



City of Colorado Springs

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

Meeting Minutes - Draft City Council

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Tuesday, November 24, 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 Reverend Cathy Eskew, Covenant Presbyterian Church.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

Councilmember Knight requested agenda item 4.B.C. be pulled off 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.** [15-00632](#) Ordinance No. 15-83 of the City of Colorado Springs, Colorado Providing for the Extension, Betterment, Other Improvement and Equipment of the City of Colorado Springs Utilities System; Providing for the Issuance and Sale of the Commercial Paper Notes, Series A in an Aggregate Principal Amount of Not to Exceed \$75,000,000 and Series B in an Aggregate Principal Amount of Not to Exceed \$75,000,000 Payable 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 Two Dealer Agreements, Two Issuing and Paying Agent

Agreements and Two Fee Agreements; and Providing Other Matters Relating Thereto

Res/Ord Number: 15-83

This Ordinance was finally passed on the Consent Calendar.

- 4A.B. [15-00478](#) Ordinance No. 15-85 making and certifying the 2015 tax levy for taxes payable in 2016 at 4.279 mills upon each dollar of assessed valuation of all taxable property and a tax credit of 2.139 mills upon each dollar of assessed valuation of all taxable business personal property within the corporate limits of the City of Colorado Springs

Res/Ord Number: 15-85

This Ordinance was finally passed on the Consent Calendar.

- 4A.C. [15-00667](#) Ordinance No. 15-87 vacating the alley between 1206 Milky Way and 1109 Northstar Drive consisting of 2,240 square feet.

(Legislative Matter)

Res/Ord Number: 15-87

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A. [15-00725](#) City Council Meeting Minutes November 10, 2015

The Meeting Minutes were approved on the Consent Calendar.

- 4B.B. [15-00616](#) Boards and Commissions

This item was approved on the Consent Calendar.

- 4B.D. [15-00660](#) A Resolution approving an Intergovernmental Agreement between the City of Colorado Springs and El Paso County Colorado, for the purpose of snow removal and snow and ice control on roadway segments

Res/Ord Number: 117-15

This Resolution was adopted on the Consent Calendar.

- 4B.E. [15-00693](#) An ordinance repealing Ordinance No. 14-105 and adopting the City of Colorado Springs - 2016 Salary Structure for Civilian and Sworn Municipal Employees

Res/Ord Number: 15-88

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

- 4B.F.** [15-00706](#) An ordinance amending the zoning map of the city of Colorado Springs pertaining to 0.84 acres, located at 4216 Date Street.

(Quasi-Judicial Matter)

Res/Ord Number: 15-89

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

- 4B.G.** [15-00707](#) Another Attic, Ltd. Concept Plan (Quasi-Judicial Matter)

This item was approved in the Consent Calendar.

- 4B.H.** [15-00708](#) An ordinance amending the zoning map of the City of Colorado Springs pertaining to 16.406 acres located at 8145 North Union Boulevard.

(Quasi-Judicial Matter)

Res/Ord Number: 15-90

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

- 4B.I.** [15-00709](#) Mountain Vistas at Briargate Concept Plan (Quasi-Judicial Matter)

This item was approved on the Consent Calendar.

- 4B.J.** [15-00713](#) An ordinance amending the zoning map of the city of Colorado Springs pertaining to 4.31 acres, located at 4081 Tutt Boulevard.

(Quasi-Judicial Matter)

Res/Ord Number: 15-91

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

- 4B.K.** [15-00714](#) Tutt Commercial Center Development Plan (Quasi-Judicial Matter)

This item was approved on the Consent Calendar.

Approval of the Consent Agenda

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

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

5. Recognitions

There were no recognitions.

6. Citizen Discussion

Citizen Charles Barber spoke about tariffs to finance repairs and maintenance of City streets.

Citizens Roger Ronas and David Hopkins spoke about gun control.

Citizen Deborah Stout-Meiningner voiced her concerns about the use of the recently approved road tax.

