



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,
beginning at 1:00 p.m.*

Tuesday, July 8, 2014

1:00 PM

Council Chambers

1. Call to Order

Present: 9 - President Pro Tem Merv Bennett, Councilmember Helen Collins, Councilmember Jill Gaebler, President Keith King, Councilmember Don Knight, Councilmember Jan Martin, Councilmember Joel Miller, Councilmember Andy Pico, and Councilmember Val Snider

2. Invocation and Pledge of Allegiance

Invocation was led by Micaela Heery, City Council Intern.
The Pledge of Allegiance was led by President King.

3. Changes to Agenda/Postponements

The appellant and applicant for agenda and Items 13 A. and B. Creekside at Rockrimmon would like to discuss potential postponement of this agenda item after item 5. Consensus of council approved this change to the agenda.

4. Councilmember Comments

Councilmember Miller recapped the City for Champions discussion from the July 7, 2014 work session, and commented on the drive to decommission or close the Drake power plant and move to an electric coop.

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.A. 14-0311 Ordinance No. 14-37 amending the zoning map of the City of Colorado Springs relating to 12.91 acres located north of Old Ranch Road, east of Chapel Ridge Drive, west of Rhinestone Drive and approximately 800 feet west of Powers Boulevard

5A.B. 14-0317 Ordinance No. 14-43 amending the zoning map of the City of

Colorado Springs relating to 21.8 acres located south of Fillmore Street and east of Mesa Road

5A.C. 14-0318 Ordinance No. 14-44 amending the zoning map of the City of Colorado Springs relating to 7.69 acres located south of Fillmore Street and east of Mesa Road

5A.D. 14-0320 Ordinance No. 14-46 amending the zoning map of the City of Colorado Springs relating to 7.71 acres located south of Fillmore Street and east of Mesa Road

5B. First Presentation:

5B.B. 14-0357 Ordinance No. 14-49 amending the zoning map of the City of Colorado Springs relating to 0.827 acre located at 330 West Uintah Street

5B.C. 14-0358 Coal Train Liquor Development Plan

Approval of the Consent Agenda

Motion by President Pro Tem Bennett, Seconded by Councilmember Gaebler that all matter on the Consent Calendar with the exception of 5.B.A. be passed, adopted, and approved by a unanimous consent of the members present. The motion passed by a vote of 9-0-0.

Councilmember Knight recused himself from Items 13.A. and 13.B.

Andrea Barlow, Planner with NES, representing the Applicant, stated that they are requesting a postponement of Item 13.A. and 13.B. to the Regular Council meeting August 12, 2014.

Edmond "Buddy" Van Doren, Vice President of the Golden Hills Rockrimmon HOA, representing the Appellant, stated that he is ready to proceed either today or at the Regular Council meeting July 22, 2014.

Ms. Barlow stated that they are not available on July 22, 2014.

President King decided to proceed with agenda items 13.A. and 13.B. as scheduled.

6. Recognitions

7. Citizen Discussion

Citizen John Kilbury Thanked Council for clearing the homeless people out of Acacia Park, expressed concerns about the watering of flowers in city parks, requested removal of planters on Tejon Street, questioned why the skateboard park in Memorial Park is located next to the street and expressed concerns about police officers not ticketing cars parked at expired parking meters.

Carl Stowe made statements about governmental power ploys. He is requesting closure of the Manitou Incline and reallocation of the funds to improve the trail to another project. Mr. Stowe also stated the Olympic Museum foundation is looking for a new site.

Jon Martinez voiced concerns about the effects of the Drake Power plant on the air quality in Colorado Springs.

Douglas Bruce commented on Mayor Bach's response to comments made by Councilmember Collins about alternative solutions for the homeless in Colorado Springs.

Lawrence Martinez expressed continued concerns about smoking at the city bus station. He also stated that Veterans in this City are well taken care of and the City needs to ask the veterans to help themselves.

Eric Verlo brought forth concerns about the Drake Power Plant including physical and moral costs of operating the plant.

Kit Roupe requested that Council and citizens please remember there are newer technologies in the Drake Power Plant and to consider both the known and the speculated information surrounding the plant.

