



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, August 8, 2017

1:00 PM

Council Chambers

1. Call to Order

Present: 9 - Councilmember Yolanda Avila, Councilmember Merv Bennett, President Pro Tem Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, President Richard Skorman, and Councilmember Tom Strand

2. Invocation and Pledge of Allegiance

The Invocation was made by Chuck Blaisdell from First Christian Church.

President Skorman led the Pledge of Allegiance.

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. [17-1119](#)

Ordinance No. 17-65 amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks (TOPS) Fund (Open Space Category) in the Amount of \$580,000 for the Acquisition of Approximately 85.61 Acres of Real Property Known as the Kyle Property for Expansion of Corral Bluffs Open Space

Presenter:
Karen Palus, Director - Parks, Recreation and Cultural Services
Sarah Bryarly, Interim Parks Development Manager - Parks,
Recreation and Cultural Services

Attachments: [TOPSAmendAppropReKyleAcquisitionORD-2017-07-03clean Signed Ordinance 17-65](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.B.** [CPC PUZ 17-00051](#) Ordinance No. 17-66 amending the zoning map of the City of Colorado Springs pertaining to 3.37 acres from PK/AO (Park with an Airport overlay) to PUD/AO (Planned Unit Development: Single-Family Detached, 35 foot maximum building height, and 6.37 dwelling units per acre with an Airport Overlay), located north of Dublin Boulevard and west of Banning Lewis Ranch Parkway

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A17MN17, CPC PUP 07-00093-A6MN17

Presenter:
Hannah Van Nimwegen, Planner II, Planning & Community Development
Peter Wysocki, Planning and Community Development Director

Attachments: [ZC ORD - BLR V2](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Legal Description Depicted](#)
[Signed Ordinance 17-66](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.C.** [17-1078](#) Ordinance No. 17-67 of the City of Colorado Springs, Colorado approving and authorizing the execution and delivery of Amendments to Standby Bond Purchase Agreements

Presenter:
Bob Leshner, Manager, Treasury and Finance
Jerry Forte, P.E., CEO, Colorado Springs Utilities

Attachments: [Ordinance No. 17- - 2008A 2007A 2006A \(45795273v1\).doc](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.D.** [17-1162](#) Ordinance No. 17-68 of the City of Colorado Springs, Colorado approving and authorizing the execution and delivery of the Standby Bond Purchase Agreement - Series 2009C ("the 2009C Bonds") and Variable Rate Demand Utilities System Improvement Revenue Bonds, Series 2010C ("the 2010C Bonds").

Presenter:

Bob Leshar, Manager, Treasury and Finance
Jerry Forte, P.E., CEO, Colorado Springs Utilities

Attachments: [ORDINANCE NO. 17- - 2009C and 2010C \(45636903v1\).docx](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [17-1190](#) City Council Regular Meeting Minutes July 25, 2017

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [7-25-2017 City Council Regular Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.B. [17-1192](#) Appointments to Boards and Commissions

Presenter:
Jacquelyn Puett, Assistant to Council

Attachments: [080817 Boards and Commissions](#)

This Item was approved on the Consent Calendar.

4B.C. [17-1148](#) An Ordinance of the City of Colorado Springs, Colorado providing for the refunding of certain outstanding Utilities System Revenue Bonds of the City and escrow therefor; providing for the refunding of certain outstanding Commercial Paper Notes of the City; providing for the issuance and sale of the City of Colorado Springs, Colorado, Utilities System Refunding Revenue Bonds, Series 2017A-1 in an aggregate principal amount not to exceed \$140,000,000, Series 2017A-2 in an aggregate principal amount not to exceed \$110,000,000 and Series 2017A-3 in an aggregate principal amount not to exceed \$95,000,000

Presenter:
Bob Leshar, Manager, Treasury and Finance
Jerry Forte, P.E., CEO, Colorado Springs Utilities

Attachments: [Bond Ordinance - 2017A - SURETY VERSION \(v.2\) - sent to City Council \(46...docx](#)
[Colorado Springs Utilities Bond Purchase Agreement 2017.docx](#)
[DOCSOC-#1798383-v4-Series 2017 POS.DOCX](#)
[DOCSOC-#1798646-v6-The Utilities POS section.DOCX](#)
[Escrow Agreement - 2017A-1 \(45660604v2\).DOC](#)
[Paying Agent Agreement - 2017A \(45660363v2\).DOC](#)

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

- 4B.D.** [17-1150](#) A Resolution regarding Certain Additions and Changes to Colorado Springs Utilities' Electric Rate Tariff

Presenter:

Kenneth J. Burgess, Division Chief-Utilities Rates & Regulatory, City Attorney's Office

Jerry A. Forte, P.E., CEO, Colorado Springs Utilities

Attachments: [17-1150 Filing Packet.pdf](#)

[Signed Resolution 86-17](#)

This Resolution was adopted on the Consent Calendar.

