



City of Colorado Springs

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

Meeting Minutes - Final-revised City Council

City Council meetings are broadcast live on Channel 18. In accordance with the ADA, anyone requiring an auxiliary aid to participate in this meeting should make the request as soon as possible but no later than 48 hours before the scheduled event.

Tuesday, March 14, 2017

1:00 PM

Council Chambers

1. Call to Order

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

2. Invocation and Pledge of Allegiance

The invocation was led by Rabbi Mel Glazer of Temple Shalom.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

Item 5.B. will be postponed to the April 11, 2017 meeting.

Item 11.J. was moved to before Mayor's Business.

Items 11.E., 11.F. and 11.I. were moved to follow Mayor's Business.

Councilmember Collins requested that 4.B.E. be removed from the Consent Calendar.

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 A
16-00107](#)

Ordinance No. 17-13 for annexation of the Hartsuiker Addition pertaining to 1.134 acres; .523 acres consists of the subject property and .611 acres consists of Ruby Drive right-of-way.

(Legislative)

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

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

- Attachments:** [AX-HartsuikerAdditionORD-2017-02-21](#)
[Exhibit A - Hartsuiker Legal Description for Annexation](#)
[Exhibit B - Annex Agreement - INCOMPLETE](#)
[Vicinity Map - Hartsuiker](#)
[Ordinance 17-13](#)

The ordinance was finally passed on the Consent Calendar.

4A.B. [CPC ZC 16-00108](#)

Ordinance No. 17-14 establishing the R-2/AO/CR (Two-Family Residential with Airport Overlay and Conditions of Record) pertaining to .523 of an acre located at the northeast corner of Copper Drive and Ruby Drive.

(Legislative)

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

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

- Attachments:** [ZoningChangeCopper_RubyORD-2017-02-21](#)
[Exhibit A - Zone Change Legal](#)
[Exhibit B - Zone Change Exhibit](#)
[Ordinance 17-14](#)

The ordinance was finally passed on the Consent Calendar.

4A.C. [CPC A 16-00109](#)

Ordinance No. 17-15 annexing to the City of Colorado Springs that area known as the Bowen Addition consisting of .849-acre for property located at the southeast corner of Silver Drive and Ruby Drive.

(Legislative)

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

Presenter:

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

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

[Exhibit A - Bowen Addition Legal](#)

[Exhibit B - Annexation Agreement Signed](#)

[Vicinity Map - Bowen](#)

[Ordinance 17-15](#)

The ordinance was finally passed on the Consent Calendar.

4A.D. [CPC ZC
16-00110](#)

Ordinance No. 17-16 establishing an R-2/AO/CR (Two-Family Residential with Airport Overlay and Conditions of Record) pertaining to .849-acre located at the southeast corner of Silver Drive and Ruby Drive and associated with the Bowen Addition Annexation.
(Legislative)

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

Presenter:

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

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

[Exhibit A - Bowen Legal](#)

[Exhibit B - Bowen Exhibit](#)

[Ordinance 17-16](#)

The ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [17](#)

City Council Regular Meeting Minutes February 28, 2017

Presenter:

Sarah B. Johnson

Attachments: [2-28-2017 City Council Minutes - Final](#)

The Minutes of the meeting of February 28, 2017 were approved.

The meeting minutes were approved on the Consent Calendar.

4B.B. [17-872](#)

Appointments to Boards and Commissions

Presenter:
Jacquelyn Puett, Assistant to Council

Attachments: [031417 Boards and Commissions](#)

The appointments were accepted on the Consent Calendar.

- 4B.C.** [17-822](#) A Resolution Adopting the Intergovernmental Agreement Establishing the Administration and Governance of the Pikes Peak Regional Law Enforcement Records Management System

Presenter:
Sue Autry, Police Administrative Services Manager

Attachments: [File #17-822 - Resolution](#)

[031417 Exhibit A \(IGA\)](#)

[Resolution 31-17](#)

The Resolution was adopted on the Consent Calendar.

