bennett, Collins, King, Knight, Martin, Miller, Pico, and Snider

**Excused:** 1 - Gaebler

**5B.H. 14-0578**

Ordinance No. 14-89 amending Part 3 (Tree Service) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing,

Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to tree service licenses

Ms. Johnson provided a brief overview of the proposed changes to this business license.

Jay Hein, City Forester, provided additional information on the proposed limited license type allowing entities hired by property owners to trim trees from below 12 feet.

Councilmember Miller stated he would like to remove the license requirement for trimming trees from below 12 feet, allowing homeowners to hire someone, without a license, to trim trees and perform fire mitigation. Mr. Hein responded that requiring a license allows the City to ensure homeowners they are getting quality work done by knowledgeable individuals and will help protect natural resources. Mr. Hein added that he has companies inquiring about performing mitigation work in the City who would benefit from the limited license.

Councilmember Knight asked why the restriction is set at 12 feet, Mr. Hein stated this is a safety issue based on fall risk, power lines and other factors.

Councilmember Collins stated she cannot support this as written.

Councilmember Bennett asked the Colorado Springs Fire Department (CSFD) representative, Christina Randall, if the CSFD supports this ordinance. Ms. Randall stated CSFD supports this ordinance, adding that CSFD only uses licensed and insured contractors to perform mitigation projects. The limited license allows smaller companies to be licensed and insured to perform this service safely and effectively and makes them eligible to participate in CSFD mitigation projects.

Councilmember Miller reiterated he cannot support this item with the limited license included. Councilmember Miller believes citizens should be able to hire unlicensed individuals/entities to trim trees and shrubs from the ground on their property. Ms. Rose provided additional details about the restrictions of tree sizes to be trimmed. Mr. Hein reiterated that not requiring a license will allow untrained individuals to cut down large trees from the ground posing a public safety hazard.

Councilmember Knight stated he will support this because he sees the

benefit of limiting the ability of untrained, unqualified individuals to cut trees.

Councilmember Bennett stated he will approve this ordinance as written as a step in the right direction, with the intent to revisit this and continue to improve on the license.

**Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Ordinance amending Part 3 (Tree Service) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to tree service licenses on first reading be approved on first reading. The motion passed by a vote of 5-3-1.**

**Yes:** 5 - Bennett, King, Knight, Martin, and Snider

**No:** 3 - Collins, Miller, and Pico

**Excused:** 1 - Gaebler

**5B.X. 14-0591**

Ordinance No. 14-90 reordaining Section 507 (License Fees Enumerated) of Part 5 (License Fees) of Article 1 (General Business License Requirements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to business license fees

Councilmember Knight requested additional clarification on the security officer licensing fee reductions. Ms. Johnson explained the current fees include a tiered approach to licensing security agencies based on the number of officers employed; the proposed fees structure eliminates the tiered approach and charges the same amount for all agencies. The City Clerk's review of the business licensing process revealed most of the work associated with licensing security officers is associated with the individual licenses issued to the officers.

Councilmember Collins expressed appreciation for the work done on the business licenses and stated she will support this ordinance.

Ms. Johnson thanked Council, City staff and her staff for their support throughout the review process.

Councilmember Martin stated she is looking forward to having business licensing move to an on-line process in the future.

**Motion by President Pro Tem Bennett, seconded by Councilmember Snider, that the Ordinance reordaining Section 507 (License Fees Enumerated) of Part 5 (License Fees) of Article 1 (General Business License Requirements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of**

**Colorado Springs 2001, as amended, pertaining to business license fees be approved on first reading. The motion passed by a vote of 8-0-1.**

**Yes:** 8 - Bennett, Collins, King, Knight, Martin, Miller, Pico, and Snider

**Excused:** 1 - Gaebler

## 10. Utilities Business

Please see items 10.B. and 10.A. earlier in the meeting.

## 11. Unfinished Business

**11.A. 14-0516** Ordinance No. 14-68 amending Article 1 (Administration and Enforcement) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the definition of a trailer and towing of the same

Councilmember Miller stated he will not support this because he feels he should be able to keep a licensed vehicle parked in front of his house.

