



City of Colorado Springs

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

Meeting Minutes City Council

City Council meetings are broadcast live on Channel 18.

Tuesday, January 13, 2015

1:00 PM

Council Chambers

1. Call to Order

Present: 9 - Councilmember Larry Bagley, President Pro Tem Merv Bennett, Councilmember Helen Collins, Councilmember Jill Gaebler, President Keith King, Councilmember Don Knight, Councilmember Jan Martin, Councilmember Andy Pico, and Councilmember Val Snider

2. Invocation and Pledge of Allegiance

The Invocation was led by Mark DeBuza, Cross Roads Ministry.

The Pledge of Allegiance was led by President King.

3. Changes to Agenda/Postponements

Councilmember Martin requested agenda item 5.B.D. be pulled off the Consent Calendar.

Per discussion in the work session January 12, 2015, agenda item 11.B. will be postponed to January 27, 2015 City Council meeting.

Councilmember Knight reminded Council that it was agreed in the work session January 12, 2015 to discuss agenda item 12.A. before item Unfinished Business today.

4. Councilmember Comments

Councilmember Martin announced a reception for a local artist featured in the Citizen Art Gallery at City Hall will be January 21, 2015 from 5:30 -7 pm.

5. 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.)

5A. Second Presentation:

- 5A.A. 14-0697** Ordinance No. 14-107 amending Ordinance No. 13-77 (2014 Appropriation Ordinance) for a Supplemental Appropriation to the General Fund in the amount of \$500,000 for the purpose of drainage repairs on Powers Boulevard

This ordinance was finally passed on the Consent Calendar.

- 5A.B. 14-0702** Ordinance No. 14-108 amending Ordinance No. 13-77 (2014 Appropriation Ordinance) for a supplemental appropriation to the Memorial Health System Enterprise Fund in the amount of \$600,000

This ordinance was finally passed on the Consent Calendar.

- 5A.C. 14-0709** Ordinance No. 14-109 amending the zoning map of the City of Colorado Springs relating to 12.99 acres located southeast of the Tutt Boulevard and Sorpresa Lane intersection. (CPC PUZ 13-00073)
(Quasi-Judicial Matter)

This ordinance was finally passed on the Consent Calendar.

- 5A.D. 14-0722** Ordinance No. 14-110 amending the Zoning Map of the City of Colorado Springs relating to 13.70 acres located south of Cowpoke Road, approximately ¼ mile west of the Cowpoke Road and Black Forest Road intersection
(Quasi-Judicial Matter)

This ordinance was finally passed on the Consent Calendar.

5B. First Presentation:

- 5B.A. 14-0780** City Council Regular Meeting Minutes December 9, 2014

The Meeting Minutes were approved as presented on the Consent Calendar.

- 5B.B. 15-0032** City Council Special Session December 15, 2014

The Special Session Meeting Minutes were approved as presented on the Consent Calendar.

- 5B.C. 14-0767** Boards and Commissions

This agenda item was approved on the consent Calendar.

- 5B.E. 15-0001** A Resolution Appointing Members of the Board of Directors of Public Authority for Colorado Energy ("PACE") for Staggered Terms Effective December 15, 2014

This Resolution was adopted on the Consent Calendar.

- 5B.F. 15-0005** Ordinance No. 15-1 amending the Zoning Map of the City of Colorado Springs relating to 4.59 acres located northwest of the Cowpoke Road and Dry Needle Place intersection and immediately east of the Canary Circle and Loftwood Road intersection

(Quasi-Judicial Matter)
This Ordinance was approved on first reading on the Consent Calendar.
- 5B.G. 15-0017** Ordinance No. 15-2 vacating a portion of public alley rights-of-way consisting of 2,405 square feet located south of East Colorado Avenue and east of South Corona Street
(Legislative Matter)
This Ordinance was approved on first reading on the Consent Calendar.
- 5B.H. 15-0015** Ordinance No. 15-3 vacating a portion of public alley rights-of-way consisting of 15,554 square feet located south of East Pikes Peak Avenue and west of South Prospect Street
(Legislative Matter)
This Ordinance was approved on first reading on the Consent Calendar.
- 5B.I. 15-0013** Ordinance No. 15-4 amending the zoning map of the City of Colorado Springs relating to 0.5 acre located west of Commerce Center Drive and south of Tudor Road
(Quasi-Judicial Matter)
This Ordinance was approved on first reading on the Consent Calendar.
- 5B.J. 15-0014** Tudor Land Company
(Quasi-Judicial Matter)
This agenda item was approved on the Consent Calendar.
- 5B.K. 15-0018** Powerwood No. 2 Master Plan Amendment
(Legislative Matter)
This agenda item was approved on the Consent Calendar.
- 5B.L. 15-0021** Ordinance No. 15-5 amending the zoning map of the City of Colorado Springs relating to the Tutt Boulevard and Sopresa Lane intersection
(Quasi-Judicial Matter)
This Ordinance was approved on first reading on the Consent Calendar.
- 5B.M. 15-0022** Powerwood No. 2 North Concept Plan
(Quasi-Judicial Matter)

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

Approval of the Consent Agenda

Motion 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, Martin, Pico, and Snider

6. Recognitions

There were no Recognitions.

