



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, February 28, 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 Minister Courtney Wright, from Church of All Nations.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

Councilmember Collins called items 4B.J and 4B.K off of the Consent calendar.

Councilmember King asked that a briefing on the replacement of the stage at Bancroft Park be brought to the next Work Session.
Consensus of Council agreed.

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. [16-771](#)

Ordinance No. 17-9 authorizing a Supplemental Appropriation for the John Venezia Community Park in the Amount of \$800,000

Presenter:

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

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

The ordinance was finally passed on the Consent Calendar.

- 4A.B. [17-805](#)** Ordinance No. 17-10 amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a Supplemental Appropriation to the Public Space and Development Fund in the Amount of \$60,000 to Fund the Planning Process for the Larry Ochs Sports Complex

Presenter:

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

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

The ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.C. [17-831](#)** A Resolution Regarding Certain Changes to Colorado Springs Utilities' Electric Rate Tariff

Presenter:

Steve Carr, Key Account Manager, Customer Services Department
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Attachments: [USAFA Tariff Resolution-2-6-17v2](#)
[USAFA FEB 2017 Letter of Support](#)
[42 - Sheet 23.4 - Final](#)
[42 - Sheet 23.4 - Redlined](#)

The resolution was adopted on the Consent Calendar.

- 4B.D. [17-788](#)** A Resolution Authorizing the Acquisition of Property Owned by Ruth D. Roberts, also known as Ruth D. Anderson, and Ryan B. Roberts to be used for Southern Delivery System Project Improvements

Presenter:

Lyman Ho, SDS Land Acquisition Manager
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Attachments: [SDSPurchasePriceForAcquisition_Anderson-RobertsRES-2017-01-31](#)
[SDSPurchasePriceForAcquisition_Anderson-RobertsRES-2017-01-31 Exhibits](#)
[Land Acquisitions CC Presentation Feb 2017](#)

The resolution was adopted on the Consent Calendar.

- 4B.E.** [17-789](#) A Resolution Authorizing the Acquisition of Property Owned by Timothy J. Garber and Dawn K. Dawson-Garber to be used for Southern Delivery System Project Improvements

Presenter:
Lyman Ho, SDS Land Acquisition Manager
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Attachments: [SDSPurchasePriceForAcquisition_GarberRES-2017-01-31](#)
[SDSPurchasePriceForAcquisition_GarberRES-2017-01-31 Exhibits](#)

The resolution was adopted on the Consent Calendar.

- 4B.F.** [17-790](#) A Resolution Authorizing the Acquisition of Property Owned by Ryan B. Roberts to be used for Southern Delivery System Project Improvements

Presenter:
Lyman Ho, SDS Land Acquisition Manager
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Attachments: [SDSPurchasePriceForAcquisition_RobertsRES-2017-01-31](#)
[SDSPurchasePriceForAcquisition_RobertsRES-2017-01-31 Exhibits](#)

The resolution was adopted on the Consent Calendar.

- 4B.G.** [16-741](#) A Resolution Authorizing The Acquisition Of Property Owned By Gary M. Moore And Judith E. Moore Pursuant To The Federal Emergency Management Agency's Hazard Mitigation Grant Program (HMGP)

Presenter:
Brian Kelley, P.E., Engineering Program Manager, Water Resources Engineering Division

Attachments: [Exhibit A - Mt Washington](#)
[Exhibit B - 1832 Mt Washington](#)
[Resolution for FEMA HMGP Acquisition Moore-Final 1-24-17](#)

The resolution was adopted on the Consent Calendar.

- 4B.H.** [17-816](#) A Resolution finding a public purpose in a short-term lease of less than fair market value for property purchased as part of the Pikes

Peak Rural Transportation Authority Centennial Boulevard Extension Project.

Presenter:

Aaron Egbert, Senior Civil Engineer, Engineering Capital Projects

Attachments: [ShortTermLeaseCentennialRES-2017-01-27](#)

The resolution was adopted on the Consent Calendar.

4B.I. [17-824](#)

A resolution establishing 2017 Drainage Basin Fees, Bridge Fees and Detention Pond Facility and Land Fees

Presenter:

Travis Easton, P.E., Public Works Director

Brian Kelley, P.E., Engineering Manager, Stormwater, Public Works

Attachments: [2017SettingDrainageFeesRES-](#)

[Exhibit A 2017 Drainage Fee schedule \(Proposed\) CORRECTED 2-13-17](#)

[Exhibit B 2016 Drainage Fee schedule](#)

[Exhibit C - Drainage Board Minutes and presentation](#)

[Exhibit D HBA Letter](#)

[CC Drainage Fee Adjustment 2-28-2017](#)

The resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, 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 8-0-0

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

Absent: 1 - Strand

5. Recognitions

President Pro Tem Gaebler read a Proclamation for Black History Month.