- 4B.D.** [17-817](#) A Resolution approving changes to the Independent Ethics Commission's Rules of Procedure

Presenter:
Tracy Lessig, City Attorney Division Chief - Employment

Attachments: [2017-2-27IECRulesRES](#)

[Resolution 32-17](#)

The Resolution was adopted on the Consent Calendar.

- 4B.F.** [17-852](#) Ordinance No. 17-17 amending Section 102 (Regular Council Meetings; Utility Board) of Part 1 (Elective Officers) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Utility Board

Presenter:
Councilmember Don Knight
Wynetta Massey, City Attorney

Attachments: [031417 CS-Ch1-UtilityBoardORD](#)

[Ordinance 17-17](#)

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

- 4B.G.** [17-853](#) Ordinance No. 17-18 amending Section 202 (Bonds) of Part 2 (Appointive Officers; General Provisions) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel and Finance) of the

Code of the City of Colorado Springs 2001, as Amended, Pertaining to Bonds and Oaths

Presenter:
Councilmember Don Knight
Wynetta Massey, City Attorney

Attachments: [031417 CS-Ch1-BondsOathORD](#)
[Ordinance 17-18](#)

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

- 4B.H.** [17-854](#) Ordinance No. 17-19 amending Section 204 (Assistants) of Part 2 (Appointive Officers; General Provisions) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Assistants

Presenter:
Councilmember Don Knight
Wynetta Massey, City Attorney

Attachments: [031417 CS-Ch1-AssistantsORD](#)
[Ordinance 17-19](#)

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

- 4B.I.** [17-855](#) Ordinance No. 17-20 amending Section 303 (Appoint to Acting Capacity) of Part 3 (Powers and Duties of the Mayor) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Acting Appointments

Presenter:
Councilmember Don Knight
Wynetta Massey, City Attorney

Attachments: [031417 CS-Ch1-InterimActingORD](#)
[Ordinance 17-20](#)

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

- 4B.J.** [17-856](#) Ordinance No. 17-21 amending Section 105 (Candidates for Election) of Part 1 (Employee Rules and Regulations) of Article 4 (City Employees) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Candidates for Election

Presenter:

Councilmember Don Knight
Wynetta Massey, City Attorney

Attachments: [031417 CS-Ch1-CandidatesElectionORD](#)
[Ordinance 17-21](#)

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

- 4B.K.** [17-857](#) Ordinance No. 17-22 amending Section 103 (Presiding Judge; Powers and Duties) of Article 2 (Judges) of Chapter 11 (Municipal Court) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Judges

Presenter:
Councilmember Don Knight
Wynetta Massey, City Attorney

Attachments: [031417 CS-Ch11-JudgesORD](#)
[Ordinance 17-22](#)

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

- 4B.L.** [17-868](#) A Resolution Authorizing Colorado Springs Utilities to Take All Actions Necessary to Remove Certain Water Rights from the State of Colorado's Water Rights Tabulations

Presenter:
Abigail Ortega, Planning Supervisor
Michael Gustafson, Senior Attorney
Jerry A. Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Attachments: [Resolution-Abandon Water Rights Roby Chancellor draft 2-17-17](#)
[Resolution 33-17](#)

The Resolution was adopted on the Consent Calendar.

- 4B.M.** [CPC MPA](#)
[00-00103-A1](#)
[MJ16](#) A major amendment to the Mesa Springs Community Plan changing 13.32 acres from medium-high density residential and public park to office/special commercial and industrial, located at the northwest corner of Centennial Boulevard and Van Buren Street.

(Legislative)

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

Attachments: [MesaSpringsRES-2017-03-07-clean](#)
[Exhibit A - Master Plan](#)
[CPC Staff Report_Indian Hills Business Park](#)
[Figure 1 - Concept Plan](#)
[Figure 2 - Project Statement](#)
[Figure 3 - Neighborhood comments](#)
[Figure 5 - 1st CGS Geohazard Review](#)
[Figure 6 - 2nd CGS Geohazard Review](#)
[Figure 7 - Financial Impact Analysis \(FIA\)](#)
[7.5.408 MASTER PLAN REVIEW CRITERIA](#)
[CPC_02.16.17 Minutes - Indian Hills](#)

This item was approved on the Consent Calendar.