Councilmember Collins spoke about the money being spent on the ethics hearing she is involved in and provided information on TABOR law.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

4B.C. [15-00583](#)

A Resolution Approving The Amended & Restated Bylaws of the Memorial Health System Enterprise

Res/Ord Number: 118-15

Councilmember Knight stated he called this off the Consent Calendar because he requested a language change to the bylaws, which was approved by the Memorial Health System Board of Trustees, and this change was not reflected in the copy of the bylaws included in the Council Packet. The City Attorney's Office advised Council against because the change conflicted with City Code. Mr. Knight stated he will not support this item without the language change and expressed his frustration with the City Attorney's Office regarding the City Code modification process.

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, to approve the Resolution Approving the Amended & Restated Bylaws of the Memorial Health System Enterprise Board of Trustees without the language change to Section 1, paragraph A. (changing the word "may" to "shall") as approved by the Memorial Health System Enterprise Board of Trustees. The motion passed by a vote of 5-4-0.

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

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

9. Utilities Business

9.A. [15-00570](#) Public Hearing for the Consideration of Resolutions Regarding Certain Changes to Utilities Rules and Regulations and Setting Electric, Natural Gas and Water Rates Within the Service Areas of Colorado Springs Utilities

Chris Bidlack with the City Attorney's Office presented an overview of the public hearing process for the utilities rules and regulations and setting electric, natural gas and water rates. Mr. Bidlack requested Councilmembers divulge any ex parte communications on this subject. There were none.

Sonja Theime, CSU Rates Manager, presented an overview of the 2016 Rate Case Filing.

Denny Nester, City Auditor, presented the rate case review performed by the City Auditor's Office along with recommendations based on the review findings.

Councilmember King reviewed his findings from research he performed on utilities rates in the City.

Councilmembers presented their questions about the rate case to CSU staff. CSU staff met to prepare answers to the questions to be presented later in the meeting.

Colorado Springs Utilities Staff and City Staff responded to Councilmember questions presented in the opening session of the public hearing.

Mr. Burgess read the questions from the proposed Colorado Springs Utilities rate filing included in the resolution. City Council and CSU staff discussed questions and concerns about the rate filing. Based on the discussion, CSU and the City Attorney's Office will prepare the Final Decisions and Orders which will be presented to City Council for final approval.

These documents are available at csu.org.

9.B. [15-00664](#) A Resolution Setting the Street Lighting Service Revenue

Requirement for the Period of January 1, 2016 Through December 31, 2016

Res/Ord Number: 119-15

Councilmember Knight asked if the \$4.1 million for City street lights included the electrical cost and the service contract and what the kilowatt rate would be for just the energy portion. Ms. Theime stated the amount is for both the energy charge and the maintenance contract. If the City decided to do the servicing, the energy rate would be lower than the rate for a typical residential customer.

Motion by Councilmember Bagley, seconded by Councilmember Murray, that the resolution setting the street lighting revenue requirement be adopted. The motion passed by a vote of

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

Excused: 1 - Strand

9.C. [15-00665](#) Limited Water and Wastewater Development Charge Credit Transfers

Res/Ord Number: 15-99

Mr. Bidlack stated this is a Code change to allow the meter credit transfers included in the rate change to take place.

Councilmember Pico stated this measure was recommended by the teams developing and reviewing the proposals.

Motion by Councilmember Pico, seconded by Councilmember Murray, to approve the ordinance on first reading. The motion passed by a vote of 8-0-1.

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

Excused: 1 - Strand

9.D. [15-00668](#) An Ordinance Identifying and Accepting the Annual Sources of Funds for Colorado Springs Utilities for the Year Ending December 31, 2016

Res/Ord Number: 15-94

Please see comments in agenda item 9.A.

Motion by Councilmember Pico, seconded by Councilmember Knight, that the Ordinance be approved on first reading. The motion passed by a vote of 6-2-1.

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

No: 2 - Collins, and King

Excused: 1 - Strand

- 9.E.** [15-00669](#) An Ordinance Approving the Annual Budget for Colorado Springs Utilities and Appropriating Monies for the Several Purposes Named in the Annual Colorado Springs Utilities Budget for the Year Ending December 31, 2016

Res/Ord Number: 15-95

Please see comments in agenda item 9.A.