Rosemary Lytle, Colorado State NAACP Conference President, spoke on behalf of the NAACP about the importance of the proclamation. She was presented with the framed Proclamation.

6. Citizen Discussion

Citizen Lonnie Miera spoke in support of the Fire Department and

expressed disappointment with code enforcement staff.

Citizens Anne Backstrom, Bonnie Johnson, Renee Stearney, Vicki Allinger, Sandra Savat-Mann, Karen Lavelle-Myers, and Barbara Snyder spoke in favor of the City enacting a retail ban on the sale of dogs and cats from commercial breeders.

Citizen David Hopkins informed the City of a new tax clinic available to low income residents.

Citizen Judy Michali spoke in favor of more support for the homeless.

Citizens Alex Obregon, Karyna Lemus, Sammy Cable and Jacob Foreman spoke in favor of the City becoming a sanctuary city.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

- 4B.A.** [16-770](#) A Resolution Directing the Chief Executive Officer of Colorado Springs Utilities to Execute an Agreement for Short-Term Water Service with Security Water District

Presenter:

Jenny Bishop, P.E., Senior Project Engineer, Water Services Division
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Attachments: [Security Short Term Water Contract Resolution](#)
[Security Short Term Water Contract CSU Redline 1-30-17](#)

Citizen Deborah Stout-Meiningner spoke against the resolution.

Jenny Bishop explained that this resolution allows Security to have an additional way to have water supplies, separate from SDS, and addresses the situation should they not be able to utilize their supplies from the Fountain Valley and SDS.

Motion by President Pro Tem Gaebler, seconded by Councilmember Strand, to approve the proposed Resolution authorizing Colorado Springs Utilities to execute the water service agreement with Security. The motion passed by a vote of 9-0-0

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

- 4B.B.** [17-830](#) A Resolution Directing the Chief Executive Officer of Colorado Springs Utilities to Execute an Agreement for Augmentation Service

Presenter:

Brian Whitehead, Manager Systems Extension
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs, CO

Attachments: [Samelson Contract Resolution 2-1-17](#)
[Samelson Aug Service Agreement - 02-1-17](#)

There were no comments on this resolution.

Motion by Councilmember Strand, seconded by Councilmember Murray to approve the proposed resolution authorizing Utilities to enter in to the Agreement. The motion passed by a vote of 9-0-0

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

4B.J. [16-767](#) An ordinance repealing Ordinance No. 15-42 (approving the salary of the City Auditor) and prescribing the salary of the City Auditor

Presenter:

Council President Merv Bennett and Councilmember Andy Pico, Audit Committee.

Attachments: [2016-12-29NesterSalary](#)

Councilmember Collins commented that she pulled this item off of the Consent Calendar because she disagreed with the high salaries of City employees.

Motion by Councilmember Bagley, seconded by Councilmember Murray, to approve the proposed ordinance repealing Ordinance No. 15-42 (approving the salary of the City Auditor) and prescribing the annual salary of the City Auditor at \$148,780.80, together with applicable benefits, effective to the retroactive date of January 1, 2017. 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.K. [17-803](#) An ordinance amending Section 2 of Ordinance No. 15-53 (approving the salary of the City Council Administrator)

Presenter:

Council President Merv Bennett

Attachments: [2016-12-29GonzalezSalary](#)

See comments on item 4B.J.

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, to approve the proposed ordinance amending Section 2 of Ordinance No. 15-53 to prescribe the annual salary of the City Council Administrator at \$88,659.35, together with applicable benefits, effective to the retroactive date of January 1, 2017. The motion passed by a vote of 7-2-0

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

No: 2 - Collins, and Knight

9. Utilities Business

9.A. [17-810](#) Modeling of Drake Power Plant's Air Quality Impacts

Presenter:

Lisa Devore, Emerging Air Quality Issues Supervisor, Colorado Air Pollution Control Division Colorado Department of Public Health & Environment

Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Attachments: [9.A. CS City Council AQ Overview 28-FEB-2017 FINAL](#)

David Padgett, CSU Chief of Environmental Health and Safety, introduced Lisa Devore, Emerging Air Quality Issues Supervisor of the Colorado Air Pollution Control Division of the Department of Public Health and Environment. Ms. Devore presented information on air quality in Colorado Springs overall, and about the data the APCD and CSU have been cooperating in gathering in preparation for modeling the impact of Drake Plant's sulfur dioxide on air quality.

Colorado Springs has just one monitor for sulfur dioxide which does not give enough information about Drake's emissions to classify it. CSU constructed a meteorological tower to gather data which is now being validated and then it will be used for modeling analysis, which will take place some time this summer. Modeling is a computer program that can substitute for monitoring since we don't have the resources to build the monitors we would need for accurate data.