- 4B.N.** [CPC PUZ 16-00144](#) Ordinance No. 17-23 amending the zoning map of the City of Colorado Springs pertaining to 13.32 acres located at the northwest corner of Centennial Boulevard and Van Buren Street, from PUD (Planned Unit Development; attached townhomes, 35' maximum building height, 6.68 dwelling units per acre) to PUD (Planned Unit Development; general and medical office, retail, personal improvement services, financial institutions, child care facilities, sit down restaurants, light industrial and private open space, maximum building height 35').
- (Quasi-Judicial)
- Presenter:
Lonna Thelen, Principal Planner, Planning & Community Development
Peter Wysocki, Planning and Community Development Director

Attachments: [ZC_ORD_Indian Hills Business Park](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Vicinity Map](#)
[Ordinance 17-23](#)

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

- 4B.O.** [CPC PUP 16-00145](#) Indian Hills Business Park concept plan illustrating four office/commercial buildings and a light industrial development, located at the northwest corner of Centennial Boulevard and Van Buren Street.
- (Quasi-Judicial)

Presenter:

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

Attachments: [Figure 1 - Concept Plan](#)
[7.3.605 PUD Concept Plan](#)
[7.5.501.E Concept Plans](#)

This item was approved on the Consent Calendar.

4B.P. [CPC ZC](#)
[16-00134](#)

Ordinance No. 17-24 amending the zoning map of the City of Colorado Springs pertaining to 2.5 acres located at 2020, 2021 and 2030 West Colorado, from C5 (General Business), C5 P (General Business with Planned Provisional Overlay) and R2 (Two-Family Residential) to C5/CR (General Business with Conditions of Record)

(Quasi-Judicial)

Presenter:

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

Attachments: [ZC ORD Sacred Heart Catholic Church](#)
[Exhibit A - ZC Legal Description SacredHeart](#)
[Exhibit B - Vicinity Map Sacred Heart](#)
[Ordinance 17-24](#)

This ordinance was approved on first reading by the Consent Calendar.

4B.Q. [CPC CP](#)
[16-00135](#)

Sacred Heart Catholic Church concept plan for a multi-phase expansion of the Sacred Heart Catholic Church campus, located at 2020, 2021, and 2030 West Colorado Avenue.

(Quasi-Judicial)

Presenter:

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

Attachments: [FIGURE 1 - Concept Plan](#)
[7.5.501.E Concept Plans](#)

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

4B.R. [CPC DP](#)
[16-00136](#)

Sacred Heart Catholic Church development plan for the expansion of the Sacred Heart Catholic Church campus, located at 2020, 2021, and 2030 West Colorado Avenue.

(Quasi-Judicial)

Presenter:

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

Attachments: [FIGURE 4 - Development Plan](#)
[7.5.502.E Development Plan Review](#)

This item was approved on the Consent Calendar.

4B.S. [CPC V](#)
[16-00137](#)

Ordinance No. 17-25 vacating .142-acre of City right-of-way located between 20th Street and 21st Street from West Colorado Avenue to West Pikes Peak Avenue.

(Legislative)

Presenter:

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

Attachments: [ORD_VacationROW - Alley](#)
[Exhibit A - Legal Sacred Heart](#)
[Exhibit B - Alley Vacation](#)
[Ordinance 17-25](#)

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

Approval of the Consent Agenda

Motion by Councilmember Bagley that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 9-0

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

5. Recognitions

5.A. [16-779](#)

Recognition of MATHCOUNTS regional competition winners

Presenter:

Mike Bartusek, Pikes Peak Regional Coordinator

Mike Bartusek congratulated the local participants of the MATHCOUNTS competition, and wished them luck for the upcoming event on the weekend. Council participated in bestowing certificates on those participants who were present.

5.B. [17-864](#)

A resolution of appreciation for Dale R. Fox on the occasion of his retirement as a Police Sergeant with the City of Colorado Springs Police Department

Presenter:
Merv Bennett, City Council President

Attachments: [Dale Fox Resolution v2](#)

The resolution was postponed to the April 11, 2017 City Council meeting.

6. Citizen Discussion

Councilmember Murray read The Raven Canon Declaration.

