

**COLORADO SPRINGS, COLORADO  
CITY COUNCIL CHAMBERS  
CITY HALL -107 N. NEVADA AVENUE  
JULY 9, 2013- 1:00 P.M.**

Council met in Regular Session.

There were present: President King, President Pro Tern Bennett, Councilmembers Collins, Gaebler, Knight, Martin, Miller, Pico, and Snider. Also present, Chief of Staff Neumann, and Legislative Counsel Massey.

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**1. Call to Order**

In City Clerk Johnson's absence, Mr. McRae, License Enforcement Officer from the Office of the City Clerk, called the roll. All Councilmembers were present.

Councilmember Miller spoke to commemorate the 19 Granite Mountain Hot Shots, the firefighters who lost their lives battling the wildfire that threatened the small town of Yarnell, Arizona.

**2. Invocation and Pledge of Allegiance**

The meeting was opened with an invocation by Pastor Juanita Johnson from the Deliverance House of Prayer.

**3. Changes to Agenda/Postponements**

Legislative Counsel Massey presented the request by City Attorney Melcher to postpone Item 1(), discussion involving potential claims related to the Memorial Health System, until July 23, 2()13.

Motion by Bennett, second by Gaebler, to postpone Item 1(), discussion involving claims related to the Memorial Health System, to July 23rd.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider

Noes: None

Absent: None

The motion passed unanimously on a 9-() vote.

**4. Councilmember Comments**

There were none.

**CONSENT CALENDAR**

5. The following items were acted upon by unanimous consent of the members present, with the exception of Items A-2, B-2, and 8-4, which were called up for separate consideration:

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### **SECOND PRESENTATION:**

- A-1. CPC V 13-00007: Ordinance No. 13-37 entitled: "An Ordinance vacating public alley right-of-way consisting of 0.43 acre generally located north of Woodmen Road and east of Black Forest Road, bounded by Chasewood Loop on the west and south, Sierra Meadows Drive on the north and Springwood Terrace on the east" was presented for final passage.
- A-2. See action taken later in the meeting.

### **FIRST PRESENTATION:**

- B-1. Approval of the Minutes of the regular Council Meeting of June 25, 2013.
- B-2. See action taken later in the meeting.
- B-3. Request to establish a public hearing date for the consideration of a resolution regarding certain changes to the Colorado Springs Utilities Electric Rate Schedules to revise the Community Solar Garden Bill Credit Expansion Program.
- B-4. See action taken later in the meeting.

Motion by Bennett, second by Gaebler, that all matters on the Consent Calendar with the exception of Items A-2, B-2 and B-4, be passed, adopted, and approved by unanimous consent of the members present.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider  
Noes: None  
Absent: None

The motion passed unanimously on a 9-0 vote.

## **6. Recognitions**

There were none.

## **7. Citizen Discussion**

Mr. Charles Barber spoke to the stormwater and infrastructure issues at North Circle Drive and Palmer Park Boulevard. He also spoke to the need for increased emergency response water resources.

Mr. K.C. Stark, Ms. Meral Sarper, Mr. Stephen Rizzi, Mr. Thomas G. Abbott, Mr. Ross Long, Mr. Garrett Coon, Ms. Judy Darcy, Ms. Samantha Dinwoodie, Mr. Tom Gallagher, and Mr. Mark Slaugh all spoke in support of Retail Sales of Marijuana.

Ms. Maureen Barrett spoke relative to the Drake Power Plant and encouraged immediate action for modeled compliance with health-based standards.

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Mr. Douglas Bruce spoke regarding Council budget.

Mr. Walter Lawson spoke to City Zoning Code and the use of technology for early detection and defense from wildfires.

### 8. Mayor's Business

Chief of Staff Neumann stated the Mayor's next media briefing will be held next Tuesday, July 16<sup>th</sup>, at the airport at which time the Mayor will make an important announcement.

#### ITEMS CALLED OFF CONSENT CALENDAR

- A-2. CPC ZC 13-00015: (Quasi-Judicial Matter) Ordinance No. 13-38 entitled: "An Ordinance amending the zoning map of the City of Colorado Springs relating to 4.6 acres located at 120 Troy Hill Road, [from PIP-2/AO-APZ-1/UV (Planned Industrial Park with Airport Overlay-Accident Potential Zone 1 with Use Variance) to M-1/AO-APZ-1/cr (Light Industrial with Airport Overlay- Accident Potential Zone 1 with conditions of record)]" was presented for final passage.

Mr. Bruce spoke to rights of assembly.

Motion by Bennett, second by Gaebler, to approve the ordinance.

Ayes: Bennett, Gaebler, King, Knight, Martin, Miller, Pico, Snider

Noes: Collins

Absent: None

The motion passed on an 8-1 vote.

- B-2. Appointments to various Boards and Commissions.

President King clarified a correction was made to the memorandum included in the Council packet, under Parks and Recreation Advisory Board. The packet copy stated "...Councilmember Jill Gaebler and Councilmember Don Knight are now recommending...". The reference was corrected to state "...Councilmember Jill Gaebler and Councilmember Jan Martin are now recommending..." A corrected version was distributed.