**Motion by President Pro Tem Bennett, seconded by Councilmember Knight, that the ordinance be finally passed. The motion passed by a vote of 7-1-1.**

**Yes:** 7 - Bennett, Collins, King, Knight, Martin, Pico, and Snider

**No:** 1 - Miller

**Excused:** 1 - Gaebler

## 12. New Business

**12.A. 14-0593** Ordinance No. 14-91 amending Ordinance 02-101 pertaining to the composition of the Citizens' Transportation Advisory Board

Councilmember Bennett clarified that this is necessary due to the restructuring of Council from four districts to six districts.

**Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the ordinance be approved on first reading. The motion passed by a vote of 8-0-1.**

**Yes:** 8 - Bennett, Collins, King, Knight, Martin, Miller, Pico, and Snider

**Excused:** 1 - Gaebler

**12.B. 14-0606** A resolution authorizing the transfer of \$10,000,000 from the Memorial Health System Enterprise Fund to the Colorado Springs Health Foundation in accordance with the Health System Operating Lease and Integration and Affiliation Agreement

There were no comments or questions regarding this item.

**Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Resolution authorizing the transfer of \$10,000,000 from the Memorial Health System Fund to the Colorado Springs Health Foundation in accordance with the Operating Lease and Integration and Affiliation Agreement be adopted. The motion passed by a vote of 8-0-1.**

**Yes:** 8 - Bennett, Collins, King, Knight, Martin, Miller, Pico, and Snider

**Excused:** 1 - Gaebler

### 13. Public Hearing

**13.A. 14-0613** Capital Annexation No. 1  
(Legislative Matter)

Larry Larson, Senior Planner with City Land Use and Review, presented an overview of the proposed annexation. There were no appellants represented at the meeting.

David Beckett, CSU Attorney, provided additional information about the electrical and water requirements of the property and the agreement between Weatherford (the applicant), CSU and Mountain View Electric (MVE) for CSU to begin providing electric service to the property upon annexation while the Cherokee Metropolitan Water District will continue to provide water to the property until CSU has the capacity to deliver water to the property.

Councilmember Pico requested clarification on the required notice of water service provided. Mr. Beckett stated the intent is to provide a one year notice for water and wastewater provision.

Councilmember Miller requested clarification on the exclusivity provision CSU holds. Mr. Beckett responded City Code section 12.1.110 provides exclusivity to the extent of the City's capabilities.

Mr. Beckett explained the unique situation surrounding the aquifers on the property and the agreement with the applicant regarding water use. Councilmember Knight asked about compensation for the water provided through the aquifer. Mr. Beckett explained the agreement for water use in further detail. Councilmember Knight asked if the use of the well water is limited to a specific time-frame. Mr. Beckett responded that the applicant will continue to have use of the well water indefinitely. Councilmember Knight asked why this is included in the agreement; Mr. Beckett stated this is required legal terminology.

President King asked how natural gas is provided to the parcel. Mr. Beckett stated this is currently provided by CSU.

Councilmember Miller asked what motivation exists for running utility lines to this area. Brent Shubloom, System Extension Manager, CSU, explained that the Banning Lewis Ranch property is directly east of this property and at some point when the Banning Lewis Ranch property is developed, the water delivery system will be required.

Tyler Scott, Real Estate Manager, Weatherford, provided information about the organization and the expansion plans of the organization that depend on annexation of this property.

Tim Siebert with NES, provided an overview of the organization and the positive fiscal impact of the organization to the City. Mr. Siebert explained the well water is only used as process water to run the operation; potable water is currently provided by Cherokee Water and will be provided by CSU when available.

Steve Mulliken, the applicant's attorney, provided additional information about Weatherford and the operations of the organization. The annexation will allow them to expand and add jobs to the area.

Several Councilmembers stated the importance of bringing industrial jobs to the area and the importance of the tie to CSU adding this is where economic development is.

**Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Planning Case to approve the Capital Annexation No. 1, based upon the finding that the annexation complies with the findings of City Code Section 7.6.203, subject to the conditions and technical and/or informational modifications found in the City Planning Commission's Decision of Record, dated August 20, 2014 be approved. The motion passed by a vote of 8-0-1.**

**Yes:** 8 - Bennett, Collins, King, Knight, Martin, Miller, Pico, and Snider

**Excused:** 1 - Gaebler

- 13.B. 14-0617** A Resolution Setting Forth Findings of Fact and Conclusions of Law Based Thereon and Determining the Status of the Territory Known as Capital Annexation No. 1 Hereinafter More Specifically Described in Exhibit "A"  
(Legislative Matter)

Please see comments in agenda item 13.A.

**Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Resolution to approve the resolution setting forth findings of fact and conclusions of law based thereon and determining the status of the territory known as Capital Annexation No. 1 hereinafter more specifically described in Exhibit "A." be adopted. The motion passed by a vote of 8-0-1.**

**Yes:** 8 - Bennett, Collins, King, Knight, Martin, Miller, Pico, and Snider

**Excused:** 1 - Gaebler

- 13.C. 14-0618** Ordinance No. 14-92 annexing to the City of Colorado Springs that area known as Capital Annexation No. 1 as hereinafter specifically described in Exhibit "A"  
(Legislative Matter)

Please see comments in agenda item 13.A.

**Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Ordinance to approve annexing to the City of Colorado Springs that area known as Capital Annexation No. 1 as hereinafter specifically described in Exhibit "A." be approved on first reading. The motion passed by a vote of 8-0-1.**

**Yes:** 8 - Bennett, Collins, King, Knight, Martin, Miller, Pico, and Snider

**Excused:** 1 - Gaebler

- 13.D. 14-0619** Capital Annexation No. 1 Master Plan  
(Legislative Matter)

Please see comments in agenda item 13.A.

**Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Planning Case to approve the Capital Annexation No. 1 Master Plan based upon the finding that the plan complies with the review criteria of City Code Section 7.5.408, subject to the conditions and technical and/or informational modifications found in the City Planning Commission's Decision of Record, dated August 20, 2014 be approved. The motion passed by a vote of 8-0-1.**

**Yes:** 8 - Bennett, Collins, King, Knight, Martin, Miller, Pico, and Snider

**Absent:** 1 - Gaebler

- 13.E. 14-0620** Ordinance No. 14-93 amending the zoning map of the City of Colorado Springs relating to 60.606 acres located east of the Industry Road and Capital Drive intersection at 3285 Capital Drive  
(Legislative Matter)

Please see comments in agenda item 13.A.

**Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Ordinance to approve the establishment of the M-1/HR/AO (Light Industrial zone with High Rise and Airport Overlays) zone district, based upon the finding that it complies with the review criteria of City Code Section 7.5.603.B be approved on first reading. The motion passed by a vote of 8-0-1.**



**Yes:** 8 - Bennett, Collins, King, Knight, Martin, Miller, Pico, and Snider

**Excused:** 1 - Gaebler

#### 14. Added Item Agenda

There were no added agenda items.

#### 15. Executive Session

There was not an Executive Session.

### Councilmember Comments

Councilmember Knight clarified the request of Council for the City Clerk's Office to continue working on the Security Officer License in relation to the concealed carry prohibition and the Tree Trimming License in relation to the license required for trimming trees below 12 feet and set a date of November 25, 2014 for modifications or a progress report on these licenses.

Ms. Johnson clarified that the request is for completion or a progress report and requested Council consider bringing this to the Work Session on November 24, 2014. Councilmember Knight stated the request is for at minimum a progress report and approved the request for the presentation to take place in the Work Session November 24, 2014 instead of the November 25, 2014 regular meeting. Councilmember Miller reiterated his request that the concealed carry permit be addressed.

Councilmember Pico stated there has been pushback about the Infill Committee not including a member of the HBA and CONO. Discussion ensued on the best way to proceed with managing the committee and ensuring public comments are heard.

#### 16. Adjourn

**Following adjournment of the regular City Council meeting, City Council will adjourn and reconvene as the Board of Directors of the Briargate General Improvement District for action on the following items:**

- A. 14-0497** Ordinance No. 14-67 providing for the issuance of the City of Colorado Springs Briargate General Improvement District Limited Tax

General Obligation Refunding Bonds, in the aggregate principal amount of \$8,960,000 for the purpose of refunding the District's outstanding Limited Tax General Obligation bonds, Series 2003; authorizing the execution by the District of a tax compliance certificate, the bonds and related documents required in connection herewith; and making determinations as to other matters related to the bonds.

Councilmember Miller stated he will not support this because it does not require excess revenue be used to defuse the bonds early.