Citizen John Kilbury spoke against corruption, and in favor of ethnic diversity, sidewalks, and various other matters.

Citizen Charles Barber thanked the City for recent concrete work and spoke against the consumption of refined sugar.

Citizen Gerald Miller spoke against Prospect Lake Improvements.

Citizens Shirley Harris, Natasha Harvey, and Jaymen Johnson spoke in support of more services for the homeless.

7. Mayor's Business

There was no Mayor's business.

8. Items Called Off Consent Calendar

4B.E. [17-809](#) Ordinance No. 17-27 excluding a 13.151-acre parcel from the Interquest North Business Improvement District.

(Legislative)

Presenter:
Carl Schueler, Comprehensive Planning Manager, Planning & Development

Attachments: [Exclusion-InterquestNBIDORD-2017-02-21](#)
[Interquest North Exclusion Transmittal Letter](#)
[Interquest North Petition for Exclusion](#)
[Interquest North Draft Notice of Exclusion](#)
[Powerpoint- Interquest North BID 2017 Exclusion](#)
[Ordinance 17-27](#)

Councilmember Collins asked this item to be pulled from the Consent Calendar. She spoke against it because it is an improvement district zoned for businesses that she feels should not be now zoned as a residential area.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Ordinance be accepted. The motion passed by a vote of 8-1

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. [16-767](#)** Ordinance No. 17-11 repealing Ordinance No. 15-42 (approving the salary of the City Auditor) and prescribing the salary of the City Auditor

Presenter:

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

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

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Ordinance be finally passed. The motion passed by a vote of 8-1

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

No: 1 - Collins

- 10.B. [17-803](#)** Ordinance No. 17-12 amending Section 2 of Ordinance No. 15-53 (approving the salary of the City Council Administrator)

Presenter:

Council President Merv Bennett

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

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Ordinance be finally passed. The motion passed by a vote of 7-2

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

No: 2 - Collins, and Knight

11. New Business

- 11.A. [16-762](#)** A resolution approving the 2017 Action Plan for the use of Federal Block Grant Funds (CDBG, HOME, ESG) provided through the U.S. Department of Housing and Urban Development.

Presenter:

Aimee Cox, Manager, Community Development

Attachments: [2017 Action Plan Activity comparison Feb1 2017](#)
[2017 City Council AAP Resolution](#)
[Colorado Springs 2017 Action Plan Draft Mar6 w cover](#)
[Public hearing comment summary Mar6 2017](#)
[Resolution 35-17](#)

Councilmember Strand, Murray, and King spoke in favor of the resolution. Councilmembers Collins and Pico spoke against it. All of Council wished Aimee Cox well as she leaves City government.

Citizens Jamie Muth, Jennifer Roberts, Jaymen Johnson and Richard Denton Needham spoke in favor of the resolution.

Motion by Councilmember Bagley, seconded by President Pro Tem Gaebler, that the Resolution be adopted. The motion passed by a vote of 7-2

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

No: 2 - Collins, and Pico

11.B. [17-848](#)

Ordinance No. 17-28 amending Part 1 (Medical Marijuana License Code) of Article 2 (Marijuana) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Medical Marijuana License Code.

Presenter:

Bret Waters, Deputy Chief of Staff

Lee McRae, License Enforcement Officer in the City Clerk's Office

Attachments: [MJ Working Group Report-2017-02-27 \(Location Cap and Testing Facilities\).pptx](#)
[Clerk-MMJLicenseCodeORD-2017-02-14-Final](#)
[Ordinance 17-28](#)

Councilman Bagley explained that the MMJ Working Group met to discuss the possible amendment to add a hardship option to the license cap ordinance and addressing the issue of licensing marijuana testing facilities within the City. They decided to stay with the current wording in the ordinance as the impact for hardship would be small, and the testing of recreational marijuana would not be appropriate at this time. The group included the caveat that these items would be reviewed annually or more often if needed.

Citizen Jaymen Johnson commended City staff for their good work on this ordinance.

