



City of Colorado Springs

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

Meeting Minutes - Final City Council

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Tuesday, November 22, 2016

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 Pastor Ronald Baker (Retired), Rock of Ages Lutheran Church.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

Council President Bennett stated agenda item 4.B.L. will be pulled from the Consent Calendar and there has been a request to withdraw agenda item 12.F. from the agenda.

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. [CPC PUZ 16-00089](#)

Ordinance No. 16-111 amending the zoning map of the City of Colorado Springs pertaining to 15.169 acres located southwest of Woodruff Drive and Wattle Creek Road from A (Agriculture) to PUD (Planned Unit Development; single-family detached residential, 3.49 dwelling units per acre, 35-foot maximum building height).

(Quasi-Judicial)

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development
Peter Wysocki, Director Planning and Community Development
Res/Ord Number: 16-111

The ordinance was finally passed on the Consent Calendar.

4A.B. [CPC A
15-00099](#)

Ordinance No. 16-113 for annexation of the Reserve at Northcreek addition pertaining to 17.023 acres; 9.998 acres consists of the subject property and 7.025 acres consists of New Life Drive right-of-way.

(Legislative)

Related Files: CPC A 15-00099R, CPC ZC 16-00016, CPC CP 16-00017

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

Res/Ord Number: 16-113

The ordinance was finally passed on the Consent Calendar.

4A.C. [CPC ZC
16-00016](#)

Ordinance No. 16-114 establishing the PUD (Planned Unit Development) pertaining to 9.998 acres located at the northeast of the corner of New Life Drive and Jet Stream Drive..

(Legislative)

Related Files: CPC A 15-00099R, CPC A 15-00099, CPC CP 16-00017

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

Res/Ord Number: 16-114

The ordinance was finally passed on the Consent Calendar.

4A.D. [16-358](#)

Ordinance No. 16-115 Making and Certifying the 2016 Tax Levy for Taxes Payable in 2017 at 4.279 Mills Upon Each Dollar of Assessed Valuation of All Taxable Property and a Tax Credit of 4.279 Mills Upon

Each Dollar of Assessed Valuation of All Taxable Business Personal Property Within the Corporate Limits of the City of Colorado Springs

Presenter:
Kara Skinner, Chief Financial Officer
Res/Ord Number: 16-115

The ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [16-712](#) City Council Meeting Minutes November 8, 2016

Presenter:
Sarah Johnson, City Clerk

The Meeting Minutes were approved on the Consent Calendar.

4B.B. [16-715](#) Appointments to Boards and Commissions

Presenter:
Jacquelyn Puett, Assistant to Council

This item was approved on the Consent Calendar.

4B.C. [16-550](#) A Resolution Approving the City's Investment Policy

Presenter:
Kara Skinner, Chief Financial Officer
Res/Ord Number: 123-16

The resolution was adopted on the Consent Calendar.

4B.D. [16-621](#) A Resolution Supporting the City of Colorado Springs Sponsorship of a School Yard Initiative Grant Application to Great Outdoors Colorado on Behalf of the Academy for Advanced and Creative Learning

Presenter:
Karen Palus, Director - Parks, Recreation and Cultural Services
Tilah Larson, Senior Grants Analyst - Parks, Recreation and Cultural Services
Res/Ord Number: 124-16

The resolution was adopted on the Consent Calendar.

- 4B.E. [16-622](#) A Resolution Supporting the City of Colorado Springs Sponsorship of a School Yard Initiative Grant Application to Great Outdoors Colorado on Behalf of Thomas Edison Elementary

Presenter:
Karen Palus, Director - Parks, Recreation and Cultural Services
Tilah Larson, Senior Grants Analyst - Parks, Recreation and Cultural Services
Res/Ord Number: 125-16

The resolution was adopted on the Consent Calendar.

- 4B.F. [16-623](#) A Resolution Supporting the City of Colorado Springs Sponsorship of a School Yard Initiative Grant Application to Great Outdoors Colorado on Behalf of Will Rogers Elementary

Presenter:
Karen Palus, Director - Parks, Recreation and Cultural Services
Tilah Larson, Senior Grants Analyst - Parks, Recreation and Cultural Services
Res/Ord Number: 126-16

The resolution was adopted on the Consent Calendar.