**Motion by President Pro Tem Bennett, seconded by Councilmember Snider, that the Ordinance to approve the Bond Ordinance as presented be finally passed. The motion passed by a vote of 6-2-1.**

- B. 14-0453** Request to set November 25, 2014 as the Public Hearing date for consideration of adopting the proposed 2015 Colorado Springs Briargate General Improvement District Budget and to advertise as required by law

**Motion by President Pro Tem Bennett, seconded by Councilmember Snider, to establish November 25, 2014 as the date of the Public Hearing to consider the 2015 Colorado Springs Briargate General Improvement District budget. The motion passed by a vote of 7-1-1.**

**Yes:** 7 - Bennett, King, Knight, Martin, Miller, Pico, and Snider

**No:** 1 - Collins

**Excused:** 1 - Gaebler

**Following adjournment of the Board of Directors of the Briargate General Improvement District, City Council shall reconvene as the Board of Directors of the Cottonwood General Improvement District for action on the following item:**

- A. 14-0454** Request to set November 25, 2014 as the Public Hearing date for consideration of adopting the proposed 2015 Colorado Springs Cottonwood General Improvement District Budget and to advertise as required by law

There were no questions or comments regarding this item.

**Motion by President Pro Tem Bennett, seconded by Councilmember Snider, to establish November 25, 2014 as the date of the Public Hearing to consider the 2015 Colorado Springs Cottonwood General Improvement District budget. The motion passed by a vote of 8-0-1.**

**Yes:** 8 - Bennett, Collins, King, Knight, Martin, Miller, Pico, and Snider

**Excused:** 1 - Gaebler

**Following adjournment of the Board of Directors of the Cottonwood General Improvement District, City Council shall reconvene as the Board of Directors of the Marketplace at Austin Bluffs General Improvement District for action on the following item:**

- A. 14-0455** Request to set November 25, 2014 as the Public Hearing date for consideration of adopting the proposed 2015 Colorado Springs Marketplace at Austin Bluffs General Improvement District Budget and to advertise as required by law

There were no questions or comments regarding this item.

**Motion by President Pro Tem Bennett, seconded by Councilmember Snider, to establish November 25, 2014 as the date of the Public Hearing to consider the 2015 Colorado Springs Marketplace at Austin Bluffs General Improvement District budget. The motion passed by a vote of 8-0-1.**

**Yes:** 8 - Bennett, Collins, King, Knight, Martin, Miller, Pico, and Snider

**Excused:** 1 - Gaebler

**Following adjournment of the Board of Directors of the Marketplace at Austin Bluffs General Improvement District, City Council shall reconvene as the Board of Directors of the Colorado Springs Spring Creek General Improvement District for action on the following item:**

- A. 14-0456** Request to set November 25, 2014 as the Public Hearing date for consideration of adopting the proposed 2015 Colorado Springs Spring Creek General Improvement District Budget and to advertise as required by law

There were no questions or comments regarding this item.

**Motion by President Pro Tem Bennett, seconded by Councilmember Snider, to establish November 25, 2014 as the date of the Public Hearing to consider the 2015 Colorado Springs Spring Creek General Improvement District budget. The motion passed by a vote of 8-0-1.**

**Yes:** 8 - Bennett, Collins, King, Knight, Martin, Miller, Pico, and Snider

**Excused:** 1 - Gaebler

**Following adjournment of the Board of Directors of the Colorado Springs Spring Creek General Improvement District, City Council shall reconvene as the Board of Directors of the Briargate General Improvement District for action on the following item:**

- B. 14-0453** Request to set November 25, 2014 as the Public Hearing date for consideration of adopting the proposed 2015 Colorado Springs

Briargate General Improvement District Budget and to advertise as required by law

Councilmember Collins requested Council reconvene to reconsider the vote on this agenda item.

Councilmember Knight made a motion for Council to reconvene. Consensus of Council agreed to reconvene by a voice vote of 8-0-1.

**Motion by President Pro Tem Bennett, seconded by Councilmember Snider, to establish November 25, 2014 as the date of the Public Hearing to consider the 2015 Colorado Springs Briargate General Improvement District budget. The motion passed by a vote of 8-0-1.**

**Yes:** 8 - Bennett, Collins, King, Knight, Martin, Miller, Pico, and Snider

**Excused:** 1 - Gaebler

**14-0663** Meeting adjourned

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

Sarah Johnson  
City Clerk