Marsha Rice stated that she knows homeless people are being recruited to perform clean-up in the Drake Power Plant and she is concerned about the homeless being used to perform this dangerous work. Councilmember Pico requested Jerry Forte Jr., Chief Executive Officer for Colorado Springs Utilities, respond to this accusation. Mr. Forte responded that the contractors hired to do the clean-up in the plant are highly trained to perform this kind of work.

8. Mayor's Business

Steve Cox, Chief of Staff, outlined upcoming events including the graduation of 19 firefighters, the groundbreaking of Sandcreek Soccer Stadium, and a ceremony at the Olympic Training Center.

9. Items Called Off Consent Calendar

Councilmember Knight called item 5.B.A off the consent called and requested he be added as a Councilmember in favor of approving item 12.E. in the meeting minutes from the June 24, 2014 meeting.

5B.A. 14-0384 City Council Regular Meeting Minutes June 24, 2014

Motion by Councilmember Knight, seconded by President Pro Tem Bennett, that the Minutes be approved as amended. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

10. Utilities Business

10.A. 14-0344 Ordinance No. 14-50 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

Dede Jones, General Manager for Financial Services at Colorado Springs Utilities, gave an overview of the details of the financial aspects of the ordinance, including the RFP process. Total annual savings as a result of this ordinance are estimated to be over \$600,000.

Councilmember Collins asked questions about the interest rates and total interest of the bonds. Ms. Jones provided the detailed amounts.

President King inquired about the unrestricted fund balances of the CSU accounts. Ms. Jones provided the requested information including information on restricted funds.

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

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

No: 1 - Collins

10.B. 14-0368 A Resolution Setting the Electric Cost Adjustment as of July 11, 2014

Bill Cherrier, Chief Planning and Finance Officer for CSU, presented a proposed rate decrease and a brief update on the progress of the Drake Power

Plant restoration. He also reviewed projected electricity costs and collection amounts.

Councilmembers Bennett, Miller and King expressed appreciation for the prompt restoration efforts after the fire and the quick reduction of rates.

Motion by President Pro Tem Bennett, seconded by Councilmember Collins, that the Resolution adopted. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

11. Unfinished Business

- 11.A. 14-0352** Ordinance No. 14-38 amending Section 401 (License Required; Fee) of Part 4 (Private Snow Removal Activities on Public Streets) 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

Councilmember Collins pointed out that there has never been a fee associated with the license in item 11.A.

Councilmember Gaebler stated she spoke to Councilmember Collins about reaching a compromise on these four ordinances. Her suggestion was to have them expire at the end of 2014 and to include the cost of licensing in the 2015 budget. She requested Councilmember Collins amend her motion to include this suggested amendment to the ordinances.

Councilmember Martin added that she also spoke to Councilmember Collins seeking a compromise. She requested Councilmember Collins agree to postpone these ordinances until September when Sarah Johnson, City Clerk, is finished reviewing the business licensing process.

Councilmember Collins reiterated the amount of time and effort she has contributed to these ordinances and she will continue with her motion to approve the ordinances at this time.

Councilmembers Miller, Knight, and King stated they will support these ordinances.

Citizen, Kit Roupe spoke in support of this ordinance.

Motion by Councilmember Collins, seconded by Councilmember Knight, that the Ordinance be adopted as presented. The motion passed by a vote of 5-4-0.

Yes: 5 - Collins, King, Knight, Miller, and Pico

No: 4 - Bennett, Gaebler, Martin, and Snider

- 11.B. 14-0338** Ordinance No. 14-39 reinstating and amending Section 507 (License Fees Enumerated) of Part 5 (License Fees) and amending Section 605 (Renewal of License) of Part 6 (Issuance and Conditions of License) 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 business license fees

Please see comments in item 11. A.

Motion by Councilmember Collins, seconded by Councilmember Pico, that the Ordinance be adopted as presented. The motion passed by a vote of 5-4-0.