7. Citizen Discussion

Citizen Charles Barber spoke about philanthropic contributions to our community and voiced concerns about construction of a downtown stadium.

Citizen Whitney Galbraith spoke about the initiative to repeal City Ordinance 10-48 which has not been completed. Mr. Galbraith asked City Council to internally raise the repeal of this ordinance. Councilmember Gaebler asked for local examples of the work done by the Community Relations Commission, Mr. Galbraith could not provide examples other than they may pay attention to fair housing.

Citizen Mark Braunlich spoke in support of repealing the Human Relations Commission ordinance.

Citizen Michael Tozier spoke in opposition to the plan to finance infrastructure improvements through issuing bonds and City for Champions.

Citizen Carl Strow spoke about the relationship between Council and Mayor Bach and corruption in the local government.

Citizen Charles Guy spoke in tribute to the late Dr. Martin Luther King.

Citizen Brenda Dukart, board member of the Human Relations Commission, spoke in support of the Human Relations Commission in Colorado Springs and provided examples of the work done by the Human Relations Commission in Colorado Springs.

Citizen William Murray urged Council to be transparent, to consider a

third party judicial review of item 11-70 of the City Charter and video taping of the Urban Renewal Authority meetings, and transparency of the TIF funds in the North Nevada University shopping center.

8. Mayor's Business

Steve Cox stated the final community forum will be held at the Stetson Hills Police Substation, January 15, 2015 from 5:30 to 7:00 pm.

9. Items Called Off Consent Calendar

5B.D. 14-0769 Designating the City Clerk's Office as the public place for posting of public notices for public meetings.

Councilmember Martin stated she had this item pulled off the Consent Calendar because she would like to see the posting of meeting notices on-line.

Sarah Johnson, City Clerk, stated a third glass case has been installed in the CAB building to facilitate posting paper copies of the documents and that scheduled meetings are posted on the City Website. Ms. Johnson stated her office would refer people to the glass cases and the website for information included in the postings.

Moved by Councilmember Martin, seconded by President Pro Tem Bennett, that the agenda item be approved. The motion passed unanimously on a voice vote.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Martin, Pico, and Snider

10. Utilities Business

10.A. 14-0746 Public Hearing for the Consideration of a Resolution Regarding Setting Electric Rates for a Wind Power Tariff Within the Service Area of Colorado Springs Utilities

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, to suspend part 4.1.C. of the rules and procedures of City Council, Post Hearing Procedures for this Rate Hearing. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Martin, Pico, and Snider

10.B. 15-0019 Consideration of a Resolution Regarding Setting Electric Rates for a Wind Power Tariff within the Service Area of Colorado Springs Utilities
Sonya Thieme, Rates Manager, CSU, provided an overview of the Wind Power Tariff rate case.

Jacqueline Rowland Assistant City Auditor, stated the auditor's office has reviewed the proposal and found no problems with the proposal.

Councilmember Knight requested clarification on the number of megawatts expected to be sold. Ms. Thieme responded that CSU expects all of the 20 megawatt hours to be sold.

Councilmember Pico stated he usually does not support renewable energy because of the higher cost, but he supports this because it has been right sized and does not require subsidization.

Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Resolution be adopted. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Martin, Pico, and Snider

11. Unfinished Business

11.A. 14-0682 A resolution authorizing the donation of the property known as Jones Park to El Paso County, Colorado

Marc Smith, Senior Attorney, reviewed the details of the agreement to transfer the property known as Jones Park to El Paso County.

Councilmember Bennett expressed appreciation for the positive experience and work done between CSU, El Paso County and the City of Colorado Springs.

Bill Carter with the Trails and Open Space Coalition thanked Council for supporting this decision which will have a positive impact on the Trails and Open Space initiatives in this community.

President King thanked El Paso County Commissioner Sallie Clark for her work on this.

Councilmember Collins stated she will not support this due to the Mayor's SCIP Bond proposal allocated \$3 million for utilities, because of the low appraisal value of the property and the refusal of El Paso County to refund tax payer money as required per TABOR.

Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Resolution be adopted . The motion passed by a vote of

Aye: 7 - Bagley, Bennett, Gaebler, King, Knight, Martin, and Snider

No: 2 - Collins, and Pico

11.B. 14-0341 An ordinance submitting charter amendments to the electors of the city for the general municipal election to be held April 7, 2015 relating to City Council direction and supervision of Auditor and legislative

employees

Consensus of Council agreed to postpone this discussion to the January 27, 2015 meeting.

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, that the ordinance be postponed to a date certain, the January 27, 2015 City Council meeting. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Martin, Pico, and Snider

11.C. 14-0557

An ordinance submitting a Charter amendment to the electors of the City of Colorado Springs for the general municipal election to be held April 7, 2015 relating to voting requirements for funding or financing a stadium and event center

President King stated there are three proposals for consideration in this agenda item, former Councilmember Millers', Councilmember Knights' and one that he drafted.

Councilmember Pico stated he does not have anything against C4C or the downtown stadium, but he does have concerns about the use of tax payer funds to support these initiatives.

Motion by Councilmember Knight, seconded by Councilmember Pico, that former Councilmember Miller's version of the ordinance submitting a Charter amendment to the electors of the City of Colorado Springs for the general municipal election to be held April 7, 2015 relating to voting requirements for funding or financing a stadium and event center be approved on first reading. The motion failed by a vote of 3-6-0.

Aye: 2 - Collins, and Pico

No: 7 - Bagley, Bennett, Gaebler, King, Knight, Martin, and Snider

Councilmember Knight stated the first priority for Council is to obtain the citizen's trust. He feels this project has not been handled in a way to achieve that priority, his version of the proposal is intended to give the people the deciding vote on the stadium.

Motion by Councilmember Pico, seconded by Councilmember Knight, that Councilmember Knight's version the ordinance submitting a Charter amendment to the electors of the City of Colorado Springs for the general municipal election to be held April 7, 2015 relating to voting requirements for funding or financing a stadium and event center be approved on first reading. The motion failed by a vote of 3-6-0.

Aye: 3 - Collins, Knight, and Pico

No: 6 - Bagley, Bennett, Gaebler, King, Martin, and Snider

President King stated he worked with the business community to develop a version of the ordinance which provides the ability to use incremental financing through property tax for the purpose of

infrastructure development and includes a vote of the people on the issue. President King added this has now been included in the resolution that will be presented at the next City Council meeting.

Councilmember Collins stated she will be voting against this because of the number of failing stadiums across the country.

Citizen Laura Neumann stated C4C Committee is supporting the resolution to be presented January 27, 2015.

John Cassiani, Executive Director of Colorado Springs Forward (CSF), thanked President King for the work done on this issue and stated CSF supports the resolution proposal also.

Citizen Michael Tozier urged Council to make a decision including a public vote about the downtown stadium.

Motion by Councilmember Knight, seconded by Councilmember Pico, that Council President King's version of the ordinance submitting a Charter amendment to the electors of the City of Colorado Springs for the general municipal election to be held April 7, 2015 relating to voting requirements for funding or financing a stadium and event center be approved on first reading. The motion failed by a vote of 3-6-0.

Aye: 3 - King, Knight, and Pico

No: 6 - Bagley, Bennett, Collins, Gaebler, Martin, and Snider

12. New Business

- 12.A. 14-0714** A resolution authorizing the acquisition of property owned by Robert W. and Diana Y. Duncan to be used for the Woodmen Road Corridor Improvements Project (Phase 2).

Michael Chaves, Senior Civil Engineer with City Engineering, explained this proposal to purchase land to build a retention pond as part of the Woodmen Road Corridor improvement project. Mr. Chaves stated an offer on the property has been made and the sellers are willing to accept the offer.

Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Resolution authorizing the acquisition of property to be used for Woodmen Road Corridor Improvements be adopted. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Martin, Pico, and Snider

13. Public Hearing

- 13.A. 15-0008** Dusty Hills Annexation, PUD Zone District Establishment, and PUD

Concept Plan Amendment
(Legislative Matter)

Meggan Herington, Principal Planner, Land Use Review, presented an overview of the annexation agreement and development plan. All parts of this proposal were included in one discussion. Ms. Herington stated there was strong opposition from surrounding areas to the plan due to the extension of Woodmen Court through the property connecting Woodman Oaks to Woodmen Mesa.

Councilmember Pico asked about a locked gate concept at the end of Woodmen Court. Ms. Herington explained this was not an option in the plans submitted by the applicant.