- 4B.G. [16-659](#) Ordinance No. 16-117 amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the Memorial Health System Enterprise Fund in the Amount of \$1,217,000 for Transfer to the Colorado Springs Health Foundation

Presenter:
Kara Skinner, Chief Financial Officer
Res/Ord Number: 16-117

The ordinance was approved on first reading on the Consent Calendar.

- 4B.H. [16-657](#) A Resolution Supporting the City of Colorado Springs Sponsorship of the UCCS Baseball Field Grant Application to Great Outdoors Colorado on Behalf of the University of Colorado Colorado Springs

Presenter:
Karen Palus, Director - Parks, Recreation and Cultural Services
Tilah Larson, Senior Grants Analyst - Parks, Recreation and Cultural Services
Nathan Gibson - UCCS Athletic Director
Beau Kelly - UCCS Assistant Director of Development

Res/Ord Number: 127-16

The resolution was adopted on the Consent Calendar.

- 4B.I.** [16-708](#) A Resolution Re-Appointing Keith Riley to the Homestake Steering Committee and to the Board of Directors of the Aurora-Colorado Springs Joint Water Authority

Presenter:
Daniel Higgins, Chief Water Services Officer
Jerry Forte, P.E., CEO, Colorado Springs Utilities

Res/Ord Number: 128-16

The resolution was adopted on the Consent Calendar.

- 4B.J.** [16-719](#) A Resolution Appointing Keith Riley as a Board Member of the Fountain Valley Authority to fill the remainder of the term vacated by Jeff Crockett on November 30, 2016 and to fill the Three-Year Term effective January 1, 2017 and ending December 31, 2019

Presenter:
Daniel Higgins, Chief Water Services Officer
Jerry Forte, P.E., Colorado Springs Utilities

Res/Ord Number: 129-16

The resolution was adopted on the Consent Calendar.

- 4B.K.** [16-636](#) Requesting Approval for updates to Civilian, Sworn, and Drug and Alcohol Policies and Procedures Manuals

Presenter:
Danielle Lack, Human Resources Manager, Human Resources

This item was approved on the Consent Calendar.

- 4B.M.** [CPC ZC
16-00039](#) Ordinance No. 16-118 amending the zoning map of the City of Colorado Springs pertaining to 4.592 acres located south of Harrison High School on Janitell Road from R (Estate Single-Family Residential) to C-6/cr (General Business with conditions of record).

(Quasi-Judicial)

Related File: CPC CP 16-00040

Presenter:

Lonna Thelen, Principal Planner, Planning & Community Development
Peter Wysocki, Director Planning and Community Development

Res/Ord Number: 16-118

The ordinance was approved on first reading on the Consent Calendar.

4B.N. [CPC CP
16-00040](#)

Harrison Subdivision Concept Plan to allow an automotive storage yard for outdoor storage of recreational vehicles, located south of Harrison High School on Janitell Road.

(Quasi-Judicial)

Related File: CPC ZC 16-00039

Presenter:

Lonna Thelen, Principal Planner, Planning & Community Development
Peter Wysocki, Director Planning and Community Development

This item was approved on the Consent Calendar.

4B.O. [CPC PUZ
16-00094](#)

Ordinance No. 16-119 amending the zoning map of the City of Colorado Springs pertaining to 12.73 acres located near the intersection of Grand Cordera Parkway and Argentine Pass Trail from PBC/AO (Planned Business Center with Airport Overlay) and PUD/AO (Planned Unit Development; mixed residential, including assisted senior living, 50-foot 7-inch maximum building height, 24.99 dwelling units per acre with Airport Overlay) to PUD/AO (Planned Unit Development; multi-family residential, 45-foot maximum building height, 22 dwelling units per acre with Airport Overlay)

(Quasi-Judicial)

Related File: CPC PUD 16-00095

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development
Peter Wysocki, Director Planning and Community Development

Res/Ord Number: 16-119

The ordinance was approved on first reading on the Consent Calendar.

4B.P. [CPC PUD
16-00095](#)

Crown at Briargate PUD Development Plan for the development of a 276-unit apartment complex on 12.73 acres located near the intersection of Grand Cordera Parkway and Argentine Pass Trail.

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development
Peter Wysocki, Director Planning and Community Development

This item was approved on the Consent Calendar.

Approval of the Consent Agenda

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

Councilmember Collins read a proclamation in honor of Aviation Machinist Mate, 1st Class, Aviation Pilot, Daniel T. Griffin, and proclaiming December 12, 2016 as a Day of Remembrance for Mr. Griffin and all who served our country in the armed forces in World War II.