Councilmember Strand asked if the EPA considers modeling the gold standard of testing for sulfur dioxide. Ms. Devore said it does.

Councilmember Knight asked what the actual lifecycle costs of putting in more monitors would be. He would prefer ground truth rather than predicted truth that would come from modeling, as modeling data is only as valid as its input is accurate.

Councilmember Murray spoke in favor of citizen-assisted, passive monitoring and outside-of-the-box thinking.

Citizen Sam Masias spoke in favor of investing in monitors, as the scrubbers that are currently being used at plants like Drake to clean emissions cost hundreds of millions of dollars.

Citizen Leslie Weise expressed that Drake's emissions indicate that it is unclassifiable, not that the emissions are innocuous. Ms. Devore responded that unclassifiable means there's not enough information

either way.

Citizen Debra Stout-Meininger expressed appreciation for the information and the hope that it will be available on the website.

- 9.B.** [17-839](#) A Resolution Setting the Electric Cost Adjustment Effective March 1, 2017

Presenter:

Sonya Thieme, Rates Manager

Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Attachments: [02-28-2017 CC Agenda-ECA Rate Adj](#)

There were no comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Pico, to adopt a resolution setting the electric cost adjustment effective March 1, 2017. The motion passed by a vote of 9-0-0

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

10. Unfinished Business

There was no Unfinished Business.

11. New Business

There was no New Business.

12. Public Hearing

- 12.A.** [CPC A
16-00107R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as the Hartsuiker Addition.

(Legislative)

Related Files: CPC A 16-00107, CPC ZC 16-00108

Presenter:

Mike Schultz, Principal Planner, Land Use Review

Peter Wysocki, Planning and Development Director, Planning and Development Department

Attachments: [AX-HartsuikerAdditionRES-2017-02-21](#)
[Exhibit A - Hartsuiker Legal Description for Annexation](#)
[Clerks Affidavit - Hartsuiker](#)
[Planners Affidavit - Hartsuiker](#)
[Surveyors Affidavit - Hartsuiker](#)
[Bowen and Hartsuiker City Council Presentation](#)
[CRS 31-12-107 Petitions For Annexation & annex elections](#)
[CRS 31-12-109 Municipal Annex-Hearing](#)
[CRS 31-12-110 Municipal Annex-Findings](#)

Mike Schultz, Senior Planner, gave background on items 12.A., 12.B., 12.C., 12.D., 12.E. and 12.F., which all concern property owners on different properties with failing well systems. These properties have access to CSU infrastructure and could be annexed with no negative impact on City services.

Motion by Councilmember Pico, seconded by Councilmember Murray, to adopt a resolution finding that the Hartsuiker Addition meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution and that the property is eligible for annexation. The motion passed by a vote of 9-0-0

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

- 12.B.** [CPC A 16-00107](#) An ordinance for annexation of the Hartsuiker Addition pertaining to 1.134 acres; .523 acres consists of the subject property and .611 acres consists of Ruby Drive right-of-way.

(Legislative)

Related Files: CPC A 16-00107R, CPC ZC 16-00108

Presenter:
Mike Schultz, Principal Planner, Land Use Review
Peter Wysocki, Planning and Development Director, Planning and Development Department

Attachments: [AX-HartsuikerAdditionORD-2017-02-21](#)
[Exhibit A - Hartsuiker Legal Description for Annexation](#)
[Exhibit B - Annex Agreement - INCOMPLETE](#)
[FIA - Hartsuiker](#)
[Vicinity Map - Hartsuiker](#)
[CPC October 20 Meeting Minutes - Bowen & Hartsuiker Annexations](#)
[CPC Staff Report Hartsuiker Addition](#)
[Figure 1 - Hartsuiker Annex Plat revised](#)
[Figure 2 - Project Statement](#)
[Figure 3 - Email from Opposition](#)
[Figure 4 - Enclave Map](#)
[Figure 5 - DRAFT Hartsuiker Addition Annexation Agreement - 10-4-16](#)
[7.6.203-Annexation Conditions](#)

See comments on Item 12.A.

Motion by Councilmember Strand, seconded by President Pro Tem Gaebler to approve the ordinance annexing the Hartsuiker Addition, 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.. The motion passed by a vote of 9-0-0

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

- 12.C.** [CPC ZC 16-00108](#) An ordinance establishing the R-2/AO/CR (Two-Family Residential with Airport Overlay and Conditions of Record) pertaining to .523 of an acre located at the northeast corner of Copper Drive and Ruby Drive.

