COLORADO SPRINGS, COLORADO
CITY COUNCIL CHAMBERS
CITY HALL – 107 N. NEVADA AVENUE
AUGUST 27, 2013 – 1:00 P.M.

Council met in Regular Session.

There were present: President King, President Pro Tem 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.**

City Clerk Johnson called the roll. All Councilmembers were present.

2. **Invocation and Pledge of Allegiance.**

The meeting was opened with an invocation by Pastor Danny Davis of the Westside First Wesleyan Church.

Pledge of Allegiance was led by President King.

3. **Changes to Agenda/Postponements.**

There were no changes or postponements.

4. **Councilmember Comments.**

There were no Councilmember comments.

CONSENT CALENDAR

5. The following items were acted upon by unanimous consent of the members present, with the exception of Items A-1, B-2, B-3, and B-4 which were called up for separate consideration:

SECOND PRESENTATION:

A-1. See action taken later in the meeting.

A-2. CPC ZC 13-00045: (Quasi-Judicial Matter): Ordinance No. 13-49 entitled: "An Ordinance amending the zoning map of the City of Colorado Springs relating to 2.8 acres located southwest of Marksheffel Road and Dublin Boulevard [from A/AO-CAD (Agricultural with Airport Overlay – Commercial Airport District) to PBC/AO-CAD (Planned Business Center with Airport Overlay – Commercial Airport District)]" was presented for final passage.

A-3. CPC PUZ 13-00046: (Quasi-Judicial Matter) Ordinance No. 13-50 entitled: "An Ordinance amending the zoning map of the City of Colorado Springs relating to 16.11 acres located southwest of Marksheffel Road and Dublin Boulevard [from A/AO-CAD (Agricultural with Airport Overlay – Commercial Airport District) to PUD/AO-CAD (Planned Unit Development: Single-Family Residential detached, density range of 3.5-7.99 dwelling units per acre, and a maximum height of 30 feet with Airport Overlay – Commercial Airport District)]" was presented for final passage.

A-4. Ordinance No. 13-51 entitled: "An Ordinance amending Ordinance Nos. 00-154, 02-196, 04-164, 05-111, 06-136, 06-137, 07-125, 07-126, 08-121, 09-108, 10-78 and 12-6 relating to Utilities System Revenue Bonds of the City; ratifying action heretofore taken relating to such Utilities Bonds; and providing other matters relating thereto" was presented for final passage.

FIRST PRESENTATION:

B-1. Approval of the Minutes of the regular Council Meeting of August 13, 2013 and the Special Called Session of August 8, 2013.

B-2. See action taken later in the meeting.

B-3. See action taken later in the meeting.

B-4. See action taken later in the meeting.

B-5. Resolution No 75-13 was presented: "A resolution granting permission to close consensual transaction for the acquisition of property for Southern Delivery System project improvements".

B-6. Ordinance No. 13-54 entitled: "An ordinance amending Ordinance No. 12-108 (2013 Appropriation Ordinance) for a supplemental appropriation to the Capital Project Fund in the amount of $200,000 for the purpose of a traffic signal at Marksheffel Road and Dublin Boulevard" was introduced and read.

B-7. Resolution No. 76-13 was presented: "A resolution authorizing and ratifying the exercise of purchase option under that certain Lease Purchase Agreement between CitiCapital Municipal Finance, as Lessor, and the City of Colorado Springs, as Lessee, dated as of September 28, 2007; and authorizing the City of Colorado Springs to enter into a Ground Lease, as Lessor, with U.S. Bank National Association, as Lessee, and a Building Lease and Lease-Purchase Agreement, as Lessee, with U.S. Bank National Association as Lessor, with respect to the lease of certain real property."

Motion by Bennett, second by Pico, that all matters on the Consent Calendar with the exception of Items A-1, B-2, B-3, 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 no recognitions.

7. **Citizen Discussion.**

Charles Barber spoke to his continuing concerns relative to infrastructure needs and stormwater issues at North Circle and Palmer Park. Councilmember Bennett asked Chief of Staff Neumann to review Mr. Barber's concerns and report back to Council.

Three young girls, Alexi, Alyssa, and Deven, spoke about almost being abducted from playing in their neighborhood and proposed a "Whistle Power" program for all children in the City. They also suggested using traffic cameras to look for the suspects when predatory offenses occur.