Motion by Councilmember Bagley, seconded by Councilmember Murray, that the Ordinance be approved on first reading. The motion passed by a vote of 9-0

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

- 11.C.** [17-850](#) Ordinance No. 17-29 creating Section 212 (Unlawful Transfer of Marijuana) of 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 unlawful transfer of marijuana and providing penalties for the violation thereof.

(Legislative)

Presenter:
Bret Waters, Deputy Chief of Staff

Attachments: [MJ-UnlawfulTransferCh9-ORD-2017-02-28-Final](#)
[Ordinance 17-29](#)

See comments in 11.B.

Citizen Jaymen Johnson spoke in support of this ordinance.

Citizen Richard Denton Needham spoke against this ordinance.

Motion by Councilmember Strand, seconded by Councilmember Bagley, that the Ordinance be approved on first reading. The motion passed by a vote of 9-0

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

- 11.D.** [CPC CA](#)
[17-00018](#) Ordinance No. 17-30 amending Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to marijuana uses and providing remedies for the violation thereof.

(Legislative)

Presenter:
Peter Wysocki, Director of Planning and Development

Attachments: [Plan_Dev-ZoningMJUsesOtherORD-2017-02-28-Final](#)
[Ordinance 17-30](#)

See comments in 11.B.

Citizen Jaymen Johnson spoke in support of this ordinance.

President Bennett thanked Councilmember Bagley and Deputy Chief of Staff Bret Waters for their leadership on this issue.

Motion by Councilmember Strand, seconded by Councilmember Bagley, that this ordinance be approved on first reading. The motion passed by a vote of 9-0

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

11.E. [16-718](#)

Ordinance No. 17-34 amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$250,000 for the Colorado Classic Pro Cycling Event project as recommended by the LART Citizen Advisory Committee

Presenter:

Kara Skinner, Chief Financial Officer

Attachments: [2017 Attachment A - List of LART recommended projects.pdf](#)
[Ordinance 17-34 for LART Bike project.docx](#)

Councilmember King spoke against the ordinance because he dislikes the Convention and Visitors Bureau automatically getting this money, and because there are other strategic needs for funding such as Bancroft Park repairs. Councilmember Murray spoke against the Olympic Museum getting funding.

Motion by Councilmember Strand, seconded by Councilmember Bagley, that the Ordinance be approved on first reading. The motion passed by a vote of 6-3

Aye: 6 - Bagley, Bennett, Gaebler, Knight, Pico, and Strand

No: 3 - Collins, King, and Murray

After reconsideration of Item 11.F., Councilmember Knight moved that this item be reconsidered.

Motion by Councilmember Knight, seconded by Councilmember King, that the Ordinance be reconsidered. The motion passed by a vote of 7-2

Aye: 7 - Bagley, Collins, Gaebler, King, Knight, Murray, and Pico

No: 2 - Bennett, and Strand

Councilmember Knight requested the division of Item 11.E. to consider the appropriation to the Colorado Springs Convention & Visitors Bureau and Pikes Peak America's Mountain Summit House separately from the appropriation to the Colorado Classic Pro-Cycling event; and then to delay the consideration of the CVB and PPAM appropriation until the March 28, 2017 meeting.

Motion by Councilmember Knight, seconded by Councilmember King, to postpone for two weeks the consideration of the Ordinance appropriating LART funding for Pikes Peak Summit House and CVB. The motion passed by a vote of 6-3

Councilmember Knight asked for approval of the appropriation of \$250,000 for the Colorado Classic Pro Cycling event.

Motion by Councilmember Knight, seconded by Councilmember King, that the Ordinance for \$250,000 for the Colorado Classic Pro Cycling event be approved on first reading. The motion passed by a vote of 9-0

11.F. [17-860](#)

Ordinance No. 17-33 amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$200,000 for the United States Olympic Museum project recommended by the LART Citizen Advisory Committee

Presenter:

Kara Skinner, Chief Financial Officer

Attachments: [2017 Attachment A - List of LART recommended projects.pdf](#)

[Ordinance for LART USOM project.docx](#)

[Ordinance 17-33](#)

Kara Skinner explained that this ordinance is the first of three recommendations for appropriations from the LART Citizen Advisory Committee to the United States Olympic Museum project: \$200,000 now, \$200,000 in 2018 and \$100,000 in 2019. This appropriation is contingent upon bonds closing at the end of March.

