



# 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.*

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Tuesday, May 12, 2015

1:00 PM

Council Chambers

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### 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 Todd Hudnall from Radiant Church.

The Pledge of Allegiance was led by Council President Bennett.

### 3. Changes to Agenda/Postponements

Council President Bennett stated agenda items 4.B.B. and 4.B.F. will be pulled off the Consent Calendar as discussed in the Work Session yesterday.

### 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.** [15-00245](#) Ordinance No. 15-29 amending the zoning map of the City of Colorado Springs relating to 7.21 acres, located south of Meadow Ridge Drive, north of Lexington Drive and west of Bordeaux Drive. (Quasi-Judicial Matter)

Res/Ord Number: 15-29

**This Ordinance was finally passed on the Consent Calendar.**

**4A.B.** [15-00248](#) Ordinance No. 15-28 amending the zoning map of the City Of Colorado Springs relating to 10.5 acres, located south of Flying Horse Club Drive, east of Ravenswood Drive and west of future Powers Boulevard. (Quasi-Judicial Matter)

Res/Ord Number: 15-28

**This Ordinance was finally passed on the Consent Calendar.**

4B. First Presentation:

**4B.A.** [15-00282](#) City Council Meeting Minutes April 28, 2015

**The Meeting Minutes were approved on the Consent Calendar.**

**4B.C.** [15-00260](#) A Resolution Authorizing a Land Exchange of Real Property with the Colorado Department of Transportation for the Cimarron Street Reconstruction Project

Res/Ord Number: 45-15

**The resolution was adopted on the Consent Calendar.**

**4B.D.** [15-00233](#) Ordinance No. 15-32 amending Ordinance No. 14-101 (2015 Appropriation Ordinance) for a Supplemental Appropriation to the Pikes Peak - America's Mountain Fund in the amount of \$10,000 for the Noxious Weed Control Grant Project

Res/Ord Number: 15-32

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

**4B.E.** [15-00172](#) Ordinance No. 15-33 amending Sections 102 (Purpose), 103 (Definitions) and 111 (Contractual Authority) of Article 9 (Lodgers, Campgrounds, and Automobile Rental Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Lodgers, Campgrounds and Automobile Rental Tax

Res/Ord Number: 15-33

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

**Approval of the Consent Agenda**

**Motion by President Pro Tem Gaebler, seconded by Councilmember Strand, 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

**5.A.** [15-00280](#) A resolution of appreciation recognizing May 17-23, 2015 as National Public Works Week

Res/Ord Number: 46-15

Eileen Gonzalez, City Council Administrator, read a resolution recognizing May 17-23, 2015 as National Public Works Week. Travis Easton, Public Works Director, recognized the recent efforts of the

public works employees in handling extreme weather conditions and the resulting flooding.

Councilmembers expressed appreciation for all the work done by the public works team.

**Motion by Councilmember Strand, seconded by Councilmember Pico, that the Resolution of Appreciation recognizing May 17-23, 2015 as National Public Works Week be adopted. The motion passed by a vote of 9-0-0.**

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

## 6. Citizen Discussion

Citizen Charles Barber spoke about the need for Colorado Springs drivers to remove studded snow tires from their vehicles and requested a response to citizen concerns regarding infrastructure. Council President Bennett suggested Mr. Barber contact Mr. Easton regarding stormwater concerns.

Roger McCarville referenced a notice about housing in the local paper and the statement about the federal government being given authority to handle conflicts between the local branches of government.

Citizen Deborah Stout-Meininger spoke about concerns she has with the local mayoral candidates and local government spending.

Citizen Walter Lawson spoke about the Comcast cable franchise agreement. Mr. Lawson requested Council form a citizen committee to consider the Comcast cable franchise agreement and to consider including cable service as a public utility and include senior citizen discounts in the franchise agreement, stating Comcast is in violation of the current franchise to service disabled and senior citizens.

Citizen Charles Guy spoke about the Army Academy naming a barracks after an Afro-American, Benjamin Davis Jr., who was the only Afro-American to graduate from the Academy between 1900 and 1936.

