



City of Colorado Springs

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

Meeting Minutes - Final-revised City Council

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Tuesday, September 8, 2015

1:00 PM

Council Chambers

1. Call to Order

Present: 9 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Keith King, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, and Councilmember Tom Strand

2. Invocation and Pledge of Allegiance

The Invocation was led by Nori Rost, All Souls Unitarian Church.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

There were no Changes to 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. [15-00505](#) Ordinance No. 15-58 vacating a public right of way of a portion of Cragmor Village Road consisting of 1.103 acres located north of Austin Bluffs Parkway east of Regent Circle

Res/Ord Number: 15-58

This Ordinance was finally passed on the Consent Calendar.

4A.B. [15-00502](#) Ordinance No. 15-59 of the City of Colorado Springs, Colorado Providing for the Refunding of Certain Outstanding Utilities System Revenue Bonds of the City and an Escrow Therefore; Providing for the Issuance and Sale of the City of Colorado Springs, Colorado, Utilities System Refunding Revenue Bonds, Series 2015A in an Aggregate Principal Amount of Not to Exceed

\$110,000,000 Payable Solely Out of the Net Revenues to be Derived from the Operation of the City of Colorado Springs Utilities System; Authorizing the Execution by the City of an Escrow Agreement, A Bond Purchase Agreement and an Official Statement; and Providing Other Matters Relating Thereto

Res/Ord Number: 15-59

This Ordinance was finally passed on the Consent Calendar.

- 4A.C.** [15-00532](#) Ordinance No. 15-60 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

Res/Ord Number: 15-60

This Ordinance was finally passed on the Consent Calendar.

- 4A.D.** [15-00511](#) Ordinance No. 15-61 amending Ordinance No. 14-101 (2015 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$213,188.77 for November 2015 election costs

Res/Ord Number: 15-61

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.B.** [15-00565](#) Boards and Commissions

This item was approved on the Consent Calendar.

- 4B.C.** [15-00539](#) The City Clerk reports that on July 28, 2015 there was filed with her a petition for the annexation of 2864 S Circle Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1) .

This Informational Report was received on the Consent Calendar.

- 4B.D.** [15-00516](#) Ordinance No. 15-62 amending all articles of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Memorial Health System Affiliation as approved by the electors

Res/Ord Number: 15-62

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

- 4B.E.** [15-00517](#) Ordinance No. 15-63 amending Part 3 (Facility Security) of Article 2 (City Properties) of Chapter 3 (Public Property and Public Works) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Memorial Health System Affiliation as approved by the electors

Res/Ord Number: 15-63

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

- 4B.F.** [15-00518](#) Ordinance No. 15-64 amending Article 13 (Relocation Policy and Program) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Memorial Health System Affiliation as approved by the electors

Res/Ord Number: 15-64

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

- 4B.G.** [15-00519](#) Ordinance No. 15-65 amending Part 18 (Acquisition and Disposition of Real Property Interests) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Memorial Health System Affiliation as approved by the electors

Res/Ord Number: 15-65

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

- 4B.H.** [15-00520](#) Ordinance No. 15-66 amending Part 1 (Dangerous and Deadly Weapons) and Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Memorial Health System Affiliation as approved by the electors

Res/Ord Number: 15-66

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

- 4B.I.** [15-00521](#) Ordinance No. 15-67 repealing and reordaining Chapter 13 (Memorial Hospital) of the Code of the City of Colorado Springs

2001, as amended, pertaining to the Memorial Health System Affiliation as approved by the electors

Res/Ord Number: 15-67

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

- 4B.J.** [15-00522](#) Ordinance No. 15-68 amending Article 9 (Initiated Ordinance Pertaining to Enterprises) of Chapter 14 (Municipal Enterprises) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Memorial Health System Affiliation as approved by the electors

Res/Ord Number: 15-68

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

- 4B.K.** [15-00536](#) A resolution approving the assignment of 2015 Private Activity Bond Volume Cap Allocation to El Paso County

Res/Ord Number: 84-15

This resolution was adopted 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

- 5.A.** [15-00548](#) A Resolution to support September 2015 as National Preparedness Month in the City of Colorado Springs

Res/Ord Number: 85-15

Bret Waters, Emergency Management Director, thanked Council for their support and recognized City Staff for their emergency preparedness efforts. Peggy Littleton, El Paso County Commissioner, expressed appreciation for the collaboration between the City and the County for emergency preparedness.