Councilmember Murray spoke against the ordinance because he feels the Olympic Museum's application for funding misrepresented that it had already secured the bond money.

Councilmember Collins spoke against the ordinance because it appears to be a private special interest project.

President Bennett spoke in support of the ordinance because LART money comes from tourism and it is good to put it back into tourism.

Governor Richard Celeste, Chairman of the Board of the U.S. Olympic Museum, spoke in support of the ordinance, as he believes it will become a big driver of revenue to the City and result in more LART revenue in the future.

President Pro Tem Gaebler spoke against the ordinance because she believes the City should be supporting tourism-related public projects over private projects; and also because Council pledged not to spend tax dollars on City for Champion projects without a vote of the people.

Councilmember Strand spoke in favor of the ordinance, because the purpose of LART revenue is to support tourism.

Councilmember Murray spoke against the ordinance because he feels the Museum project application was not properly vetted.

Councilmember King spoke against this ordinance because we need the funding to repair Bancroft Park, and also because of the pledge not to spend tax dollars on City for Champion projects without a vote of the people.

B.J. Hybl, Treasurer of the Board of the U.S. Olympic Museum reported that, of the cost of \$75 million, \$46.3 million has been raised, bonds will be purchased at the end of this month which will net \$26.2 million dollars, which leaves about \$2.5 million still to be raised; the project is now 97% funded.

Motion by Councilmember Strand, seconded by Councilmember Bagley, that the Ordinance be approved on first reading. The motion failed by a vote of 4-5

Aye: 4 - Bagley, Bennett, Knight, and Strand

No: 5 - Collins, Gaebler, King, Murray, and Pico

After Item 12.A, Councilmember King requested that this item be reconsidered.

Motion by Councilmember King, seconded by Councilmember Strand to reconsider Item 11F. The motion passed by a vote of 6-3

Aye: 6 - Bagley, Bennett, Gaebler, King, Knight, and Strand

No: 3 - Collins, Murray, and Pico

Councilmember King said he would like to change his vote on item 11.F., as he has been assured that there is a strategy and an execution plan coming that will allow progress on both the repair of the Bancroft Park bandshell and the USOM.

Motion by Councilmember Strand, seconded by Councilmember King, that the Ordinance be approved on first reading. The motion passed by a vote of 5-4

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

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

11.G. [17-858](#)

Ordinance No. 17-31 amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the General Fund in the amount of \$2,486,100, to the City Funded CIP Fund in the amount of \$1,582,300, to the Patty Jewett Golf Course Fund in the amount of \$41,900, and to the Stetson Hills SIMD Fund in the amount of \$66,780, for repairs related to the 2016 hail storm and the 2017 wind storm

Presenter:

Kara Skinner, Chief Financial Officer

Attachments: [Ordinance for GF, CTF, CIP, PJ, Stetson - 02-27-17.docx](#)
[Ordinance 17-31](#)

Councilmember King made a motion to amend this ordinance to include that \$275,000 for repair of Bancroft Park from the General Fund to the CIP.

Councilmember Knight said that the Conservation Trust Fund is where money is typically taken for repairs, so it would be a better fit when we talk about that ordinance than this one.

Councilmember Gaebler added that she doesn't disagree with Councilmember Knight, but feels we should use LART funds for the repair of Bancroft Park.

Councilmember King said it was important to immediately allocate resources to Bancroft Park repairs.

Councilmember Strand offered to make a motion to postpone this ordinance for two weeks. Councilmember Strand later decided not to make a motion to delay.

Councilmember Collins spoke against the amendment, saying that funds would be better to come out of the CTF fund.

Councilmember Knight asked that the ordinance not be postponed, as the delay may cause unintended consequences, such as our ability to accept the insurance money that is coming from the storm damage.

Karen Palus noted that we don't yet know how much it will cost to repair Bancroft Park, so the amount of \$275,000 may not be enough, or it may be too much.

Councilmember King withdrew his motion to amend the ordinance.