- 4B.E.** [17-1200](#) A Resolution correcting a clerical error in Resolution No. 78-17, a Resolution rescinding Resolution No. 120-11 and Resolution No. 153-11 and establishing medical marijuana business application and license fees and charges

Presenter:

Sarah Johnson, City Clerk

Attachments: [ClerkResolution-MMJFee-Res2CorrectError](#)

[CLerkResolution78-17Exhibit](#)

[Signed Resolution 87-17](#)

This Resolution was adopted on the Consent Calendar.

- 4B.F.** [CPC V](#)
[17-00019](#) An Ordinance Vacating Portions of Public Right-Of-Way Consisting of 0.57 Acre Located Along Dublin Boulevard East of Vista Del Tierra Drive

(Legislative)

Presenter:

Hannah Van Nimwegen, Planner II, Planning & Community Development

Peter Wysocki, Director of Planning & Community Development

Attachments: [ORD - BLR Fil 20 ROW Vacation](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Legal Description Depicted](#)

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

Approval of the Consent Agenda

Motion by Councilmember Strand, seconded by President Pro Tem Gaebler, 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 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

5. Recognitions

- 5.A. [17-1120](#) A resolution proclaiming August 2017 to be Science, Technology, Engineering and Math (STEM) Education month in the City of Colorado Springs

Presenter:
Councilmember Don Knight

Attachments: [080817 STEM month resolution](#)
[Signed Resolution 88-17](#)

Councilmember Knight read the Resolution proclaiming August 2017 to be Science, Technology, Engineering and Math (STEM) Education month. Mike Colaianni, Engineering Teacher, Joe Trector, Administrator, and Stephen Sabish, student, from St. Mary's High School along with Vicky Taylor and Dr. Dave Khaliqi from the University of Colorado, Colorado Springs (UCCS) STEM program accepted the recognition.

Motion by Councilmember Geislinger, seconded by Councilmember Pico, that this Resolution be adopted.. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

6. Citizen Discussion

Citizen Mike Elliott, spokesperson for Citizens for Safer Neighborhoods, Luther Bonow, Altitude Organic Medicine, Josh Hindi, Dabble Extracts, Tom Scudder, A Wellness Center, and Citizen Jaymen Johnson, Speakeasy Vape Lounge, spoke in favor of adding a retail marijuana question to the November 2017 ballot.

Citizen Chris Fowlkes, veteran dispensary owner, spoke in favor of recreational marijuana for the military. Councilmember Knight clarified that the statement of the Lieutenant Colonel in the Pentagon Public Affairs department had not been confirmed with senior leadership in the Pentagon and stated that recreational marijuana was contradictory to military standards. Councilmember Murray asked for a formal statement from the Department of Defense regarding their stance on recreational marijuana.

Citizen Gerald Miller spoke against recreational marijuana use.

Citizen Tom Noonan spoke about the Colorado Springs transit system.

Citizen Ryan Macoubrie spoke about the El Paso County Young Democrats program and getting young people involved in the community.

Citizen Amanda Erman spoke about the justice system failing the children of the community.

Councilmember Murray and Councilmember Pico spoke against the vandalism in John Venezia Park.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

There were no items called off the Consent Calendar.

9. Utilities Business

- 9.A. [17-958](#) Consideration of a Resolution Regarding Certain Changes to Utilities Rules and Regulations

Presenter:

Chris Bidlack, City Attorney's Office-Utilities Division
Jerry A. Forte, P.E., CEO, Colorado Springs Utilities

Attachments: [URR - Restated Vol. 5 - Final.pdf](#)
[8-8-2017 URR 2017 Hearing.pptx](#)
[2017 CAO Instructions URR Hearing.docx](#)
[2017 URR Rate Hearing Agenda.docx](#)
[2017 URR Supplemental Filing.pdf](#)

Chris Bidlack, City Attorney's Office, Utilities Division, read the City Attorney instructions briefing the City Council on its authority to establish rates, charges, and regulations for Colorado Springs Utilities' services as a legislative body because of the necessity to carry out existing legislative policy of operating the various utility systems. Mr. Bidlack polled the City Council members concerning any ex parte communication that they may have had during the pendency of this proceeding. City Council indicated there were no ex parte communications.

Mr. Bidlack reviewed the procedural compliance, the importance of the Utilities Rules and Regulations (URR), and the tariff review process. He went over the proposed changes to the general section of the URR, the document changes, and examples of the proposed changes. Mr. Bidlack stated that the objective of the filing is to revise the format of the URR, but not the fees or practices.

Denny Nester, City Auditor, stated that the Office of the City Auditor reviewed the filing and that the proposed changes were all administrative.

President Skorman opened the floor for public comment. A citizen asked for clarification of the proposed changes. Mr. Bidlack explained that the proposed changes do not make any substantive changes and are designed to revise the URR to provide consistency with the changes that had been made over the past seven to eight years.

Mr. Bidlack asked Council if the URR should be modified as proposed by Colorado Springs Utilities in order to clarify and improve the structure of the URR without making substantive changes or changing any fees. Consensus of Council agreed.

10. Unfinished Business

There was no Unfinished Business.