Motion by Councilmember Murray, seconded by Councilmember Pico, that the Ordinance be approved on first reading. The motion passed by a vote of 6-2-1.

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

No: 2 - Collins, and King

Excused: 1 - Strand

10. Unfinished Business

- 10.A.** [15-00663](#) Ordinance No. 15-84 modifying Section 201 (General Penalty) of Part 2 (General Penalty of Article 1 (Administration) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the assessment of an Information Technology Surcharge on certain Summons and Complaints filed in Municipal Court

Res/Ord Number: 15-84

Councilmember Collins stated she does not support this item as she would like to see the funds needed to repair the computer system come from a source other than fees paid by citizens.

Citizen David Hopkins spoke in opposition to this item.

Motion by Councilmember Murray, seconded by President Pro Tem Gaebler, that the Ordinance Modifying Section 201 (General Penalty) of Part 2 (General Penalty of Article 1 (Administration) of Chapter 1 (Administration, Personnel, and Finance) of The Code of The City of Colorado Springs 2001, As Amended, Pertaining to the Assessment of an Information Technology Surcharge on Certain Summons and Complaints Filed in Municipal Court be finally passed. The motion passed by a vote of 7-1-1.

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

No: 1 - Collins

Excused: 1 - King

- 10.B.** [15-00479](#) Ordinance No. 15-86. 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, 2016

Res/Ord Number: 15-86

Councilmember Collins stated she does not support this because the Colorado Sales and Use Tax has two hundred and ninety four taxing jurisdictions, making Colorado one of the most inefficient States in managing sales taxes.

Jeff Greene, Chief of Staff, thanked Council for their work on the budget.

Motion by Councilmember Knight, 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, 2016 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. [15-00551](#)** An ordinance amending Section 202 (Deposit and Expenditure of Revenues) and Section 203 (Biannual Independent Audit) of Part 2 (Deposit and Expenditure of Revenues) of Article 6 (Trails, Open Space and Parks Program) of Chapter 4 (Parks, Recreation and Cultural Services) of the Code of the City of Colorado Springs 2001, as amended, pertaining to expenditure of revenues and independent audit

Res/Ord Number: 15-92

There were no questions or comments on this agenda item.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Ordinance approving the proposed Ordinance to amend the City Code to conform with the current voter approved TOPS Ordinance be approved on first reading. The motion passed by a vote of 9-0-0.

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

- 11.B. [15-00647](#)** An ordinance creating a new Article 14 (Construction Defect Claims in Common Interest Communities) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to required homeowner consent for construction defect claims related to common interest communities, builder rights to repair construction defects in common interest communities, and the effect of the City Building Code in construction defect claims related to common interest communities.

Res/Ord Number: 15-93

Councilmember Strand was excused.

Council President Pro Tem Gaebler thanked citizens in the audience for their interest on this item and provided a brief overview of this proposal

which encourages parties to resolve issues at the lowest possible level without going to litigation. Denver passed a similar ordinance yesterday.

David Andrews, Legislative Counsel, reviewed changes made to the proposed ordinance since the previous meeting and addressed Council questions from the previous meeting.

Scott Hente, Contractor with Robert-Scott Construction, provided insight to the events leading this proposed ordinance which he is in support of.

Matt Coleman, Insurance Agent, with HUB International Insurance Services, spoke in support of this measure.

Citizens Sean Leggett, Angela Morgan, Amy Fedde, Jack Beuse, Ryan Klein, Dave Davia, Dirk Draper (RBA), Susan Edmondson (Downtown Partnership), Daryl Wass, Ian Lee, Claire Anderson, Mike Rubenson, Joe Loidolt, Sara Jack, Roger Lovell, Dave Munger (Executive Director CONO), and John Olson spoke in support of this proposal.

Citizen Ashley Douglas, Donna Dee, Cylinda Walker, Jeff Kerrane, and Liberty Lewis spoke in opposition of this proposal.