Yes: 5 - Collins, King, Knight, Miller, and Pico

No: 4 - Bennett, Gaebler, Martin, and Snider

- 11.C. 14-0363** Ordinance No. 14-40 amending Section 101 (License Required, Fee) of Part 1 (Circuses, Carnivals and Menageries), Section 201 (License Required) of Part 2 (Billiard and Pool Tables), Section 302 (License Required) of Part 3 (Coin-Operated Machines), and Section 402 (License Required; Fee) of Part 4 (Game Rooms) of Article 2 (Amusements); Section 203 (License Required; Exemptions; Transferability) and Section 216 (Unlawful Acts; Violations; Penalty) of Part 2 (Private Security Services), Section 302 (License Required) and Section 307 (Penalties) of Part 3 (Tree Service), Section 403 (License Required; Exemptions) of Part 4 (Alarm Licenses and Registration), Section 502 (License Required; Exception; Transfer) of Part 5 (Ash, Garbage, Refuse, Trash and Rubbish Haulers), Section 602 (Licenses Required) and Section 610 (Unlawful Acts; Violations) of Part 6 (Escort Services), Section 702 (License Required; Fee; Term) of Part 7 (Peddlers of Food Wares), Section 803 (License Required; Fee; Term) and Section 811 (Penalty) of Part 8 (Pawnbrokers), Section 903 (License Required; Renewal; Fees) of Part 9 (Going-Out-Of-Business-Sales), Section 1003 (License Required; Expiration; Transferability; Fees) of Part 10 (Taxicabs), and Section 1103 (License Required; Expiration; Transferability; Fees) of Part 11 (Funeral Escorts) of Article 3 (Sales of Goods and Services); and Section 104 (License Required) of Article 4 (Sexually Oriented Businesses) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) and Section 202 (Excavation License Required) of Part 2 (Excavations), Section 401 (License Required; Fee) of Part 4 (Private Snow Removal Activities on Public Streets), and Section 501 (License Required) of 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 penalties for failing to obtain required business licenses

Please see comments in item 11. A.

Motion by Councilmember Collins, seconded by Councilmember Pico, that the Ordinance be adopted as presented. The motion passed by a vote of 5-4-0.

Yes: 5 - Collins, King, Knight, Miller, and Pico

No: 4 - Bennett, Gaebler, Martin, and Snider

- 11.D. 14-0339** Ordinance No. 14-41 amending Sections 501 (License Required) and 502 (Application; Renewal; Contents) and Repealing Section 503 (License Fees) of Part 5 (Licenses) 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 sales tax license fees

Please see comments in item 11. A.

Motion by Councilmember Collins, seconded by Councilmember Pico, that the Ordinance be adopted as presented. The motion passed by a vote of 5-4-0.

Yes: 5 - Collins, King, Knight, Miller, and Pico

No: 4 - Bennett, Gaebler, Martin, and Snider

- 11.E. 14-0319** Ordinance No. 14-45 amending the zoning map of the City of Colorado Springs relating to 8.37 acres located south of Fillmore Street and east of Mesa Road

There was no discussion or comments regarding this resolution.

Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Ordinance be adopted. The motion passed by a vote of 8-1-0.

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

No: 1 - Miller

- 11.F. 14-0324** Ordinance No. 14-47 amending the zoning map of the City of Colorado Springs relating to 73.54 acres located north of Old Ranch Road, east of Pine Creek High School, and west of Howells Road

There was no discussion or comments regarding this resolution.

Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Ordinance be adopted. The motion passed by a vote of 7-2-0.

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

No: 2 - Collins, and Knight

- 11.G. 14-0327** Ordinance No. 14-48 amending the zoning map of the City of Colorado Springs relating to 26.03 acres located east of Interstate 25, west of Voyager Parkway and north of Interquest Parkway

Councilmember Knight stated he will no longer be in support of this ordinance

based on a conversation he had with a planner at the Air Force Academy regarding a meeting to discuss drainage that has yet to take place.

Councilmember Miller reiterated the importance of maintaining positive relationships with local military installations; he would like to postpone this item until concerns around potential drainage issues have been addressed.

Kit Roupe, Citizen, spoke in opposition of this proposal.

Councilmember Collins stated she will not support this until the drainage issues are resolved.

Kyle Campbell representing LaPlata communities said that the drainage plan meets criteria set by the City and the USAFA. A meeting is scheduled with the USAFA in July to address drainage issues. He is requesting Council move forward with this proposal today.