Councilmember King read a proclamation in honor of "Blue Friday" recognizing Police Officers and honoring Officer Garrett Swasey, who lost his life in service to our community. Victoria Heim thanked Councilmembers for their support.

5.A. [16-670](#)

Resolution of Appreciation for Elaine Ballejos on the Occasion of her Retirement as an Office Specialist for the City of Colorado Springs Police Department

Res/Ord Number: 130-16

Council Member Strand read the resolution of appreciation.

Ms. Ballejos thanked Council for their recognition.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Resolution of Appreciation for Elaine Ballejos on the Occasion of her Retirement as an Office Specialist for the City of Colorado Springs Police Department be adopted. The motion passed by a vote of 9-0-0

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

6. Citizen Discussion

Citizen Charles Barber spoke about City building code having adverse effects on those living to the east of the City.

Citizen Sandra Vicksta expressed concern about the "right sizing" of Research Parkway.

Citizen Nikki Myers, Principal of the Academy for Advanced and Creative Learning, introduced some of the members of the robotics team from the middle school. This team recently took second place in a Building, Engineering, Science and Technology competition. They will be going to Ft. Smith, Arkansas this week to compete in a regional competition.

Citizen Janice Moglen stated the bus system has improved and presented a poem to Council.

Citizens Walter Lawson and Jaymen Johnson spoke in opposition to the proposed amendments to the planning appeal process.

7. Mayor's Business

There was no Mayor's business.

8. Items Called Off Consent Calendar

4B.L. [16-709](#) Requesting Approval for updates to Policies and Procedures Manuals: Civilian Policy 11 and Sworn Policy 3 - Overtime

Presenter:

Danielle Lack, Human Resources Manager, Human Resources

Councilmember Strand stated he pulled this item off the Consent Calendar to allow Mayor John Suthers to comment on the proposed changes to the overtime calculation method for City employees.

Mayor John Suthers stated the majority (about two-thirds) of other Cities do not include vacation time in the calculation of over time. Estimates indicate this proposal will save the City approximately \$500,000 annually. Mayor Suthers recognized the concerns expressed by police and fire department personnel and agreed to re-evaluate the proposal. He requested Council approve this measure today with the understanding staff will come back to Council after the review and reconsideration.

Councilmember Knight expressed appreciation for staff giving Council the opportunity to consider the proposed revisions to the Policy and Procedure Manual separately.

Councilmember Murray stated this is a \$500,000 cost savings to the City at the expense of the employees. He urged staff to look for other ways

to reduce costs.

Motion by President Pro Tem Gaebler, seconded by Councilmember Strand, that the proposed Policy and Procedure updates be approved. The motion passed by a vote of 7-1-1

Aye: 7 - Bagley, Bennett, Collins, Gaebler, King, Knight, and Strand

No: 1 - Murray

Excused: 1 - Pico

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

- 10.A. [16-639](#)** Ordinance No. 16-112 repealing Ordinance No. 15-88 and adopting the City of Colorado Springs - 2017 Salary Structure for Civilian and Sworn Municipal Employees

Presenter:

Mike Sullivan, Human Resources Director
Kara Skinner, Chief Financial Officer

Res/Ord Number: 16-112

There were no questions or comments on this agenda item.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Ordinance Repealing Ordinance No. 15-88 and Adopting the City of Colorado Springs - 2017 Salary Structure for Civilian and Sworn Municipal Employees be finally passed. The motion passed by a vote of 7-1-1

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

No: 1 - Collins

Excused: 1 - Pico

- 10.B. [16-359](#)** Ordinance No. 16-116 approving the Annual Appropriation Ordinance Adopting the Annual Budget and Appropriating Monies for the Several Purposes Named in Said Budget for the Year Ending December 31, 2017

Presenter:

Kara Skinner, Chief Financial Officer

Res/Ord Number: 16-116

There were no questions or comments on this agenda item.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the annual appropriation ordinance adopting the annual budget and appropriating

monies for the several purposes named in said budget for the year ending December 31, 2017 be finally passed. The motion passed by a vote of 7-1-1

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

No: 1 - Collins

Excused: 1 - Pico

11. New Business

- 11.A. [16-363](#)** A Resolution Setting and Certifying the 2016 Tax Levy for Taxes Payable in 2017 at 5.000 Mills for the Colorado Springs Downtown Development Authority in Colorado Springs, Colorado