Motion by Councilmember Pico, seconded by Councilmember Knight, that the Resolution be accepted approve the resolution.. The motion passed by a vote of

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

6. Citizen Discussion

Citizen Charles Barber spoke in opposition to the proposed City sales tax increase, the importance of young people to our community and in support of a salary increase for City Councilmembers.

Citizen Lee Pickerel expressed concern about safe evacuation of specific property in the event of a fire. Jeff Greene, Chief of Staff will assist this citizen.

Citizens Todd Baldwin, Aikta Marcoulier, Liz Hershberger, Robert Wilson, Ron O'Herron, El Paso County Commissioner Peggy Littleton and El Paso County Commissioner Dennis Hisey, spoke in support of the Small Business Development Center receiving monetary support from the City.

Citizen John Kilbury voiced concern about safety hazards in the downtown area.

Citizens Monica Fraser and Gorge Borja, spoke about the poor condition of City buses. Craig Blewitt, Transit Services Manager, responded to the concerns of these individuals, stating Transit Services is planning to present an update to Council in the near future, and the buses are inspected daily and are safe. The bus drivers are not city employees and driver complaints are addressed by the company they work for.

Citizen Paul Seeling voiced concern about marijuana being grown in residential homes. Councilmember Pico assured citizens he takes this very seriously and will follow-up on this issue.

Citizen David Hopkins spoke in opposition to TABOR.

Citizen Deborah Stout-Meiningner expressed her belief that tax payer money is being misused.

7. Mayor's Business

There was not any Mayor's Business.

8. Items Called Off Consent Calendar

4B.A. [15-00563](#) City Council Meeting Minutes August 25, 2015

Councilmember Collins stated she pulled this off the Consent Calendar because she would like to have her specific comments about the power

grid, proximity to commercial property and airport noise on agenda item 12.A. included in the minutes.

Motion by President Pro Tem Gaebler, Second by Councilmember Strand that the Meeting Minutes be approved as amended. The motion passed by a vote of 9-0-0.

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

- 4B.L.** [15-00396](#) A Resolution Seeking Inclusion of a Portion of the City of Colorado Springs, Colorado, into the Lower Fountain Metropolitan Sewage Disposal District and Authorizing the President of City Council to Execute and Colorado Springs Utilities to Submit a Petition for Inclusion to the Lower Fountain Metropolitan Sewage Disposal District

Res/Ord Number: 86-15

Councilmember Collins called this off the Consent Calendar because she is not in favor of Improvement Districts.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Resolution Seeking Inclusion of a Portion of the City of Colorado Springs, Colorado, into the Lower Fountain Metropolitan Sewage Disposal District and Authorizing the President of City Council to Execute and Colorado Springs Utilities to Submit a Petition for Inclusion to the Lower Fountain Metropolitan Sewage Disposal District be adopted. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

- 10.A.** [15-00436](#) Ordinance No. 15-57 amending Ordinance No. 14-101 (2015 Appropriation Ordinance) for a \$35,000 supplemental appropriation increasing expenditures in the Lodgers and Automobile Rental Tax (LART) fund for the purpose of providing 2015 funding to the Regional Business Alliance

Res/Ord Number: 15-57

Councilmember Collins stated she does not support this because the Regional Business Alliance charges membership dues and for their programs and services, she is not in favor of them also receiving public funding.

Motion by Councilmember Strand, seconded by Councilmember Bagley, that the Ordinance be finally passed. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

11. New Business

- 11.A. [15-00409](#) Approval of an Amended and Restated Service Plan of Allison Valley Metropolitan Districts No. 1 and No. 2 (Legislative).

Res/Ord Number: 87-15

Carl Schueler, Planning Manager, Comprehensive Planning, provided an overview of changes to the service plan for this area.

Doug Quimby, representing the Districts, provided a brief history of the development of the area.

Motion by Councilmember Bagley, seconded by Councilmember Strand, that the resolution approving the Amended and Restated Consolidated Service Plan for Allison Valley Metropolitan District No. 1 and Allison Valley Metropolitan District No. 2. be adopted. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

- 11.B. [15-00411](#) Authorization for Allison Valley Metropolitan District No. 2 to Issue up to \$13,500,000 in Debt as a Limited Tax General Obligation Loans

(Legislative Matter)

Res/Ord Number: 88-15

Carl Schueler, Planning Manager, Comprehensive Planning, provided a summary of this proposal.