Motion by Gaebler, second by Martin, to approve the Appointments to various Boards and Commissions.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider

Noes: None

Absent: None

The motion passed unanimously on a 9-0 vote.

- B-4. Resolution No. 69-13 was presented: "A resolution of the City Council of the City of Colorado Springs, Colorado approving a service plan for the Westgate Metropolitan District."

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Mr. Carl Schueler, Sr. Planner, Land Use Review, presented the item and was prepared to respond to questions.

Councilmember Knight described his lack of support due to not receiving a response to questions and requests for information he had previously put forth relative to the project's Master Plan. He also had noted a correction was necessary on Exhibit E as to the actual amount of authorized debt which had not yet been corrected.

Councilmember Miller asked if they had received affirmative approval and actual responses to notices. He also expressed concern relative to a District's power to initiate eminent domain and would like to see the language changed in the Model Service Plan. He stated he would prefer the language read "this district does not have the authority to exercise eminent domain unless there has been an affirmative vote by City Council to authorize such action."

Mr. Schueler confirmed that there is a continuous stream of communication with the committee whenever there is an action; and, Council has a right to change the language of the service plan as they see fit, but to change the model would take a more extensive course of action for approval.

Councilmember Collins stated she had concerns relative special districts overall.

Mr. Bruce spoke against the plan.

Councilmember Knight asked that the motion be amended to include a correction to Exhibit E for the amount of debt allowed from the typo of \$20,000,000 to the correct amount of \$25,000,000; and, also to include a change to the eminent domain language to require an affirmative vote of City Council as recommended by Councilmember Miller.

Mr. Peter Wycoki, Planning and Development Director, stated these questions should be asked of the developer. However, if there are issues with the concept, the policy can be amended.

Mr. Peter Sushmiel, Counsel for the Applicant, confirmed they would comply with Council's requests for amended eminent domain language, the typo correction to the debt allowed, and also address the inclusion area concern. He explained the reason for the mil levy cap is to get a better rate on the bonds.

Motion by Gaebler, second by Bennett, that the resolution be adopted to include the amendments as requested by Councilmembers Miller and Knight.

Ayes: Bennett, Gaebler, King, Martin, Pico, Snider

Noes: Collins, Knight, Miller

Absent: None

The motion passed on a 6-3 vote.

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### UTILITIES BUSINESS

9. Resolution No. 70-13 was presented: "A resolution directing the Chief Executive Officer of Colorado Springs Utilities to execute the augmentation water lease between Colorado Springs Utilities and Emerald Valley Ranch, LLC."

Mr. Wayne Vanderschuere, General Manager, Colorado Springs Utilities Water Services, provided background for the augmentation water lease.

Councilmember Miller asked if drought restrictions would apply to the Applicant. Mr. Vanderschuere responded that they would be subject to the same water restrictions and that the water supply is fully interruptible at CSU's discretion.

Councilmember Knight noted a change in storage level from 10 feet to 15 feet and asked if that was to ensure adequate flow and whether it would require additional storage be built. Mr. Vanderschuere clarified.

Motion by Bennett, second by Pico, that the resolution be adopted.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider  
Noes: None  
Absent: None

The motion passed unanimously on a 9-0 vote.

### UNFINISHED BUSINESS

10. See action taken earlier in the meeting.

### NEW BUSINESS

11. Ordinance No. 13-39 entitled: "An ordinance amending Ordinance No. 12-108 (2013 Appropriation Ordinance) for a supplemental appropriation to the Lodgers and Auto Rental Tax (LART) fund in the amount of \$13,432 for the purpose of covering the cost of City in-kind expense and barricading expense for the Balloon Classic special event" was introduced and read.

Councilmember Collins described her support for the full appropriation.

Aimee Cox, Senior Economic Vitality Specialist, described the background of the Balloon Classic and historical costs involved. She stated that the ordinance had been drafted to approve the full cost to fund the barricades and police services; however, her recommendation was for Council to find a middle ground as this would set a precedent.

Councilmember Martin described her support for partial funding, however, requested a fee schedule of anticipated costs for these types of events be prepared and available at the beginning of the each year.

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Councilmember Knight requested clarification on options available to Council on this matter and how those options would apply to LART and General Fund allocations.

Councilmember Bennett stated he did not want to set a precedent and proposed approving the funding for the barricades only.

Councilmember Miller stated he would like to see the matter be contingent upon approval by the LART committee. Ms. Cox responded that there is a meeting of the LART committee being scheduled for next week, which would provide ample time to obtain their recommendation.

Mr. Bruce spoke against charging at all for public assembly.

Motion by Bennett, second by Gaebler, to approve Ordinance 12-108 (2013 Appropriation Ordinance) for a supplemental appropriation to the Lodgers and Auto Rental Tax ("LART") fund in the amount of \$6,596 to cover the cost of barricading expense for the Balloon Classic subject to approval of the LART committee.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider

Noes: None

Absent: None

The motion passed unanimously on a 9-0 vote.

### PUBLIC HEARING

12. Added Item Agenda.

There were none.

13. Executive Session.

There was no Executive Session called.

14. Adjourn.

At 2:49p.m., there being no further business to come before City Council,

COUNCIL ADJOURNED



Lee McRae  
License Enforcement Officer  
Office of City Clerk