Presenter:

Kara Skinner, Chief Financial Officer

Res/Ord Number: 131-16

There were no questions or comments on this agenda item.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the resolution to set and certify the 2016 tax levy for taxes payable in 2017 at 5.000 mills for the Colorado Springs Downtown Development Authority be adopted. The motion passed by a vote of 7-1-1

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

No: 1 - Collins

Excused: 1 - Pico

- 11.B. [16-364](#)** A Resolution Appropriating Sums of Money to the Various Funds in the Amounts, and for the Purposes Set Forth Below for the Colorado Springs Downtown Development Authority in Colorado Springs Colorado, for the 2017 Budget Year

Presenter:

Kara Skinner, Chief Financial Officer

Res/Ord Number: 132-16

There were no questions or comments on this agenda item.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the resolution to appropriate the sums of money for the 2017 budget for the Colorado Springs Downtown Development Authority be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

- 11.C. [16-370](#)** A Resolution Fixing and Certifying the 2016 Tax Levy for Taxes Payable in 2017 at 4.409 Mills Upon Each Dollar of Assessed

Valuation Within the Briargate Special Improvement Maintenance District

Presenter:

Kara Skinner, Chief Financial Officer
Charae Moore, Budget Manager

Res/Ord Number: 133-16

There were no questions or comments on this agenda item.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the resolution to fix and certify the 2016 tax levy for taxes payable in 2017 at 4.409 mills upon each dollar of assessed valuation within the Briargate Special Improvement Maintenance District be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

- 11.D. [16-371](#)** A Resolution Fixing and Certifying the 2016 Tax Levy for Taxes Payable in 2017 at 1.009 Mills Upon Each Dollar of Assessed Valuation Within the Colorado Avenue Gateway Special Improvement Maintenance District

Presenter:

Kara Skinner, Chief Financial Officer
Charae Moore, Budget Manager

Res/Ord Number: 134-16

There were no questions or comments on this agenda item.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the resolution to fix and certify the 2016 tax levy for taxes payable in 2017 at 1.009 mills upon each dollar of assessed valuation within the Colorado Avenue Gateway Special Improvement Maintenance District be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

- 11.E. [16-372](#)** A Resolution Fixing and Certifying the 2016 Tax Levy for Taxes Payable in 2017 at 3.935 Mills Upon Each Dollar of Assessed Valuation Within the Nor'wood Special Improvement Maintenance District

Presenter:

Kara Skinner, Chief Financial Officer
Charae Moore, Budget Manager

Res/Ord Number: 135-16

There were no questions or comments on this agenda item.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the resolution to fix and certify the 2016 tax levy for taxes payable in 2017 at 3.935 mills upon each dollar of assessed valuation within the Nor'wood Special Improvement Maintenance District be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

11.F. [16-373](#)

A Resolution Fixing and Certifying the 2016 Tax Levy for Taxes Payable in 2017 at 13.416 Mills Upon Each Dollar of Assessed Valuation Within the Old Colorado City Security & Maintenance District

Presenter:

Kara Skinner, Chief Financial Officer
Charae Moore, Budget Manager

Res/Ord Number: 136-16

There were no questions or comments on this agenda item.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the resolution to fix and certify the 2016 tax levy for taxes payable in 2017 at 13.416 mills upon each dollar of assessed valuation within the Old Colorado City Security & Maintenance District be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

11.G. [16-374](#)

A Resolution Fixing and Certifying the 2016 Tax Levy for Taxes Payable in 2017 at \$1.10 per Front Footage of Real Property of Assessed Valuation Within the Platte Avenue Special Improvement Maintenance District

Presenter:

Kara Skinner, Chief Financial Officer
Charae Moore, Budget Manager

Res/Ord Number: 137-16

There were no questions or comments on this agenda item.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the resolution to fix and certify the 2016 tax levy for taxes payable in 2017 at \$1.10 per front footage of real property of assessed valuation within the Platte Avenue Special Improvement Maintenance District be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

- 11.H. [16-375](#) A Resolution Fixing and Certifying the 2016 Tax Levy for Taxes Payable in 2017 at 3.858 Mills Upon Each Dollar of Assessed Valuation Within the Stetson Hills Special Improvement Maintenance District

Presenter:

Kara Skinner, Chief Financial Officer
Charae Moore, Budget Manager

Res/Ord Number: 138-16

There were no questions or comments on this agenda item.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the resolution to fix and certify the 2016 tax levy for taxes payable in 2017 at 3.858 mills upon each dollar of assessed valuation within the Stetson Hills Special Improvement Maintenance District be adopted. The motion passed by a vote of 8-0-1

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

Absent: 1 - Pico

- 11.I. [16-376](#) A Resolution Fixing and Certifying the 2016 Tax Levy for Taxes Payable in 2017 at 3.615 Mills Upon Each Dollar of Assessed Valuation Within the Woodstone Special Improvement Maintenance District

Presenter:

Kara Skinner, Chief Financial Officer
Charae Moore, Budget Manager

Res/Ord Number: 139-16

There were no questions or comments on this agenda item.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the resolution to fix and certify the 2016 tax levy for taxes payable in 2017 at 3.615 mills upon each dollar of assessed valuation within the Woodstone Special Improvement Maintenance District be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

- 11.J. [16-633](#) Ordinance No. 16-120 amending Ordinance No. 07-113 pertaining to the Public Art Commission of the Pikes Peak Region

Presenter:

Councilmember Tom Strand
Jon Khoury, Chair
Renee Congdon, City Attorney's Office

Res/Ord Number: 16-120

Councilmember Knight thanked the Commission for listening and responding to Council's concerns. Councilmember Strand thanked Council for their support on behalf of the commission.

Renee Congdon with the City Attorney's Office stated she urged the commission to bring any potentially controversial pieces to Council before accepting them into the City's art collection.

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

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

Excused: 1 - Pico

- 11.K. [16-632](#) A resolution adopting rules and procedures for the Public Art Commission of the Pikes Peak Region

Presenter:

Councilmember Tom Strand

Jon Khoury, Chair

Renee Congdon, City Attorney's Office

Res/Ord Number: 140-16

Please see comments in agenda item 11.J.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the resolution be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

- 11.L. [16-642](#) A Resolution Approving the Donation Acceptance Policy of the Public Art Commission of the Pikes Peak Region

Presenter:

Jon Khoury, Chair, Art Commission of the Pikes Peak Region

Renee Congdon, City Attorney's Office

Res/Ord Number: 141-16

Please see comments in agenda item 11.J.

Matt Mayberry, Manager of the Pioneer Museum, spoke about a recent donation to the museum which will fund an exhibit called "The Story of Us".

Motion by Councilmember Murray, seconded by President Pro Tem Gaebler, that the resolution be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

- 11.M. [16-557](#)** Ordinance No. 16-121 amending provisions of the Pikes Peak Regional Building Code, 2011 edition, formerly adopted by Ordinance 11-34, as amended by Ordinances 13-6 and 16-23, and amending Sections 102 (Code Adopted by Reference) and 103 (Penalty Provisions, Additions and Modifications) of Part 1 (General Provisions) of Article 10 (Building Code Administration) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended.

Presenter:

Meggan Herington, Planning Manager, Planning and Development Department

Roger Lovell, Regional Building Official

Res/Ord Number: 16-121

There were no questions or comments on this agenda item.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the ordinance approving updates to the Pikes Peak Regional Building Code for a new version of the Colorado Plumbing Code adopted by the state in 2016 be approved on first reading. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

- 11.N. [16-468](#)** Ordinance No. 16-122 amending all sections of Article 3 (Code of Ethics) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended.

Presenter:

Tracy Lessig, Division Chief-Employment, City Attorney's Office
Andy Pico, City Council Member, District 6

Res/Ord Number: 16-122

Councilmember Collins stated she does not support this proposal because of the hearing officer provision.

Councilmember Knight thanked Ms. Lessig for her assistance with this revision project.

Councilmembers Gaebler, Bennett and Strand thanked Councilmembers Knight and Pico and Ms. Lessig for their work on this

project.

Gary Fornander, Board Member, Colorado Common Cause, spoke in support of the proposal adding the organization believes an Independent Ethics Commission should be truly independent.

Ms. Lessig thanked Mr. Fornander for his support though this process.

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

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

No: 1 - Collins

Excused: 1 - Pico

12. Public Hearing

- 12.A.** [16-462](#) Ordinance No. 16-123 assessing costs for work performed in building demolition at 418 East Cucharras Street, charging the work against the property upon which the work was done and certifying this assessment to the County Treasurer for collection as a priority lien.