Motion by Councilmember Bagley, seconded by Councilmember Strand, that the resolution approving the issuance by the Allison Valley Metropolitan District No. 2 of a Limited Tax General Obligation Loans, Series 2015A and Series 2015B in an overall principal amount not to exceed \$13,500,000 be adopted. (for August 25, 2015). The motion passed by a vote of 7-2-0.

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

No: 2 - Collins, and Pico

12. Public Hearing

- 12.A. [15-00515](#) Ordinance No. 15-69 Excluding Certain Property from the Interquest South Business Improvement District (Quasi-Judicial)

Res/Ord Number: 15-69

Carl Schueler, Planner, Land Use and Review, provided an introduction to this item.

Councilmember Knight asked why this dormant BID was not being

dissolved a year ago, and suggested this BID be dissolved now, with the new property owners requesting a new BID if desired. Russell Dykstra with Spencer Fane, representing the BID, stated the buyers plan to begin development on the property in the near future. The property sales agreement reflects the inclusion and exclusion of property in the BID based on the buyer's request and the buyers are working to find five board members for the BID board.

Council discussed the purpose and structure of BID's with Mr. Schueler. There are eleven BID's in Colorado Springs including the Downtown Partnership.

Motion by President Pro Tem Gaebler, seconded by Councilmember Strand, that the ordinance excluding certain property from the boundaries of the Interquest South Business Improvement District be approved on first reading. The motion passed by a vote of 7-2-0.

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

No: 2 - Collins, and Murray

12.B. [15-00523](#) Ordinance No. 15-70 Including Certain Property into the Interquest South Business Improvement District (Quasi-Judicial).

Res/Ord Number: 15-70

Please see Comments in agenda item 12.A.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the ordinance including certain properties in the boundaries of the Interquest South Business Improvement District be approved on first reading. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

12.C. [15-00525](#) Ordinance No. 15-71 Amending Ordinance 04-238 to Allow City Council to Fill Vacancies on the Board of Directors of the Interquest South Business Improvement District by Appointment. (Legislative)

Res/Ord Number: 15-71

Councilmember Collins stated she does not support improvement districts.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the ordinance amending Ordinance No. 04-238 to allow City Council to fill vacancies on the Board of Directors of the Interquest South Business Improvement District by Appointment be approved on first reading. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

- 12.D. [15-00507](#) Appeal of the City Planning Commission approval of a Development Plan for the Bates Elementary School Student Housing project, located off Austin Bluffs Parkway and Stanton Street. (Quasi-Judicial)

David Andrews, Legislative Counsel, polled Councilmembers regarding involvement and communications they have had regarding this quasi-judicial matter. The Councilmembers stated they have the ability to make a fair and impartial decision based on the discussion today. The appellant and applicant were provided copies of the communications received by Council.

Peter Wysocki, Director of Planning and Development, introduced this discussion involving infill in the area surrounding UCCS, stated this area of town is going through change and stated the development plan under review today does not involve a zone change.

Lonna Thelen, Principal Planner, Land Use and Review, provided an overview of the development plan, the Planning Commission's decision and a summary of the developer's response to the neighbors' concerns. Council President Pro Tem Gaebler encouraged the developer to include safe bike lanes for student access. Kathleen Kraeger, Transportation Manager, stated the bike lanes on the Austin Bluffs corridor are not ideal, the transportation department is suggesting the sidewalks be marked as shared for pedestrians and bicyclists.

Councilmember Knight asked about the left hand turn into the complex, Ms. Kraeger stated the developer will be required to install a left turn provision in the intersection. Councilmember Knight asked if there is adequate room for this turn lane. Ms. Kraeger stated the developer contracted a traffic specialist to design this intersection meeting all of the City requirements. Councilmember Knight asked if the left turn lane of Regent Circle will be lengthened to accommodate the increased traffic associated with this development, Ms. Kraeger stated they do not feel this will impact traffic turning on Regent Circle, but will monitor the situation and make adjustments as necessary. Ms. Kraeger stated an escrow account can be established to fund necessary changes based on the actual usage realized by the development. Mr. Wysocki stated the traffic was mitigated from the neighborhood in an attempt to minimize the impact of this development to the neighborhood.