Council President Pro Tem Gaebler stated the Regional Business Alliance, Council of Neighbors and Organizations, Downtown Partnership, and the Home Builders Association endorse this action.

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, that the construction defects ordinance be approved on first reading. The motion passed by a vote of 9-0-0.

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

11.C. [15-00685](#) South Nevada Avenue Area Urban Renewal Plan
(Legislative Matter)

Res/Ord Number: 120-15

Council President Bennett reminded Council the only item to be decided today is the Urban Renewal Plan. Other details of this development will be decided at a later date.

Anne Ricker with Ricker Cunningham, the consultants, provided a short summary of the development plan.

Wynne Palermo, Chairman of the Board for the Urban Renewal

Authority (URA), stated the URA supports this development plan.

Danny Mientka, with the Equity Group, spoke about the positive aspects of this improvement project.

Ray O'Sullivan, the developer, provided additional information about the planned development. Councilmember King asked if the Edelweiss Restaurant will remain. Mr. O'Sullivan stated they will thrive as a result of this development.

Walt Harder with Harder Detail Development, one of the small developers, thanked Council for this opportunity.

Councilmember Bagley commented on the need to revitalize this area.

Council President Pro Tem Gaebler stated she supports this plan and expressed a desire to see the developers honor the historic preservation of the Ivywild neighborhood.

Councilmember Knight expressed appreciation of the language changes regarding eminent domain made to the ordinance.

Citizen Steve Mullikan, representing the Southern Cross Shopping Center, expressed concerns about the plan due to the proposed relocation of the anchor tenant (Natural Grocers) in this shopping center. Councilmember Murray stated this proposal has the potential to benefit this shopping center as the area becomes more attractive to consumers.

Citizen Yvonne Schaefer expressed concern about the increased traffic and the need for parking in this area. Mr. Wysocki stated this development will be required to provide the required parking spaces per City Code.

Citizen Deborah Stout-Meiningner spoke in opposition to this development.

Citizens Derrick Owen, Rich Schell and Carolyn Rogers spoke in support of this development.

Councilmember Collins stated she does not support this proposal as she believes it is being expedited due to the Urban Renewal Authority

Composition change coming in January and the property tax TIF.

Councilmembers Murray, King and Bennett spoke in support of the development.

Motion by Councilmember Bagley, seconded by Councilmember Murray, to adopt a resolution approving the South Nevada Avenue Area Urban Renewal Plan, based on the finding that it meets the requirements of Colorado Revised Statutes and is consistent with the City's 2001 Comprehensive Plan. The motion passed by a vote of 6-2-1.

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

No: 2 - Collins, and Pico

Excused: 1 - Strand

- 11.D.** [15-00701](#) An Ordinance Adding a New Part 11 (Road Repair, Maintenance and Improvements Sales and Use Tax Fund) to Article 6 (City Funds) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, to Establish the Road Repair, Maintenance and Improvements Sales and Use Tax Fund

Res/Ord Number: 15-96

Kara Skinner, CFO, stated the changes requested by Council in the meeting two weeks ago have been made. There were no Councilmember questions or comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the Ordinance Adding a New Part 11 (Road Repair, Maintenance and Improvements Sales and Use Tax Fund) to Article 6 (City Funds) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, to Establish the Road Repair, Maintenance and Improvements Sales and Use Tax Fund be approved on first reading. The motion passed by a vote of 7-1-1.

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

No: 1 - Collins

Excused: 1 - Strand

- 11.E.** [15-00702](#) An Ordinance Amending Article 7 (Sales and Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, Pertaining to a Change to the Sales and Use Tax Rate from Two and Five-Tenths Percent (2.5%) to Three and Twelve One-Hundredths Percent (3.12%)

Res/Ord Number: 15-97

Kara Skinner, CFO, stated the changes requested by Council in the

meeting two weeks ago have been made. There were no Councilmember questions or comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the Ordinance Amending Article 7 (Sales and Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, Pertaining to a Change to the Sales and Use Tax Rate from Two and Five-Tenths Percent (2.5%) to Three and Twelve One-Hundredths Percent (3.12%) be approved on first reading. The motion passed by a vote of 7-1-1.