Presenter:

Mike Chaves, P.E., CIP Engineering Manager

Aaron Egbert, P.E., Senior Engineer

Res/Ord Number: 16-123

Aaron Egbert, Senior Engineer, presented a summary of the demolition process of this structure.

There were no Councilmember questions or comments on this agenda item.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the ordinance assessing costs for the demolition of a dangerous building at 418 East Cucharras Street and certifying this assessment to the County Treasurer for collection as a priority lien be approved on first reading. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

- 12.B.** [CPC MP 07-00061-A4 MJ16](#) A Major Amendment to the Briargate Master Plan changing 116.82 acres from Residential Very Low (R-VL 0-1.99 dwelling units per acre) to Residential Low (R-L 2.0-3.49 dwelling units per acre).

(Legislative)

Related Files: CPC PUZ 16-00102, CPC PUP 16-00103, CPC PUD 16-00104

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development
Peter Wysocki, Director Planning and Community Development

Wynetta Massey, City Attorney, polled Councilmembers regarding ex parte communication regarding this item. Five Councilmembers stated they have had ex parte communications regarding this item. Ms. Massey asked each of the Councilmembers if they feel they can make a fair and impartial decision based on the information presented today.

Councilmembers Knight, Gaebler and Strand recused themselves from the public hearing. Councilmembers King and Bagley stated they have the ability to make a fair and impartial decision based on the information presented today.

Katie Carleo, Principal Planner, provided an overview of the proposed amendments to the development and a summary of the process that has been followed regarding this proposal.

Cody Humphrey, Director of Planning for La Plata Communities, the applicant, presented additional detail about the planned development.

Councilmember King asked how the proposed density and price point of the amended plan for filings 4 and 5 compare to that of the adjacent filing. Mr. Humphrey stated the proposal makes these filings very similar to the adjacent properties in filing number 3.

Councilmember Bagley asked if there are any planned changes to Old Ranch Road and for clarification on the completion of the development phases. Mr. Humphrey stated there will be no changes made to Old Ranch Road and reviewed the development process and phases. Councilmember King asked why there has been a delay in completing Union Boulevard. Mr. Humphrey stated it is a timing issue as the development moves east and lots sell.

Councilmember Murray asked why this proposal has deviated from the established pattern of using cul-de-sacs. Mr. Humphrey stated the reason this filing does not adhere to the established cul-de-sac concept is due to the topography of the property. Mike Hertz, Chief Operating Officer for La Plata, stated area has vegetation and topography that are not amenable to the cul-de-sac concept.

Council President Bennett disclosed that his daughter recently purchased a house in filing 3, he was not aware earlier that her property would be involved in this discussion. This will not affect his ability to make a fair and impartial decision in this hearing.

Jeff Mark, the appellant, stated he is not opposed to the development or the amendment to the development or concept plan. He is requesting a right-of-way or utility easement be designated in order to provide utility access to his planned development on adjacent property.

Wynetta Massey, City Attorney, stated Mr. Marks is requesting Council include a condition of approval, in the form of providing a right-of-way, with this proposal. According to City code, Council does not have the authority to impose any conditions of approval at this time.

Tom Taylor, Director of Development and VP of High Valley Development, stated they have worked with City staff to create this development plan in accordance with City Code and they are reluctant to make changes to their plan to accommodate the appellant's request. Councilmember King asked if there is any way for the two parties to work together to share the costs and meet the needs of both parties. Mr. Taylor stated this is a private matter which should be settled privately.

Councilmember Collins stated she will not support this proposal due to the density of the proposed development.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the major master plan amendment to the Briargate Master Plan, based upon the finding that the amendment meets the review criteria for granting a master plan amendment as set forth in City Code Section 7.5.408 be approved on first reading. The motion passed by a vote of 4-1-3-1

Aye: 4 - Bagley, Bennett, King, and Murray

No: 1 - Collins

Recused: 3 - Gaebler, Knight, and Strand

Excused: 1 - Pico

- 12.C.** [CPC PUZ 16-00102](#) Ordinance No. 16-124 amending the zoning map of the City of Colorado Springs pertaining to 116.82 acres located south of Old Ranch Road and north of Cordera Crest Avenue from A (Agriculture) to PUD (Planned Unit Development; single-family detached residential, 2.63 dwelling units per acre, 36-foot maximum building height).