Councilmember Knight asked if there is an established need for student

housing at UCCS and if UCCS supports this project. Mr. Wysocki stated this is a private development and UCCS is neutral per a discussion with them. Mr. Wysocki stated there is a need for student housing and students will migrate into neighborhoods if student housing is not provided. UCCS is focused on providing housing for freshmen. Ms. Thelen stated there are currently about 3175 beds for a projected 15,000 students.

Councilmembers asked about the compatibility of this project with the existing neighborhood. Ms. Thelen stated the planning department has reviewed the development review criteria for compatibility and has found this project to meet the requirements.

Council discussed concerns about students crossing Austin Bluffs Parkway without using the established crosswalk. Councilmember Murray suggested the addition of a pedestrian bridge over Austin Bluffs Parkway. Ms. Kraeger explained a pedestrian bridge would be cost-prohibitive for this developer and stated the development plan includes a fence in the median to deter students from crossing in undesired areas.

Appellant Grant Smith and Pat Hrbacek, representing the Cragmor Neighborhood, provided a summary of the concerns presented by the existing neighborhood which include compatibility with the neighborhood, increased traffic and the special use zoning.

Ron Bevans with NES Inc., Mike App with Gilbane Inc., Development Company, and Dan Garthe with Kitchen & Associates, the applicant, explained the design of the building is intended to make this project aesthetically pleasing to the neighborhood including an enclosed parking area and landscaping to provide a buffer between the building and the neighborhood.

Councilmember Murray asked how this structure will change the character of the neighborhood. Mr. Bevans stated this is a changing neighborhood across from a growing university campus, this development will provide a transitional residential buffer between the campus and the single family residential area.

Councilmember Knight asked if a smaller facility has been considered to reach a compromise with the neighbors. Mr. Bevins stated this plan is the density/size needed to make the facility work given the cost of the

project including the additional borings needed due to the mines and the asbestos in the existing school building which will be demolished.

Council discussed details of the development with the developers including potential residents, rental rates, maintenance, security and safety concerns. Mr. Bevans stated the developers are concerned about the safety of the residents and the likelihood of students to cross Austin Bluffs without using the designated crosswalk. The developer is willing to increase the length of the fence barrier in the median of Austin Bluffs Parkway and remove the left turn lane into the complex. The developers are willing to establish an escrow account for future pedestrian and traffic features deemed necessary.

There were no citizens in support of the applicant.

Citizens Shirley Willson, Bob Falcone, Maureen Burness, Jacqueline Marquis, Jan Zeis, Don Ivins, Jennifer Spier, Margie Schaefer, and Jerry Hyde spoke in support of the appeal.

Councilmember Knight stated he does not find this project harmonious with the neighborhood, that it is detrimental to traffic flow and in his opinion it fails to meet the pedestrian safety requirements; however, this development is allowed within the SU zone, so he will be supporting it.

Councilmember Gaebler stated she feels the majority of residents on this property will not be driving frequently creating traffic problems, the sidewalk space is adequate, and she supports this infill project. Although it will change the neighborhood, it does not need to be a detriment to the neighborhood.

Councilmember Pico stated he has concerns about the traffic on Austin Bluffs Parkway and cannot support this.

Motion by Councilmember King, seconded by President Pro Tem Gaebler, to deny the appeal, upholding the Planning Commission's approval of the development plan for the Bates Student Housing project, based upon the finding that the development plan complies with the review criteria in City Code Section 7.5.502.E, subject to compliance with the conditions of approval and technical plan modifications listed in the City Planning Commission staff report and the following conditions of approval: 1. Eliminate the left turn in lane on westbound Austin Bluffs, 2. Include restrictive fencing in Austin Bluffs along the frontage of Bates Student Housing as approved by the City Traffic Engineer, 3. Provide a \$40,000 escrow to be held for 1 year after date of Certificate of Occupancy to be used for additional costs associated with the U-turn at Regent Circle and Austin Bluffs or the eliminated left turn lane. These costs will be determined by the City

Traffic Engineer. The motion passed by a vote of 5-4-0.

Aye: 5 - Bagley, Bennett, Gaebler, King, and Strand

No: 4 - Collins, Knight, Murray, and Pico

13. Added Item Agenda

There were no items added to the agenda.

14. Executive Session

There was not an Executive Session.

15. Adjourn