Sue Spengler, and the Little School of Vermijo students, presented Citizen petitions against the proposed *Kum n' Go* convenience station in Old Colorado City. *(Legislative Counsel Massey cautioned Council on any ex parte communications on this matter. To her knowledge no application has been received on this item; however, she advised that the petitions and signatures given to the City Clerk by Ms. Spengler should be given directly to the Planning Department for their retention.)*

Kevin Reel spoke in support of the solar garden action.

Whitney Galbraith spoke to eliminate obsolete ordinances. He drew attention to Ordinance 10-48 relative to the Human Relations Commission. He requested more time to bring the topic forward for additional discussion. President King stated they will advise him of that opportunity at a later time.

8. **Mayor's Business.**

Speaking on behalf of the Mayor, Chief of Staff Neumann stated that the Mayor appreciated the time spent with Council earlier in the day and reiterated publically that he encourages the consideration of not only looking at stormwater funding options, but at all of the CIP listing, in particular roads, streets, and bridges, to be included in the recommendation from Council.

ITEMS CALLED OFF CONSENT CALENDAR

A-1. Ordinance No. 13-48 entitled: "An Ordinance amending Ordinance No. 12-108 (2013 Appropriation Ordinance) for a supplemental appropriation to the Black Forest Fire Grant Fund in the amount of $263,116 and to the General Fund in the amount of $165,895 for the purpose of funding expenses associated with the Black Forest Fire" was presented for final passage.

Councilmember Collins called this item off Consent because she was concerned that there was a discrepancy in the original amount versus the amount listed in the supplemental. She would like to see more accountability on why we need more money. She also asked if it were a state or a federal grant and requested more details. Ms. Neumann stated she did not

anticipate these questions today. Since Councilmembers did not announce the item would be pulled off the Consent Calendar during yesterday's Work Session, relevant staff was not currently present to answer the question. Ms. Neumann volunteered to reach out to staff to obtain an answer as soon as possible. Councilmember Collins stated she would like to table the item to obtain more information. President King asked whether there were a time restriction to be considered. Ms. Neumann agreed it could wait two weeks.

Motion by Collins, second by Pico, to table Ordinance No. 13-48 until September 10th, 2013.

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

The motion passed unanimously on a 9-0 vote.

B-2. Appointments to various Boards and Commissions.

Councilmember Knight asked to have this item pulled because there were questions on the approval process for Utilities Policy Advisory Committee (UPAC) nominations.

Motion by Knight, second by Pico, that the various appointments to Boards and Commissions be approved with the exception of the UPAC nominees.

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

The motion passed unanimously on a 9-0 vote.

B-3. The City Clerk reports that on May 30, 2013 there was filed with her a petition for the annexation of Dublin Towne Centre Annexation. She states that she has examined or caused to be examined the above mentioned petition and has determined that the petition is in substantial compliance with Section 31-12-107(1), C.R.S. The City Clerk herewith communicates such to the City Council and recommends that the petition be referred to the City Administration for review and recommendation.

Councilmember Knight stated he will have some questions when the item comes back; specifically what is the financial impact for roads, infrastructure, tax bases, full lifecycle costs, if approved for annexation.

Ms. Massey described that City Code, for annexation and for initial Master Plans, requires a fiscal impact report be prepared by the Finance Department and that the City also works with the County to take into account the impact of taking the property out of the County and incorporating it. She indicated these are all questions that are part of the annexation review and recommendation process, which is the next step after today's action.

Motion by Knight, second by Bennett, that Council forward the request to City Administration to follow the required annexation process with the requested fiscal responsibility information provided when brought back to Council for further action.

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. The City Clerk reports that on June 24, 2013 there was filed with her a petition for the annexation of Saddletree Village Annexation. She states that she has examined or caused to be examined the above mentioned petition and has determined that the petition is in substantial compliance with Section 31-12-107(1), C.R.S. The City Clerk herewith communicates such to the City Council and recommends that the petition be referred to the City Administration for review and recommendation.

Motion by Knight, second by Bennett, that Council forward the request to City Administration to follow the required annexation process with the requested fiscal responsibility information provided when brought back to Council for further action.

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

The motion passed unanimously on a 9-0 vote.