11. New Business

- 11.A. [17-1164](#) An ordinance amending sections of article 8 (Stormwater Enterprise) of Chapter 14 (municipal enterprises) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the stormwater enterprise and stormwater service fees.

Presenter:

Tom Florczak, Deputy City Attorney

Attachments: [Ordinance AmendingDStormwater Enterprise from G-rev-8-11-17.docx](#)

Tom Florczak, Deputy City Attorney, presented the ordinance amending sections of article 8, Stormwater Enterprise of Chapter 14 of the City Code. Mr. Florczak stated the proposed Ordinance would make changes to the existing code language for the Stormwater Enterprise which includes provisions to allow the stormwater fee revenue to also be used for Municipal Separate Storm Sewer System Permit (MS4 Permit) compliance and administration, as well as compliance with

Intergovernmental Agreements (IGA) relating to stormwater. He explained that the stormwater fees set forth in the Ordinance were set at a fixed rate monthly fee of \$5 per household which would be billed through Colorado Springs Utilities and \$30 per acre per month for non-residential properties. Mr. Florczak said the fees would not increase unless there is a court order, the Intergovernmental Agreement (IGA) obligations, or requirements of federal or state permits.

President Pro Tem Gaebler asked how the commercial property per acre cost was calculated. Charae McDaniel, Acting Budget Director, said it was based on necessary funding for the stormwater capital projects and Municipal Separate Storm Sewer System Permit (MS4 Permit) compliance over the twenty year period. Mr. Florczak explained the pervious and impervious surface in relation to floodwater. President Pro Tem Gaebler asked if developers would be required to create sufficient drainage infrastructure. Mr. Florczak said the stormwater drainage criteria manual imposes obligations to developers and if the Ordinance passes, the stormwater fee revenue will allow even more enforcement of the manual.

President Skorman commented that the stormwater fee was calculated to only fund stormwater obligations. Mr. Florczak confirmed the stormwater fee could only be allocated for stormwater use.

Councilmember Murray stated the cost of the stormwater fee should be proportional to those that caused the stormwater flooding damage and indicated there has been failure of enforcement in the past. Mr. Florczak said the fee will allow the City to protect the public from flooding, build new drainage facilities, and fund the cost of the MS4 Permit program. Councilmember Murray asked for details of the allocation of the stormwater fee and the probability of a court ordered fee increase. Mr. Florczak said the details are already in the City Code for the Stormwater Enterprise and that the fee could only be increased by court order, federal or state law, or the MS4 Permit program. Councilmember Murray asked if there is a list of priority of the capital improvement projects. Mr. Florczak said there is a priority list of projects explained in the Pueblo County IGA. Councilmember Murray stated he is voting against the Ordinance.

Councilmember Geislinger asked if the Pueblo County IGA was entered into to address the City's stormwater obligations. Mr. Florczak said one

of the incentives for entering into the Pueblo County IGA was due to the disagreement with Pueblo County regarding the 1041 Agreement and the requirements of the SDS System. Councilmember Geislinger asked if the results of the United States Environmental Protection Agency (EPA) lawsuit would cause an increase in fees to be brought before Council. Mr. Florczak confirmed that it could if there was a court order.

President Skorman opened the floor for public comment. Citizen Gerald Miller asked for the stormwater fee to be used for citizen flood prevention. Citizen Jaymen Johnson stated that there needs to be more discussion regarding it.

Councilmember Avila said she supports the initiative and asked if renters do not pay the stormwater fee if it would be taken from their Colorado Springs Utilities payment and if their credit be affected by nonpayment. Mr. Florczak said the implementation details have not yet been worked out, but the property owners would be ultimately responsible for it.

Councilmember Pico said billing through Colorado Springs Utilities is a concern, but does feel the stormwater initiatives need to continue to be funded.

Citizen Mark Rossman stated the stormwater fee is the right thing to do, but that it is not the right time to do it and asked if non-profit or military would be required to pay. President Skorman said all property owners would be required to pay the fee.

Citizen Luther Bonow said that the City should explore other revenue options to fund stormwater.

Dirk Draper, President and CEO, Chamber of Commerce and EDC, spoke in support of the Ordinance and said that it would provide long-term sustainability.

Dave Munger, Executive Director of the Council of Neighbors and Organizations (CONO), stated that CONO has been a strong proponent of a stormwater solution and believes the proposed Ordinance is the solution.

Citizen Ryan Macoubrie asked if there is currently a stormwater fee.

President Skorman explained there used to be and that this proposed fee is smaller than the previous one.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that this Ordinance amending sections of article 8 (Stormwater Enterprise) of Chapter 14 (municipal enterprises) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the stormwater enterprise and stormwater service fees be approved on first reading.. The motion passed by a vote of 6-3-0

Aye: 6 - Avila, Bennett, Gaebler, Geislinger, Skorman, and Strand

No: 3 - Knight, Murray, and Pico

12. Public Hearing

There was no Public Hearing.

13. Added Item Agenda

There were no items added to the Agenda.

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, City Clerk