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

No: 1 - Collins

Excused: 1 - Strand

- 11.F. [15-00460](#)** A resolution fixing and certifying the 2015 tax levy for taxes payable in 2016 at 4.409 mills upon each dollar of assessed valuation within the Briargate Special Improvement Maintenance District

Res/Ord Number: 121-15

There were no questions or comments on this item.

Motion by Councilmember Murray, seconded by Councilmember King, that the Resolution resolution to fix and certify the 2015 tax levy for taxes payable in 2016 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 7-1-1.

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

No: 1 - Collins

Excused: 1 - Strand

- 11.G. [15-00461](#)** A resolution fixing and certifying the 2015 tax levy for taxes payable in 2016 at 1.009 mills upon each dollar of assessed valuation within the Colorado Avenue Gateway Special Improvement Maintenance District

Res/Ord Number: 122-15

There were no questions or comments on this item.

Motion by Councilmember Bagley, seconded by Councilmember Murray, that the resolution to fix and certify the 2015 tax levy for taxes payable in 2016 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 7-1-1.

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

No: 1 - Collins

Excused: 1 - Strand

- 11.H. [15-00462](#) A resolution fixing and certifying the 2015 tax levy for taxes payable in 2016 at 3.935 mills upon each dollar of assessed valuation within the Nor'wood Special Improvement Maintenance District

Res/Ord Number: 123-15

There were no questions or comments on this item.

Motion by Councilmember King, seconded by Councilmember Murray, that the resolution to fix and certify the 2015 tax levy for taxes payable in 2016 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 7-1-1.

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

No: 1 - Collins

Excused: 1 - Strand

- 11.I. [15-00463](#) A resolution fixing and certifying the 2015 tax levy for taxes payable in 2016 at 13.416 mills upon each dollar of assessed valuation within the Old Colorado City Security & Maintenance District

Res/Ord Number: 124-15

There were no questions or comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the resolution to fix and certify the 2015 tax levy for taxes payable in 2016 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 7-1-1.

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

No: 1 - Collins

Excused: 1 - Strand

- 11.J. [15-00464](#) A resolution fixing and certifying the 2015 tax levy for taxes payable in 2016 at \$1.10 per front footage of real property of assessed valuation within the Platte Avenue Special Improvement Maintenance District

Res/Ord Number: 125-15

There were no questions or comments on this item.

Motion by Councilmember Murray, seconded by Councilmember King, that the resolution to fix and certify the 2015 tax levy for taxes payable in 2016 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 7-1-1.

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

No: 1 - Collins

Excused: 1 - Strand

- 11.K.** [15-00465](#) A resolution fixing and certifying the 2015 tax levy for taxes payable in 2016 at 3.858 mills upon each dollar of assessed valuation within the Stetson Hills Special Improvement Maintenance District

Res/Ord Number: 126-15

There were no questions or comments on this item.

Motion by Councilmember King, seconded by Councilmember Murray, that the resolution to fix and certify the 2015 tax levy for taxes payable in 2016 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 7-1-1.

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

No: 1 - Collins

Excused: 1 - Strand

- 11.L.** [15-00466](#) A resolution fixing and certifying the 2015 tax levy for taxes payable in 2016 at 3.615 mills upon each dollar of assessed valuation within the Woodstone Special Improvement Maintenance District

Res/Ord Number: 127-15

There were no questions or comments on this item.

Motion by Councilmember King, seconded by President Pro Tem Gaebler, that the resolution to fix and certify the 2015 tax levy for taxes payable in 2016 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 7-1-1.

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

No: 1 - Collins

Excused: 1 - Strand

- 11.M.** [15-00467](#) A resolution setting and certifying the 2015 tax levy for taxes payable in 2016 at 5.000 mills for the Colorado Springs Downtown Development Authority in Colorado Springs, Colorado

Res/Ord Number: 128-15

There were no questions or comments on this item.