Motion by Councilmember Pico, seconded by Councilmember Bagley, that the Ordinance be approved on first reading. The motion passed by a vote of 9-0

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

11.H. [17-859](#) Ordinance No. 17-32 amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the Conservation Trust Fund (CTF) Fund in the amount of \$570,000 for high-priority projects

Presenter:

Karen Palus, Director of Parks, Recreation and Cultural Services

Kurt Schroeder, Parks Operations Manager

Attachments: [031317 - Ordinance for CTF projects.docx](#)
[3-13-17 - Conservation Trust Fund Supplemental Appropriation - Powerpoint](#)
[Ordinance 17-32](#)

Councilmember King moved to postpone this ordinance until Council knows what the Bancroft Park repair needs are. Councilmember Strand seconded the motion.

Karen Palus requested that Council reconsider the time frame of 2 weeks as it's not enough time for staff to know the needs of the Bancroft Park repair, and because there are important safety issues on playgrounds and other park facilities due to the wind storm that should not be delayed.

President Bennett asked how much time staff will need for a report and proposal. Ms. Palus said she felt they would know sometime in May, which would not allow the repairs to be made before summer events. However, arrangements have been made with each of the event organizers to be accommodated for the summer.

Councilmember King noted that taking the project until May is unacceptable. We need this work completed with a sense of urgency, before summer.

Councilmember Murray suggested that the ordinance be passed today, and then we bring Bancroft Park repairs back as a separate project in 2 weeks, so as not to delay the other work that needs to be done.

President Bennett instructed staff that Council would like a report in 2 weeks.

Councilmember Pico was against delaying passing the ordinance.

Councilmember Knight supported delaying passing the ordinance for two weeks.

Councilmember Strand advised staff that he was not happy with how the Parks, Recreation and Cultural Services Department has handled the situation with Bancroft Park, particularly the communication.

Councilmember King later withdrew his motion to postpone the ordinance for two weeks.

Councilmember Knight stated that if Councilmember King is going to withdraw it, he would re-introduce the motion to postpone the ordinance

for two weeks.

Motion by Councilmember Knight, seconded by Councilmember King, that the Ordinance be postponed for two weeks. The motion failed by a vote of 3-6

Aye: 3 - King, Knight, and Strand

No: 6 - Bagley, Bennett, Collins, Gaebler, Murray, and Pico

Councilmember King made a motion to amend the ordinance to include that staff report back in 2 weeks to address the Bancroft Park issue to find solutions including funding and an updated plan for action.

Councilmember Knight supports the ordinance as amended only because it will require a second vote in 2 weeks so if we don't get what is being asked for, he will not support it.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the Ordinance be approved on first reading with direction to staff to report back in two weeks on the Bancroft Park repairs. The motion passed by a vote of 9-0

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

- 11.I. [CPC CA 16-00079](#) Ordinance No. 17-26 amending Part 5 (Geological Hazard Study and Mitigation) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Geological Hazard Study and Mitigation.
(Legislative)

Presenter:

Peter Wysocki, Planning and Community Development Director

Attachments: [Plan_Dev-GeologicalHazardORD-2017-03-01-Final](#)
[3.14.17 geohazard CC presentation](#)
[Minutes_GeoHazard_02.16.17](#)
[Ordinance 17-26](#)

Peter Wysocki reported that the ordinance text has been updated to include that the ILC submission would apply only to single family and duplex residences.

Councilmember Strand reported that he and Councilmember Knight held 8 meetings with stakeholders, for the purpose of solving problems or challenges that existed with the current process. Among the things this amendment does is ensure the follow through of the recommendations of the geological survey people who reviewed the plans at the beginning.

Dave Munger, Executive Director of Council of Neighbors and

Organizations, thanks the Council and City staff for the work they are doing on this.

Motion by Councilmember Strand, seconded by Councilmember Murray, to approve this ordinance on the first reading. The motion passed by a vote of 9-0

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

- 11.J. [17-881](#)** A Resolution expressing City Council's support of issue 2 on the April 4, 2017 municipal ballot, to authorize retaining and spending up to \$6,000,000 of the estimated 2016 fiscal year revenue above the 2016 fiscal year revenue and spending limitations, and a like amount of any excess revenue in fiscal year 2017, as a voter approved revenue change, with any excess revenue in fiscal years 2016 and 2017 beyond this \$6,000,000 revenue change to be refunded to taxpayers.