UTILITIES BUSINESS

9. Ordinance No. 13-55 entitled: "An ordinance 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 City of Colorado Springs, Colorado, Utilities System Improvement Revenue Bonds, Series 2013B-1 in an aggregate principal amount of not to exceed $65,000,000 and Series 2013B-2 in an aggregate principal amount of not to exceed $85,000,000 payable solely 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 a bond purchase agreement and an official statement; and providing other matters relating thereto" was introduced and read.

Dede Jones, Manager of Financial Services for Colorado Springs Utilities, described this as the first of two readings for the revenue bond. She described the financial details of the funding measure.

Motion by Bennett, second by Pico, that the Ordinance be passed as introduced.

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

The motion passed on an 8-1 vote.

10. Resolution 78-13 was presented: "A Resolution regarding certain changes to the Colorado Springs Utilities Electric Rate Schedules to implement the Community Solar Garden Program."

Utilities Division Attorney, Chris Bidlack, was present to answer any additional questions on the Resolution. There were no questions presented.

Councilmembers Collins and Miller described their lack of support for the program.

Motion by Gaebler, second by Martin, that the Resolution be adopted.

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

The motion passed on a 6-3 vote.

UNFINISHED BUSINESS

11. Ordinance No. 13-52 entitled: "An Ordinance of the City of Colorado Springs, Colorado approving and authorizing the execution and delivery of the revolving loan agreement between the City of Colorado Springs, Colorado and U.S. Bank National Association, the revolving loan agreement between the City and Keybank National Association and the revolving promissory notes of the City relating thereto; and providing other matters relating thereto" was presented for final passage.

Dede Jones, Manager of Colorado Springs Utilities Financial Services, briefly described the background for the ordinance and was available to answer any questions.

Councilmember Collins spoke against the ordinance.

Motion by Bennett, second by Martin, that the Ordinance be finally passed.

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

The motion passed on an 8-1vote.

12. CPC ZC 13-00055: (Quasi-Judicial Matter) Ordinance No. 13-53 entitled: "An Ordinance amending the zoning map of the City of Colorado Springs relating to 1.38 acres located at 4940 Rusina Road, southeast of Elkton Drive and west of Rusina Road [from OC/CR/HS (Office Complex with conditions of record and Hillside Overlay) to PBC (Planned Business Center)]" was presented for final passage.

Motion by Gaebler, second by Pico, that the Ordinance be finally passed.

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

The motion passed unanimously on a 9-0 vote.

NEW BUSINESS

13. Resolution No. 77-13 was presented: "A Resolution confirming recommended expenditures from the Lodgers and Automobile Rental Tax (LART) special fund for inclusion in the 2014 budget."

Doug Price, President/CEO of the Colorado Springs Convention and Visitors' Bureau, reassured Council they plan to comply with the accountability standard by providing periodic reports for the 2/3rds LART fund allocation they receive.

Councilmember Collins reaffirmed the expectation of Council going forward will be for accountability for all LART fund allocations.

Motion by Martin, second by Collins, 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.

14. Request by Tim Leigh for reimbursement of legal expenses per Resolution No. 41-13.

Ms. Massey described the background for the request for reimbursement. She introduced Mr. Louie Larimer, Attorney representing the interest of former Councilmember Tim Leigh in an ethics violation charge.

Councilmembers Bennett and Pico recused themselves from discussion and subsequent vote on this agenda item due to a conflict of interest.

Mr. Larimer described his representation of Mr. Leigh and the current amount due to his firm of $2,778 for costs incurred in excess of the $10,000 limitation for representation of Mr. Leigh's ethics violation charges.

Councilmember Knight asked at what point in time Mr. Leigh's fees exceeded the $10,000 limit. Mr. Larimer responded on May 23rd.

Councilmember Gaebler requested more detailed information before agreeing to approve the additional costs. She expressed concern the action could be precedent setting.

Councilmember Miller stated that he supported the action to make up the difference.

Motion by Miller, second by Collins, that the request be approved.

Ayes: Collins, King, Martin, Miller, Snider
Noes: Gaebler, Knight
Absent (recused): Bennett, Pico

The motion passed on a 5-2-2 vote.

At 2:20 p.m., there being no further business to come before City Council,

COUNCIL ADJOURNED

Sarah B. Johnson

Sarah B. Johnson
City Clerk