Motion by Councilmember King, seconded by Councilmember Murray, that the resolution to set and certify the 2015 tax levy for taxes payable in 2016 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 Pico

No: 1 - Collins

Excused: 1 - Strand

- 11.N.** [15-00468](#) 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 2016 budget year

Res/Ord Number: 129-15

There were no questions or comments on this item.

Motion by Councilmember King, seconded by Councilmember Murray, that the resolution to appropriate the sums of money for the 2016 budget 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 Pico

No: 1 - Collins

Excused: 1 - Strand

12. Public Hearing

Meeting went into Recess

Meeting Reconvened

- 12.A.** [15-00710](#) Penrose St. Francis New Campus- Master Plan Amendment (Quasi-Judicial Matter)

Lonna Thelen, Principal Planner, Land Use and Review, provided an overview of the proposed changes to this Master Plan.

Councilmember Knight asked if soil testing will be done on the property. Ms. Thelen stated the area will require compacting due to the unknown nature of the items deposited as landfill on the site, however, soil testing is not required because this area has never been a dump site.

Councilmember King asked when the extension of Centennial Boulevard will be completed. Kathleen Kraeger, Transportation Manager, stated the extension of Centennial Boulevard from Fillmore to Fontanero Street is planned for completion in 2017.

Margaret Sabin, CEO, Penrose St Francis Health Services, the applicant, provided additional information about the plan.

Randy Thorn, RCA Architects, provided insight into the proposed

structures of the project. Bill Hoffman with CTL Thompson provided information about the geotechnical aspects of the project.

Citizens Dennis Mitchell, Tad Foster and Yvonne Schaefer spoke in opposition to this plan.

Citizens Edward Gardner and Mary Elizabeth Ruwell voiced concern about the height allowance permitted by the zone change associated with the plan, but are not opposed to the development.

Councilmember Murray questioned the selection of this piece of property for this tall of a building. Ms. Thelen clarified only the center portion of the property will allow for the 200 foot building. Ms. Thelen stated the development plan will be presented to the Planning Commission for final approval.

Councilmember Knight stated he supports this development in his district as it is surrounded primarily by commercial developments and will not block residential views of the mountains, and the benefit of the hospital is greater than the concerns presented. He requested notification of this project prior to review by the Planning Commission include neighbors in a wider range than the standard 1000 feet.

Councilmember Pico asked about the future plans for use of the existing Penrose facility. Ms. Sabin stated they are considering an acute care rehabilitation facility.

Councilmember Bagley expressed concern about the height of the building and requested the developer consider additional options.

Motion by Councilmember King, seconded by President Pro Tem Gaebler, to approve the amendment to the Hill Properties Master Plan, based on the finding the request complies with the review criteria in City Code Section 7.5.408. The motion passed by a vote of 7-1-1.

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

No: 1 - Murray

Excused: 1 - Strand

- 12.B.** [15-00711](#) An ordinance amending the zoning code of the City of Colorado Springs pertaining to 51.05-acres, located northwest of Centennial Boulevard and Fillmore Street from PBC (Planned Business Center),

OC (Office Complex), and PIP-1 (Planned Industrial Park) to PUD (Planned Unit Development with 1,032,000 square feet maximum of commercial, office and civic uses and 200 foot maximum building height).

(Quasi-Judicial Matter)

Res/Ord Number: 15-98

Please see comments in agenda item 12.A.

Motion by Councilmember Knight, seconded by President Pro Tem Gaebler, that the Ordinance to approve the zone change from PBC, OC, and PIP-1 to PUD (Planned Unit Development with 1,032,000 square feet maximum of commercial, office, civic, 200-foot maximum building height), based on the finding the request complies with the review criteria in City Code Section 7.5.603.B (Establishment or Change of Zone District Boundaries) and City Code Section 7.3.603 (PUD Zone Change Review Criteria) be approved on first reading. The motion passed by a vote of 7-1-1.