Presenter:

Mayor John Suthers

Jeff H. Green, Chief of Staff

Attachments: [Res_SupportIssueFINAL](#)

[Resolution 34-17](#)

Mayor Suthers asked for the Council's support of Issue 2 on the April 4, 2017 municipal ballot, saying that the single most unaddressed infrastructure problem in Colorado Springs is stormwater, and while we have made progress, we are a long way from resolving it. We are significantly underfunded since 2009 and the end of the stormwater enterprise. Retaining any excess funds up to \$6 million in 2016 and 2017 would go a long way to help us address this issue without raising taxes and, at least in 2016, refund some of the excess to the taxpayers.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Resolution be adopted. The motion passed by a vote of 6-3

Aye: 6 - Bagley, Bennett, Gaebler, King, Knight, and Strand

No: 3 - Collins, Murray, and Pico

- 11.K. [17-870](#)** A resolution expressing City Council's support for Issue 3 on the April 4, 2017 municipal ballot, exempting Colorado Springs from Senate Bill 152, and reestablishing the city's authority to facilitate, partner, or coordinate with service providers to provide advanced telecommunications services to its citizens, restoring local authority that was taken away by state law

Presenter:

Councilmember Bill Murray

Attachments: [SupportForExemptionSenateBill152RES-2017-03-02](#)
[Resolution 36-17](#)

Councilmember Bill Murray asked for the Council's support on Issue 3 on the April 4, 2017 municipal ballot.

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

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

No: 1 - Collins

12. Public Hearing

- 12.A.** [17-807](#) A Resolution of the City Council of the City of Colorado Springs, Colorado acknowledging the community's participation and approving the Renew North Nevada Avenue Master Plan

(Legislative)

Presenter:

Nina Vetter, Strategic Plan and Business Process Administrator
Peter Wysocki, Planning & Development Director

Attachments: [NorthNevadaRES-2017-2-21-clean](#)
[North Nevada Fiscal Impact Memorandum](#)
[CPC Staff Rep - Renew NNA](#)
[Master Plan Criteria](#)
[Renew North Nevada Avenue - City Council Presentation](#)
[RenewNNAveMasterPlan Draft 03.06.17 Combined](#)
[Resolution 37-17](#)

Peter Wysocki advised Council this plan is just the beginning, and that next steps include identifying funding, more specific transportation design, and putting a land use policy in place.

Nina Vetter reported that this plan addressed a majority of what staff heard from the community.

President Pro Tem Gaebler suggested we not approve this zoning plan until we do a traffic study so we are aware of costs and master plan components. Mr. Wysocki stated that he would do his best to ensure that the traffic study and the zoning overlay are accomplished at the same time.

Councilmember Pico noted that transportation and zoning go hand in hand and a zoning plan cannot come without having first considered transportation.

Tim Seibert, NES, Inc. Project Manager said that the team was confident that, though the conversations they had with traffic and the transit department, this plan while not incorporating a traditional master plan traffic study does include a big picture traffic study.

Stephannie Finley, on behalf of UCCS leadership; Dave Munger, Executive Director of CONO; Samuel Elliott, Student Body President of UCCS; Rachel Beck with the Colorado Springs Chamber of Commerce and EDC; and Citizen Zane Penley expressed support of the resolution.

Councilmember Knight spoke in favor of the resolution.

Citizens Chris Pence, Mike Anderson, and Rosanne Host spoke against the resolution.

Councilmember Strand asked how long the work has gone on for this master plan. Ms. Vetter said we received the grant in early 2016 and work began in Spring of 2016. Councilmember Strand asked what the impact would be if this resolution is delayed. Ms. Vetter said that it would not be respectful of the process, community input, excitement and anticipation and create gridlock.

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

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

No: 2 - Collins, and Murray

13. Added Item Agenda

See items 11.F and 11.E.

14. Executive Session

There was no Executive Session.

15. Adjourn

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

Sarah B. Johnson