(Quasi-Judicial)

Related Files: CPC MPA 007-00061-A4MJ16, CPC PUP 16-00103, CPC PUD 16-00104

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development
Peter Wysocki, Director Planning and Community Development

Res/Ord Number: 16-124

Please see comments in agenda item 12.B.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that an ordinance changing the zoning of 116.82 acres from A (Agriculture) to PUD (Planned Unit Development; single-family detached residential, 2.63 dwelling units per acres, 36-foot maximum building height), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603 and the development of a PUD zone as set forth in City Code Section 7.3.603 be approved on first reading. The motion passed by a vote of 4-1-3-1

Aye: 4 - Bagley, Bennett, King, and Murray

No: 1 - Collins

Recused: 3 - Gaebler, Knight, and Strand

Excused: 1 - Pico

12.D. [CPC PUP
16-00103](#)

Cordera 4 & 5 Concept Plan illustrating conceptual layout for a 116.82 acre site to be developed as single-family detached residential subdivision, located south of Old Ranch Road and north of Cordera Crest Avenue.

(Quasi-Judicial)

Related Files: CPC MPA 007-00061-A4MJ16, CPC PUZ 16-00102, CPC PUD 16-00104

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development
Peter Wysocki, Director Planning and Community Development

Please see comments in agenda item 12.B.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the Cordera 4 & 5 PUD Concept Plan, based upon the findings that the PUD concept plan meets the review criteria for granting a PUD concept plan as set forth in City Code Section 7.3.605 and meets the eight (8) review criteria for granting a concept plan as set forth in City Code Section 7.5.501(E), subject to technical modifications be approved. The motion passed by a vote of 4-1-3-1

Aye: 4 - Bagley, Bennett, King, and Murray

No: 1 - Collins

Recused: 3 - Gaebler, Knight, and Strand

Excused: 1 - Pico

- 12.E.** [CPC PUD 16-00104](#) Cordera 4 PUD Development Plan to develop 29.51 acres with 53 single-family residential lots, located south of Old Ranch Road and north of Cordera Crest Avenue.

(Quasi-Judicial)

Related Files: CPC MPA 007-00061-A4MJ16, CPC PUZ 16-00102, CPC PUP 16-00103

Presenter:

Katie Carleo, Principal Planner, Planning & Community Development
Peter Wysocki, Director Planning and Community Development

Please see comments in agenda item 12.B.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the Cordera 4 PUD Development Plan, based upon the findings that the PUD development plan meets the review criteria for granting a PUD development plan as set forth in City Code Section 7.3.606 and meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E) be approved. The motion passed by a vote of 4-1-3-1

Aye: 4 - Bagley, Bennett, King, and Murray

No: 1 - Collins

Recused: 3 - Gaebler, Knight, and Strand

Excused: 1 - Pico

- 12.F.** [CPC SWP 16-00057](#) Reconsideration of an appeal of the City Planning Commission's August 18, 2016 approval of a subdivision waiver from design standards to provide primary legal access via a public alley for the property located at 543 Robbin Place.

(Quasi-Judicial)

Presenter:

Michael Turisk, Planner II
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

This item was withdrawn.

Motion by Councilmember Knight, seconded by President Pro Tem Gaebler, to accept withdrawal of this item. 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 added agenda items.

14. Executive Session

There was not an Executive Session.

15. Adjourn

Meeting went into Recess

Meeting Reconvened

16. General Improvement Districts:

Following adjournment of the regular City Council meeting, City Council shall reconvene as the Colorado Springs Board of Directors of the Briargate General Improvement District, for action on the following items:

- 16.A. [16-348](#)** A Public Hearing on the Budget for the Colorado Springs Briargate General Improvement District, Colorado Springs, Colorado, for the Calendar Year Beginning on the First Day of January 2017 and Ending on the Last Day of December 2017

Presenter:
Kara Skinner, Chief Financial Officer

There was no one present to speak at the public hearing.