Councilmember Pico asked if there are additional access routes to the property. Ms. Herington explained the traffic flow plan has been approved by Traffic Engineering.

Councilmember Knight stated he lives in this area and supports this annexation.

Dave Gorman with Monument Valley Engineers, the applicant, spoke in favor of this annexation and development plan.

Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Dusty Hills Annexation, PUD Zone District Establishment, and PUD Concept Plan Amendment be approved. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

No: 1 - Collins

13.B. 15-0009

A Resolution Setting Forth Findings of Fact and Conclusions of Law Based Thereon and Determining the Status of the Territory Known as Dusty Hills Annexation Hereinafter More Specifically Described in Exhibit "A"
(Legislative Matter)

Please see comments in agenda item 13.A.

Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Resolution Setting Forth Findings of Fact and Conclusions of Law Based Thereon and Determining the Status of the Territory Known as Dusty Hills Annexation be adopted. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

No: 1 - Collins

- 13.C. 15-0010** Ordinance No. 15-6 annexing to the City of Colorado Springs that area known As Dusty Hills Annexation as hereinafter specifically described in Exhibit "A"
(Legislative Matter)

Please see comments in agenda item 13.A.

Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Ordinance amending the zoning map of the City of Colorado Springs relating to 27.74 acres located north of Woodmen Road and east and south of Woodmen Court Annexing to the City of Colorado Springs that Area Known As Dusty Hills Annexation be approved on first reading. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

No: 1 - Collins

- 13.D. 15-0011** Ordinance No. 15-7 amending the zoning map of the City of Colorado Springs relating to 27.74 acres located north of Woodmen Road and east and south of Woodmen Court
(Legislative Matter)

Please see comments in agenda item 13.A.

Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Ordinance Amending the Zoning Map of the City of Colorado Springs Relating to 27.74 Acres Located North of Woodmen Road and East and South of Woodmen Court be approved on first reading. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

No: 1 - Collins

- 13.E. 15-0012** Dusty Hills PUD Concept Plan
(Quasi-Judicial Matter)

Councilmember Collins stated she is voting against these because the City is not able to take care of the property it already has, she does not support urban sprawl.

Councilmember Knight stated he supports the development with Woodmen court providing additional access to the area.

Please see additional comments in agenda item 13.A.

Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Dusty Hills PUD Concept Plan be approved. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

No: 1 - Collins

13.F. 15-0024 Dublin North 1D Annexation
(Legislative Matter)

Meggan Herington, Principal Planner, Land Use Review, provided an overview of the annexation agreement and development plan.

Bill Guman, William Guman and Associates, the applicant, spoke in support of the annexation and development plan, stating this is one phase of a multi-phase development plan.

Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Dublin North 1D Annexation be approved. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

No: 1 - Collins

13.G. 15-0025 A Resolution Setting Forth Findings of Fact and Conclusions of Law Based Thereon and Determining the Status of the Territory Known as Dublin North 1D Annexation Hereinafter More Specifically Described in Exhibit "A"
(Legislative Matter)

Please see comments in agenda item 13.F.

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

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

No: 1 - Collins

13.H. 15-0026 Ordinance No. 15-8 annexing to the City of Colorado Springs that area known as Dublin North 1D Annexation as hereinafter specifically described in Exhibit "A"
(Legislative Matter)

Please see comments in agenda item 13.F.

Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Ordinance Annexing to the City of Colorado Springs that area known as Dublin North 1D Annexation be approved on first reading. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

No: 1 - Collins

13.I. 15-0027 Dublin North Master Plan Amendment
(Legislative Matter)

Please see comments in agenda item 13.F.

Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Dublin North Master Plan Amendment be approved. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

No: 1 - Collins

- 13.J. 15-0028** Ordinance No. 15-9 amending the zoning map of the City of Colorado Springs relating to 5.0 acres located northwest of the Dublin Boulevard and Sandyford Lane intersection, south of Vickie Lane (Legislative Matter)

Please see comments in agenda item 13.F.

Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Ordinance Amending the Zoning Map of the City of Colorado Springs Relating to 5.0 Acres Located Northwest of the Dublin Boulevard and Sandyford Lane Intersection, South of Vickie Lane be approved on first reading. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

No: 1 - Collins

- 13.K. 15-0029** Dublin North PUD Development Plan Amendment (Quasi-Judicial Matter)

Please see comments in agenda item 13.F.

Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Dublin North PUD Development Plan Amendment be approved. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

No: 1 - Collins

14. Added Item Agenda

There were no Added Agenda items.

15. Executive Session

There was not an Executive Session.

16. Adjourn