Councilmember Miller reiterated his concerns about maintaining a good relationship with the USAFA.

Councilmember Knight recognized the work LaPlata Communities has done to comply with criteria and stated Council is responsible to follow the process and make sure that Colorado Springs maintains a positive relationship with the USAFA.

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, that the Ordinance be postponed to a date certain, to July 22, 2014. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

12. New Business

12.A. 14-0266

Reconsideration of a resolution of the City Council of the City of Colorado Springs, Colorado approving the issuance of a Subordinate Taxable Limited Tax General Obligation and Public Improvement Fee Loan 2014A by the Copper Ridge Metropolitan District.

Eileen Gonzalez, City Council Administrator, provided new copies of the ordinance, which include amended dates, to Council.

Carl Schueler, Senior Comprehensive Planner, presented updated materials for reconsideration of this proposal.

Gary Erickson, Developer, explained the process of how the PIF was established and described the activities of the development over the past few years, highlighting the business activity, jobs and revenue the development has

brought to the area.

Councilmember Miller confirmed the purpose of the PIF is to repay debt incurred through property improvements, and stated that though he generally does not agree with PIF's, Mr. Erickson followed the process and has shown the benefits of this development to the community; therefore, he will support this.

Councilmembers Pico and Knight will also support this resolution now.

Councilmember King asked if there is also a TIF on this development. Mr. Erickson confirmed there is a TIF to fund the Powers Boulevard extension.

Councilmember Miller expressed appreciation for the accelerated development of Fire Station 22.

Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Resolution be adopted. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

12.B. 14-0379 Boards and Commissions

Council agreed to bifurcate the Boards and Commissions items and have two votes; one for the Greater Downtown Business Improvement District (BID); one for the remaining items.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, to bifurcate the items into two votes; one for the Downtown BID; one for the remaining items. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

Councilmember Knight expressed concern relative to the process that did not include a Councilmember in the interview sessions.

Councilmember Miller expressed concern about possible "stacking" of the boards.

Councilmember Gaebler requested Hannah Parsons, Chair of the BID Board, explained the selection process for filling open positions on the board including soliciting for candidates and selecting the most qualified individual to serve in the required capacity.

Councilmember Gaebler endorsed the selection of Andy Vick to serve in this position.

Councilmember King questioned board bylaws and the requirements for council in the selection process. Ms. Parsons responded to his inquiries.

Motion by Councilmember Knight, seconded by Councilmember Pico, that the appointment to the Downtown BID be approved. The motion passed by a vote of 6-3-0.

Yes: 6 - Bennett, Gaebler, King, Martin, Pico, and Snider

No: 3 - Collins, Knight, and Miller

There were no comments or discussion about this item.

Motion by Councilmember Martin, seconded by President Pro Tem Bennett, that the appointments to LART, Park and Recreation Advisory Board, PSSTOC, and Woodstone SIMD be approved. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

14-0371 A resolution abandoning, partially abandoning and transferring \$2,000,000 in funds from various General Fund accounts/projects and Capital Improvement Fund projects to the Information Technology operating department for remediation

Steve Cox, Chief of Staff, requested approval of this resolution to fund IT projects and explained that his department has done research and is prepared to present additional information today. Rich Valentine, Interim CIO, presented an updated plan to solve the server storage problems faced by the City IT department. Mr. Valentine explained that the plan is progressive and will carry the IT department into the future.

Councilmember Snider requested a breakdown of IT spending; this was provided in a handout. Mr. Cox went on to explain the expenditures in more detail.

Councilmember Martin questioned the use of contractors in the IT Department. Mr. Cox confirmed the IT Department has used local contractors as needed to keep the system running. Councilmember Martin also requested periodic updates on the project and third party monitoring to assure Council that expectations are being met. She also suggested a tiered approach to funding.

Councilmember Miller acknowledged recent communication between Council and Mr. Cox regarding concerns about the security of the City's IT network. He agrees with the concerns expressed by Councilmember Martin.

Councilmember Pico has reservations about moving money out of the public works budget. He would like to amend the motion to initially provided \$1.1 million and monitor progress. Mr. Valentine responded that this would slow down the process.