- 16.B. [16-349](#)** A Resolution Levying General Property Taxes to Help Defray the Cost of Debt Service on the General Obligation Refunding Bonds, Series 2014 of the Colorado Springs Briargate General Improvement District, Colorado Springs, Colorado, for the 2017 Budget Year

Presenter:
Kara Skinner, Chief Financial Officer

Res/Ord Number: 142-16

There were no questions or comments on this agenda item.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the resolution to set and certify the 2016 mill levy at 12.000 mills on taxes payable in 2017 for the Colorado Springs Briargate General Improvement District be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

- 16.C. [16-350](#) A Resolution Summarizing Expenditures and Revenues, Adopting a Budget, and Appropriating Monies for the Colorado Springs Briargate General Improvement District, Colorado Springs, Colorado, for the Calendar Year Beginning on the First Day of January 2017 and Ending on the Last Day of December 2017

Presenter:
Kara Skinner, Chief Financial Officer

Res/Ord Number: 143-16

There were no questions or comments on this agenda item.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the resolution to adopt the 2017 budget and appropriate the sums of money for the 2017 budget year for the Colorado Springs Briargate General Improvement District be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

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

- 16.D. [16-351](#) A Public Hearing on the Budget for the Colorado Springs Marketplace at Austin Bluffs General Improvement District, Colorado Springs, Colorado, for the Calendar Year Beginning on the First Day of January 2017 and Ending on the Last Day of December 2017

Presenter:
Kara Skinner, Chief Financial Officer

There was no one present to speak at the public hearing.

- 16.E. [16-352](#) A Resolution Levying General Property Taxes to Help Defray the Cost of Debt Service on the General Obligation Bonds of the Colorado Springs Marketplace at Austin Bluffs General Improvement District, Colorado Springs, Colorado, for the 2017 Budget Year

Presenter:
Kara Skinner, Chief Financial Officer

Res/Ord Number: 144-16

There were no questions or comments on this agenda item.

Motion by Councilmember King, seconded by Councilmember Bagley, that the

Resolution resolution to set and certify the 2016 mill levy at 50.000 mills on taxes payable in 2017 for the Colorado Springs Marketplace at Austin Bluffs General Improvement District budget be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

- 16.F. [16-353](#)** A Resolution Summarizing Expenditures and Revenues, Adopting a Budget, and Appropriating Monies for the Colorado Springs Marketplace at Austin Bluffs General Improvement District, Colorado Springs, Colorado, for the Calendar Year Beginning on the First Day of January 2017 and Ending on the Last Day of December 2017

Presenter:

Kara Skinner, Chief Financial Officer

Res/Ord Number: 145-16

There were no questions or comments on this agenda item.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the resolution to adopt the 2017 budget and appropriate the sums of money for the 2017 budget year for the Colorado Springs Marketplace at Austin Bluffs General Improvement District be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

Following adjournment of the Board of Directors of the Colorado Springs 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 items:

- 16.G. [16-354](#)** A Public Hearing on the Budget for the Colorado Springs Spring Creek General Improvement District, Colorado Springs, Colorado, for the Calendar Year Beginning on the First Day of January 2017 and Ending on the Last Day of December 2017

Presenter:

Kara Skinner, Chief Financial Officer

There was no one present to speak at the public hearing.

- 16.H. [16-355](#)** A Resolution Levying General Property Taxes to Help Defray the Cost of Debt Service on the General Obligation Refunding Bonds, Series 2005 of the Colorado Springs Spring Creek General Improvement District, Colorado Springs, Colorado, for the 2017 Budget Year

Presenter:

Kara Skinner, Chief Financial Officer

Res/Ord Number: 146-16

There were no questions or comments on this agenda item.

Motion by Councilmember King, seconded by Councilmember Bagley, that the resolution to set and certify the 2016 mill levy at 20.000 mills on taxes payable in 2017 for the Colorado Springs Spring Creek General Improvement District be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

- 16.I.** [16-356](#) A Resolution Summarizing Expenditures and Revenues, Adopting a Budget, and Appropriating Monies for the Colorado Springs Spring Creek General Improvement District, Colorado Springs, Colorado, for the Calendar Year Beginning on the First Day of January 2017 and Ending on the Last Day of December 2017

Presenter:

Kara Skinner, Chief Financial Officer

Res/Ord Number: 147-16

There were no questions or comments on this agenda item.

Motion by Councilmember King, seconded by Councilmember Bagley, that the resolution to adopt the 2017 budget and appropriate the sums of money for the 2017 budget year for the Colorado Springs Spring Creek General Improvement District be adopted. The motion passed by a vote of 8-0-1

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

Excused: 1 - Pico

17. Adjourn

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

Sarah Johnson, City Clerk