Councilmember Murray announced he, an at-large City Councilmember, will have monthly listening sessions in City Council chambers starting Thursday night, May 21st from 6:00-7:30 pm for four consecutive months to allow citizens to communicate with City Council.

## 7. Mayor's Business

Bret Waters, Deputy Chief of Staff, invited City Council to the swearing in ceremony for the new Mayor Tuesday, June 2, 2015 at 10:00am at the Pioneer Museum.

## 8. Items Called Off Consent Calendar

### 4B.B. [15-00203](#) Boards and Commissions

Council President Bennett stated he pulled this item off the Consent Calendar to make a change, Bill Murray will be serving on the PPACG Board in place of Tom Strand. Tom Strand will be appointed to the Public Arts Commission in the next City Council meeting.

**Motion by Councilmember Bagley, seconded by Councilmember Murray, to approve the Boards and Commissions recommendations with one change: change PPACG Board appointment from Bill Murray to Tom Strand. The motion passed by a vote of 9-0-0.**

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

### 4B.F. [15-00207](#) A resolution amending Resolution No. 4-14, with respect to the terms of an intergovernmental agreement between the City of Colorado Springs and the Colorado Department of Transportation for the Van Buren safe routes to school project

Council President Bennett stated this item will be postponed to May 26, 2015 meeting per request by the Public Works Department.

**Motion by Councilmember Strand, seconded by Councilmember King, that the item be postponed to a date certain, the May 26, 2015 City Council meeting. The motion passed by a vote of 9-0-0.**

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

## 9. Utilities Business

There was no Utilities Business.

## 10. Unfinished Business

### 10.A. [15-00255](#) Ordinance No. 15-30 annexing to the City of Colorado Springs that area known as Dublin Towne Centre Annexation consisting of 9.96 acres. (Legislative Matter)

Res/Ord Number: 15-30

There were no questions or discussion on this item.

**Motion by President Pro Tem Gaebler, seconded by Councilmember Pico, that the Ordinance annexing to the City of Colorado Springs that area known as Dublin Towne Centre Annexation consisting of 9.96 acres 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

- 10.B.** [15-00256](#) Ordinance No. 15-31 amending the Zoning Map of the City of Colorado Springs relating to 8.66 acres located at the Southeast corner of Dublin Boulevard and Marksheffel Road.  
(Legislative Matter)

Res/Ord Number: 15-31

There were no questions or discussion on this item.

**Motion by President Pro Tem Gaebler, seconded by Councilmember Pico, that the Ordinance to approve the establishment of the C-5/AO (Intermediate Business with Airport Overlay) zone district, based upon the findings that the zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) 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

- 10.C.** [15-00278](#) A Resolution granting the owner of the property known as Dublin Towne Centre the right to continue to use its existing well consistent with Colorado Division of Water Resources well permit number 102032-A.  
(Legislative Matter)

Res/Ord Number: 47-15

Councilmember Knight requested advance notice of these types of items as this is the first time Council is seeing this item. Renee Congdon with the City Attorney's Office explained this is not a typical occurrence and the well use agreement was just found during review of the documents after the last meeting.

Councilmember Knight asked how long the City anticipates the well will be used until public utilities are connected to the property and what will happen if the property owner desires to continue using the well after utilities are available. Meggan Herington, Principal Planner, Land Use and Review, explained the concept plan has been approved to include using the well for up to six years and the annexation agreement includes specific details about the use of the well.

**Motion by Councilmember Pico, seconded by Councilmember Bagley, that the Resolution granting the owner of the property known as Dublin Towne Centre the right to continue to use its existing well consistent with Colorado Division of Water Resources well permit number 102032-A be adopted. The motion passed by a vote of 9-0-0.**

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

## 11. New Business

- 11.A.** [15-00197](#) A resolution adopting rules of procedure for the conduct of Airport Advisory Commission meetings

Res/Ord Number: 48-15

Britt Haley, City Attorney, reviewed the changes made to the document which have been adopted by the Airport Advisory Commission.