Councilmember Knight expressed agreement with having a third part expert evaluate the progress, he agrees with incrementally funding the project.

Councilmember Miller asked if the City is currently at risk for a security breach. Mr. Cox responded that no security risk has been identified at this time.

Mr. Cox assured Council that they will be kept updated about the progress of the project and that third party monitoring will occur. The goal is to have a safe and secure network.

Motion by Councilmember Pico, seconded by Councilmember Snider, that the Resolution be adopted. The motion passed by a vote of 7-2-0.

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

No: 2 - Gaebler, and Miller

- 12.D. 14-0251** A resolution to authorize the Mayor to accept and execute a loan from the Colorado Department of Transportation State Infrastructure Bank-Aviation Division in the amount of \$2,336,000 to fund Passenger Facility Charge (PFC) projects at the Colorado Springs Airport.

There were no comments or discussion about this resolution.

Motion by Councilmember Knight, seconded by Councilmember Miller, that the Resolution be adopted. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

- 12.E. 14-0307** A resolution authorizing submission of Passenger Facility Charge (PFC) Application #20 to the Federal Aviation Administration, increasing the total PFC funds to be collected for capital improvements at the Colorado Springs Airport

There were no comments or discussion about this resolution.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that the Resolution be adopted. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

- 12.F. 14-0261** A resolution authorizing the Mayor to execute the Memorandum of Agreement between the Fountain Creek Watershed, Flood Control and Greenway District and the City of Colorado Springs for Grant Matching Funds to fund the preparation of a Watershed Restoration Master Plan for Upper Fountain Creek and Cheyenne Creek

Councilmember Snider expressed appreciation of the work that has been done and endorsed this project.

Motion by Councilmember Snider, seconded by Councilmember Martin, that the

Resolution adopted. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

- 12.G. 14-0298** A Resolution authorizing the partial abandonment of the Woodmen Road Widening Project (103-3197-9319033), creation of the new Woodmen, Stinson to Powers Project (103-3197-93190XX), and transfer in the amount of \$4,950,133 to the new Woodmen project.

There were no comments or discussion about this resolution.

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, that the Resolution adopted. The motion passed by a vote of 9-0-0.

Yes: 9 - Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, and Snider

13. Public Hearing

- 13.A. 14-0314** Creekside at Rockrimmon Concept Plan

Councilmember Knight recused himself from Items 13.A. and 13.B.

Lonna Thelen presented an overview of the development plan. Ms. Thelen explained the changes that have been made to the concept plan and addressed how changes to the plan resolve concerns in the appeal. Kathleen Krager, Transportation Manager, presented on the emergency evacuation plan for this area and the City in general.

Mr. Van Doren, presented the appellant concerns about this development plan which include; public safety, increased traffic volume, exacerbated drainage problems, neighborhood compatibility and land use.

Ms. Baldow presented additional information about the development plan, stating that the plan meets city code and has been approved by the Land Use Department.

Steve Kuehster with Development Review, Engineering and Ms. Baldow responded to questions from Councilmembers regarding the development plan.

Citizens Geri Gieck, Gina Milliken, Jack Lundberg, and Jeanette VanDoren spoke in opposition of this development.

The Applicant and Appellant both made closing statements.

President Pro Tem Bennett commented about the requirement of Council to make a decision based on criteria being met and made a motion to deny the appeal. Councilmember Snider agreed with President Pro Tem Bennett. Councilmember Miller stated he still has reservations based on traffic and safety concerns.

Council President King stated he will support this plan.

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, to deny the appeal and approve the plan as amendment. The motion passed by a vote of 7-1-1. Councilmember Knight was recused.

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

No: 1 - Miller

Recused: 1 - Knight

13.B. 14-0315 Creekside at Rockrimmon Conditional Use Development Plan

Please see comments in item 13. A.

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, to deny the appeal and approve the plan as amended. The motion passed by a vote of 7-1-1. Councilmember Knight was recused.

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

No: 1 - Miller

Recused: 1 - Knight

14. Added Item Agenda

There were no items added to the Agenda.

15. Executive Session

There was not an Executive Session.

16. Adjourn

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

Lee McRae, License Enforcement Officer