(Legislative)

Related Files: CPC A 16-00107R, CPC A 16-00107

Presenter:

Mike Schultz, Principal Planner, Land Use Review
Peter Wysocki, Planning and Development Director, Planning and Development Department

Attachments: [ZoningChangeCopper_RubyORD-2017-02-21](#)
[Exhibit A - Zone Change Legal](#)
[Exhibit B - Zone Change Exhibit](#)
[Zone Change Exhibit](#)
[7.5.603.B Establishment or change of zone district boundaries](#)

See comments on Item 12.A.

Motion by Councilmember King, seconded by Councilmember Murray to approve the establishment of the R-2/AO/CR (Two-Family Residential with Airport Overlay

and Conditions of Record) zone district for .523 of an acre based upon the finding that the request complies with the criteria for establishing a zone district set forth in City Code Section 7.5.603 with the following condition of record:

Condition of Record

The only permitted uses are one (1) single family dwelling detached and one (1) accessory dwelling unit (ADU). The motion passed by a vote of 9-0-0

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

- 12.D.** [CPC A 16-00109R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as the Bowen Addition Annexation. (Legislative)

Related files: CPC A 16-00109, CPC ZC 16-00110

Presenter:

Mike Schultz, Principal Planner, Land Use Review
Peter Wysocki, Planning and Development Director, Planning and Development Department

Attachments: [AX-BowenAdditionRES-2017-02-17](#)

[Exhibit A - Bowen Addition Legal](#)

[Clerks Affidavit - Bowen](#)

[Planners Affidavit - Bowen](#)

[Surveyors Affidavit - Bowen](#)

[Bowen and Hartsuiker City Council Presentation](#)

[CRS 31-12-107 Petitions For Annexation & annex elections](#)

[CRS 31-12-109 Municipal Annex-Hearing](#)

[CRS 31-12-110 Municipal Annex-Findings](#)

See comments on Item 12.A.

Motion by Councilmember Pico, seconded by Councilmember Murray, to adopt a resolution finding that the Bowen Addition annexation meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution and that the property is eligible for annexation.. The motion passed by a vote of 9-0-0

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

- 12.E.** [CPC A 16-00109](#) An ordinance annexing to the City of Colorado Springs that area known as the Bowen Addition consisting of .849-acre for property located at the southeast corner of Silver Drive and Ruby Drive. (Legislative)

Related Files: CPC A 16-00109R, CPC ZC 16-00110

Presenter:

Mike Schultz, Principal Planner, Land Use Review
Peter Wysocki, Planning and Development Director, Planning and
Development Department

Attachments: [AX-BowenAdditionORD-2017-02-17](#)

[Exhibit A - Bowen Addition Legal](#)

[Exhibit B - Annexation Agreement Signed](#)

[FIA - Bowen Annexation Letter](#)

[Vicinity Map - Bowen](#)

[CPC 10.20.16 MeetingMinutes](#)

[CPC Staff Report Bowen Annexation](#)

[Figure 1 - Bowen Annexation Plat](#)

[Figure 2 - Project Statement](#)

[Figure 3 - Opposition E-mail](#)

[Figure 4 - Enclave Map](#)

[Figure 5 - DRAFT Bowen Addition Annexation Agreement - 10-4-16](#)

[7.6.203-Annexation Conditions](#)

See comments on Item 12.A.

Motion by Councilmember King, seconded by Councilmember Murray to approve the ordinance annexing the Bowen 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. The motion passed by a vote of 9-0-0

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

12.F. [CPC ZC
16-00110](#)

An ordinance establishing an R-2/AO/CR (Two-Family Residential with Airport Overlay and Conditions of Record) pertaining to .849-acre located at the southeast corner of Silver Drive and Ruby Drive and associated with the Bowen Addition Annexation.
(Legislative)

Related Files: CPC A 16-00109R, CPC A 16-00109

Presenter:

Mike Schultz, Principal Planner, Land Use Review
Peter Wysocki, Planning and Development Director, Planning and
Development Department

Attachments: [ZoningChangeBowenAdditionORD-2017-02-17](#)

[Exhibit A - Bowen Legal](#)

[Exhibit B - Bowen Exhibit](#)

[Bowen Zone Change Exhibit](#)

[7.5.603.B Establishment or change of zone district boundaries](#)

See comments on Item 12.A.

Motion by Councilmember Pico, seconded by Councilmember Strand, to approve the establishment of zone district to R-2/AO/CR (Two-Family Residential with Airport Overlay and Conditions of Record) with the condition of record being that the only permitted uses are one (1) single family dwelling detached and one (1) accessory dwelling unit (ADU) pertaining to .849-acre parcel associated with the Bowen Addition annexation based upon the findings that the request complies with the criteria for establishing a zone district set forth in City Code Section 7.5.603. 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

14. Executive Session

15. Adjourn

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

Sarah B. Johnson