**Motion by Councilmember Pico, seconded by Councilmember Bagley, that the Resolution be adopted as presented. The motion passed by a vote of 9-0-0.**

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

- 11.B.** [15-00215](#) A Resolution Approving an Intergovernmental Agreement between the City of Colorado Springs and the Colorado Department of Transportation to Delineate Responsibilities for Maintenance and Operations of the Tejon Street and Woodmen Road Park-n-Ride Facilities Located Along Interstate 25

Res/Ord Number: 49-15

Craig Blewitt, Transit Services Manager, explained the agreement between the City and CDOT for creating and maintaining the parking facilities. Mr. Blewitt provided an overview of the changes made to the agreements based on City Council feedback during the previous meeting.

**Motion by Councilmember Knight, seconded by Councilmember Strand, that the Resolution of approval of this Intergovernmental Agreement between the City of Colorado Springs and the Colorado Department of Transportation to delineate responsibilities for operations and maintenance of the Tejon Street and Woodmen Road Park-n-Ride facilities located along Interstate 25 be adopted. The motion passed by a vote of 9-0-0.**

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

- 11.C.** [15-00216](#) A Resolution Approving an Intergovernmental Agreement between the City of Colorado Springs; Ace Express Coaches, LLC; and the Colorado Department of Transportation to Allow Limited Access to the Downtown Bus Terminal for the Purpose of Boarding and De-Boarding Bustang Passengers

Res/Ord Number: 50-15

Mr. Blewitt reviewed changes made to the agreement since the last meeting.

**Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, that the Resolution to approve an Intergovernmental Agreement between the City of Colorado Springs; Ace Express Coaches, LLC; and the Colorado Department of**

**Transportation to allow limited access to the Downtown Bus Terminal for the purpose of boarding and de-boarding Bustang passengers be adopted. The motion passed by a vote of 9-0-0.**

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

- 11.D.** [14-0720](#) Ordinance No. 15-34 amending Part 2 (Private Security Services) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to private security  
Res/Ord Number: 15-34

Eileen Gonzalez, City Council Administrator, stated Council had received a summary of the changes to the ordinance. There were no Council questions or comments on this item.

Spencer Stringham with Advanced Patrol Security stated he supports the Ordinance.

**Motion by Councilmember Pico, seconded by Councilmember Murray, that the 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

## 12. Public Hearing

- 12.A.** [15-00268](#) Ordinance No. 15-35 amending the Zoning Map of the City of Colorado Springs relating to 2.145 acres, located at 6, 8 and 10 Cragmor Village Road.  
(Quasi-Judicial Matter)  
Res/Ord Number: 15-35

Steve Tuck, Planner, City Planning, presented an overview of the zone change, development plan, and variances for this property. Mr. Tuck explained the requested zone is the same as most of the college campus, recognizing this is a change of the character of the neighborhood reflective of the growth and development of the UCCS campus.

Councilmember Knight asked if the road adjacent to the development will be improved and expressed appreciation for the parking accommodations included in the plan. Mr. Tuck stated the development plan includes the improvement of the road to include two lanes of traffic in each direction.

Councilmember Knight expressed concern about the "historic" neighborhood and the character of the neighborhood being changed by

this development, Mr. Tuck stated it is not recognized by the preservation society as a historic neighborhood and stated few original homes (three) remain in the neighborhood.

Councilmember Pico asked about the requested variance allowing parking spaces to infringe on public space. Mr. Tuck explained Code normally does not allow cars to back out onto public road ways but this will be required due to the grading of the property.

Councilmember King asked if the college is interested in ownership of the property and about pedestrian access to the housing provided by the development. Mr. Tuck stated UCCS intended to buy and develop this property but a private entity purchased the property. The intention is to develop walkways to the college campus.

Councilmember Knight asked if there are plans to widen Cragmor Village Road and who is responsible for snow removal on the road. Mr. Tuck stated the idea is to widen the street and add curbs and sidewalks and that the City is responsible for snow removal.

John Almeida, representing the Applicant, provided additional information about the development plan based on the needs and plans of UCCS.

Citizens Kent Rockwell and Jax Shorvath spoke in support of this plan.