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

No: 1 - Murray

Excused: 1 - Strand

12.C. [15-00712](#) Penrose St. Francis New Campus - PUD Concept Plan (Quasi-Judicial Matter)

Please see comments in agenda item 12.A.

Motion by Councilmember Pico, seconded by Councilmember Bagley, to approve the concept plan for Penrose-St. Francis New Campus, based on the finding the plan complies with the review criteria in City Code Section 7.3.605 (Review Criteria for PUD Concept Plans) subject to compliance with the technical and/or informational modifications listed on page 30 of the City Planning Commission staff report and subject to the additional requirement added by the Planning Commission at the October 15, 2015 public hearing. The motion passed by a vote of 7-1-1.

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

No: 1 - Murray

Excused: 1 - Strand

13. Added Item Agenda

There were no added agenda items.

14. Executive Session

There was not an executive session.

15. Adjourn

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:

- 15.A. [15-00469](#) 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 2016 and ending on the last day of December 2016

There were no questions or comments on this agenda item.

- 15.B. [15-00470](#) A Resolution levying general property taxes to help defray the cost of debt service on the Limited Tax General Obligation Bonds Series 2014 of the Colorado Springs Briargate General Improvement District, Colorado Springs, Colorado, for the 2016 budget year

Res/Ord Number: 130-15

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 2015 mill levy at 12.000 mills on taxes payable in 2016 for the Colorado Springs Briargate General Improvement District be adopted. The motion passed by a vote of 7-1-1.

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

No: 1 - Collins

Absent: 1 - Strand

- 15.C. [15-00471](#) 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 2016 and ending on the last day of December 2016

Res/Ord Number: 131-15

There were no questions or comments on this agenda item.

Motion by Councilmember King, seconded by Councilmember Bagley, that the resolution to adopt the 2016 budget and appropriate the sums of money for the 2016 budget year for the Colorado Springs Briargate General Improvement District be adopted. The motion passed by a vote of 7-1-1.

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

No: 1 - Collins

Absent: 1 - Strand

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:

- 15.D.** [15-00472](#) 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 2016 and ending on the last day of December 2016

There were no questions or comments on this agenda item.

- 15.E.** [15-00473](#) 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 2016 budget year

Res/Ord Number: 132-15

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 2015 mill levy at 50.000 mills on taxes payable in 2016 for the Colorado Springs Marketplace at Austin Bluffs General Improvement District budget be adopted. The motion passed by a vote of 7-1-1.

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

No: 1 - Collins

Absent: 1 - Strand

- 15.F.** [15-00474](#) 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 2016 and ending on the last day of December 2016

Res/Ord Number: 133-15

There were no questions or comments on this agenda item.

Motion by Councilmember King, seconded by President Pro Tem Gaebler, that the resolution to adopt the 2016 budget and appropriate the sums of money for the 2016 budget year for the Colorado Springs Marketplace at Austin Bluffs General Improvement District be adopte.. The motion passed by a vote of 7-1-1.

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

No: 1 - Collins

Absent: 1 - Strand

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:

- 15.G.** [15-00475](#) 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 2016 and ending on the last day of December 2016

There were no questions or comments on this agenda item.

- 15.H.** [15-00476](#) 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 2016 budget year

Res/Ord Number: 134-15

There were no questions or comments on this agenda item.

Motion by Councilmember King, seconded by Councilmember Murray, that the resolution to set and certify the 2015 mill levy at 20.000 mills on taxes payable in 2016 for the Colorado Springs Spring Creek General Improvement District be adopted. The motion passed by a vote of 7-1-1.

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

No: 1 - Collins

Excused: 1 - Strand

- 15.I.** [15-00477](#) 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 2016 and ending on the last day of December 2016

Res/Ord Number: 135-15

There were no questions or comments on this agenda item.

Motion by Councilmember King, seconded by Councilmember Murray, that the resolution to adopt the 2016 budget and appropriate the sums of money for the 2016 budget year for the Colorado Springs Spring Creek General Improvement District be adopted. The motion passed by a vote of 7-1-1.

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

No: 1 - Collins

Excused: 1 - Strand