**Motion by President Pro Tem Gaebler, seconded by Councilmember King, that the Ordinance to approve the zone change from R/HS (Estate, Single Family with Hillside Overlay) to SU/HS (Special Use with Hillside Overlay) for The Lookout on Cragmor, 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) 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

**12.B.** [15-00269](#) The Lookout on Cragmor Development Plan.  
(Quasi-Judicial Matter)

Please see comments in agenda item 12.A.

**Motion by President Pro Tem Gaebler, seconded by Councilmember Strand, that the Planning Case to approve the development plan for The Lookout on Cragmor, based on the finding the plan complies with the review criteria in City Code Section 7.5.502.E (Development Plan Review Criteria) and Section 7.3.504.D.3 (Hillside Development Plan Review Criteria) subject to compliance with the following technical and/or informational modifications to the development plan: Technical and/or Informational Modifications to the Development Plan; 1. Note the City file number of CPC DP 15-00005 in the lower right corner of sheets 6, 7**



and 8. & 2. In the nonuse variance notes on sheet 1 reference the appropriate City file number for each request: File No. CPC NV 15-00027 for the front setback variance and CPC NV 15-00028 to allow unparking vehicles to back across the property line. & 3. On sheet 3 revise the 25-foot side setback to a 25-foot rear setback (along the north property lines). & 4. As required by Engineering Development Review extend the improvements to Cragmor Village Road adjacent to the site along the north property line and extending to the driveway entries of the parking areas. If appropriate show a guardrail. & 5. Where Cragmor Village Road is adjacent to the south side of the site provide a minimum pavement width of 22 feet measured from the face of the curb on the north side (or past the angled parking) to either the edge of pavement or face of curb on the south side. & 6. Relocate the mailboxes for 23, 24 and 29 Cragmor Village Road to the west of the retaining wall (between the curb and the retaining wall). & 7. Provide side and rear elevations of the trash enclosure noting the height and materials. & 8. Note the height in feet of the highest portion of the roof (previously shown but deleted from revised plan). & 9. Revise the photometric drawing to reflect the reduced height of the exterior lights. & 10. On sheet 4 note the preservation area in the northeast portion of the site as a preservation area easement. Note that prior to the issuance of either a building or grading permit the preservation area shall be fenced off from the remainder of the site and shall remain in place during construction. & 11. Note that a 6-foot wide path shall be constructed from the west property line of the project to the existing sidewalk located at the intersection of Cragmor Village Road and Regent Circle. Note the location of the sidewalk shall be coordinated with UCCS and shall be completed prior to the issuance of the Certificate of Occupancy be approved. The motion passed by a vote of 9-0-0.

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

- 12.C.** [15-00270](#) Nonuse Variance Request Regarding Front Setback Requirements to allow a front setback of 10.11 feet where 25 feet is required adjacent to Cragmor Village Road.  
(Quasi-Judicial Matter)

Please see comments in agenda item 12.A.

**Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Planning Case to approve the nonuse variance to City Code Section 7.3.104 of the City Code to allow a front setback of 10.11 feet where 25 feet is required adjacent to Cragmor Village Road based on the finding the request complies with the review criteria in City Code Section 7.5.802.B. (Criteria for Granting a Nonuse Variance) be approved. The motion passed by a vote of 9-0-0.**

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

- 12.D.** [15-00271](#) Nonuse Variance Request Regarding Parking Requirements to allow 20 parking spaces that will allow the backing of vehicles across a property line adjacent to the public right-of-way of Cragmor Village Road.  
(Quasi-Judicial Matter)

Please see comments in agenda item 12.A.

**Motion by President Pro Tem Gaebler, seconded by Councilmember Strand, that the Planning Case to approve the nonuse variance to City Code Section 7.4.205.B**

of the City Code to allow 20 parking spaces that will allow the backing of vehicles across a property line adjacent to the public right-of-way of Cragmor Village Road based on the finding the request complies with the review criteria in City Code Section 7.5.802.B. (Criteria for Granting a Nonuse Variance) be approved. The motion passed by a vote of 9-0-0.

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

### 13. Added Item Agenda

There were no Added Agenda items.

### 14. Executive Session

There was not an Executive Session.

### 15. Adjourn

There being no further business to come before City Council, Council adjourned.

Sarah Johnson  
City Clerk