



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, April 28, 2015

1:00 PM

Council Chambers

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 Paul Peel from First Lutheran Church.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

Councilmember Knight requested agenda items 5.B.J. and 5.B.K. be pulled off the Consent Calendar.

4. Councilmember Comments

Councilmember Pico stated he rode with the Emergency Operations Center staff during the Palmer Park area evacuation drill last Saturday and thanked staff for the operation and the experience. Councilmember Pico encouraged everyone to have defensible space to protect their home in the event of a fire.

Councilmember Strand attended the Athena awards this morning and congratulated Lynne Telford from Care and Share on receiving the Athena Award.

Councilmember Gaebler mentioned Colorado College has started a fund raiser for the victims of the Nepal Earthquakes.

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.** [15-00166](#) Ordinance No. 15-25 amending Ordinance No. 14-101 (2015 Appropriation Ordinance) for a Supplemental Appropriation to the Pikes Peak - America's Mountain Fund in the amount of \$250,000 for the Summit Complex Project and to the General Fund in the amount of \$24,000 for the Acacia Park Ice Rink
Res/Ord Number: 15-25

The Ordinance was finally passed on the Consent Calendar.

- 5A.B.** [15-00209](#) Ordinance No. 15-26 Amending The Zoning Map Of The City Of Colorado Springs Relating To 15.42 Acres, Located Southwest Of Northgate Boulevard And Bass Pro Drive.
(Quasi-Judicial Matter)
Res/Ord Number: 15-26

The Ordinance was finally passed on the Consent Calendar.

5B. First Presentation:

- 5B.A.** [15-00264](#) City Council Meeting Minutes April 14, 2015

The Meeting Minutes were approved on the Consent Calendar.

- 5B.B.** [15-00267](#) City Council Special Session Meeting Minutes April 21, 2015

The Meeting Minutes were approved on the Consent Calendar.

- 5B.C.** [15-00202](#) Boards and Commissions

- 5B.D.** [15-00205](#) A resolution authorizing the acquisition of a portion of property owned by Gerald R. and Jacqueline V. Haag to be used for the Woodmen Road Corridor Improvements Project (Phase 2).

Res/Ord Number: 37-15

The resolution was adopted on the Consent Calendar.

- 5B.E.** [15-00206](#) A resolution authorizing the acquisition of a portion of property owned by Rodrigo and Cinthia Terrazas to be used for the Woodmen Road Corridor Improvements Project (Phase 2).

Res/Ord Number: 38-15

The resolution was adopted on the Consent Calendar.

- 5B.F.** [15-00219](#) A resolution authorizing the acquisition of a portion of property owned by Steven J. Brissette to be used for the Woodmen Road

Corridor Improvements Project (Phase 2).

Res/Ord Number: 39-15

The resolution was adopted on the Consent Calendar.

- 5B.G.** [15-00221](#) A resolution authorizing the acquisition of a portion of property owned by William A. Hadl to be used for the Woodmen Road Corridor Improvements Project (Phase 2).

Res/Ord Number: 40-15

The resolution was adopted on the Consent Calendar.

- 5B.H.** [15-00222](#) A resolution authorizing the acquisition of a portion of property owned by Herbert Fieberling to be used for the Woodmen Road Corridor Improvements Project (Phase 2).

Res/Ord Number: 41-15

The resolution was adopted on the Consent Calendar.

- 5B.I.** [15-00223](#) A resolution authorizing the acquisition of a portion of property owned by Delores Art to be used for the Woodmen Road Corridor Improvements Project (Phase 2).

Res/Ord Number: 42-15

The resolution was adopted on the Consent Calendar.

- 5B.L.** [15-00249](#) A minor amendment to the Flying Horse Master Plan (Quasi-Judicial Matter)

This agenda item was approved on the Consent Calendar.

- 5B.M.** [15-00248](#) An Ordinance 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

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

- 5B.N.** [15-00250](#) Flying Horse Parcel Number 36 - Molise Development Plan.
(Quasi-Judicial Matter)

This agenda item was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, 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.

6. Recognitions

- 6.A.** [15-00247](#) A Resolution Of The City Council Of The City Of Colorado Springs, Colorado, Proclaiming May 2015 To Be Historic Preservation Month. (Quasi-Judicial Matter)

Res/Ord Number: 43-15

Peter Wysocki, Planning and Development Director, thanked Council for their support of this resolution.

Katie Carleo, Planner, Planning and Development, provided information about the events scheduled to celebrate Historic Preservation Month. Council President Bennett recognized the Historic Preservation Board Members in attendance.

Motion by President Pro Tem Gaebler, seconded by Councilmember Strand, that the Resolution proclaiming May 2015 as Historic Preservation Month for the City of Colorado Springs be adopted. The motion passed by a vote of 9-0-0.

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

7. Citizen Discussion

Citizen Carl Strow spoke about corruption in the local government. Council President Bennett asked Mr. Strow to curtail his slanderous comments in future meetings. Mr. Strow will follow-up with Council President Bennett via email regarding this request.

Citizen Charles Barber spoke about the detrimental effect of snow tires on the City streets and the water drainage in the City.

Citizen Deborah Stout-Meiningner voiced her concerns about campaign finance and tax spending.

Citizen Jim Bensberg requested Council take a second look at a Parks Board decision to allow a horse trail in the Seven Falls and Broadmoor area. Councilmember Knight feels Mr. Bensberg should be allowed to file an appeal as he presented to the Parks department during the appropriate time-frame to file an appeal and was given erroneous information. Council President Bennett will meet with the City Attorney and follow-up with Mr. Bensberg. Bret Waters, Deputy Chief of Staff, stated he will meet with the Parks, Recreation and Cultural Services Department, a City Attorney and Council President Bennett and then follow-up with Mr. Bensberg.

Aubrey Day, Staff Member, Live Well Colorado Springs, urged Council to improve the transit system as a means of improving the health of local citizens.

Citizen George Borge spoke on behalf of the bus drivers' union about the failure of drivers to yield the right of way to buses according to the law. Mr. Waters stated he will contact Mr. Borge to further discuss this issue.

Citizen Charles Guy voiced concerns about City Councilmember pay rates and needed City Charter updates.

8. Mayor's Business

9. Items Called Off Consent Calendar

- 5B.J.** [15-00245](#) An Ordinance 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

Councilmember Knight explained he had this and item 5.B.K. pulled off the Consent Calendar because a citizen expressed concerns about the traffic at the intersection of Lexington and Bourdeaux, and he wanted to follow up on a Planning Commission recommendation that a traffic calming process be put in place.

Kathleen Krager, Transportation Manager, provided an overview of the existing traffic and potential traffic associated with the development. Ms. Krager also explained the evaluation process the Transportation department goes through when a problematic area is identified and what measures are used to deter undesirable traffic patterns which can include restricting traffic flow to one-way, speed humps and other measures. Ms. Krager stated one fatality accident occurred in the intersection, it involved a motorcyclist not wearing a helmet and was not indicative of a traffic problem with the intersection.

Motion 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

- 5B.K.** [15-00246](#) Lexington Crossing at Briargate PUD Development Plan (Quasi-Judicial Matter)

Please see comments in agenda item 5.B.J.

Motion that the Planning Case be approved . The motion passed by a vote of 9-0-0.

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

10. Utilities Business

There was no Utilities Business.

11. Unfinished Business

- 11.A.** [15-00211](#) Ordinance No. 15-27 amending the Zoning Map of the City of Colorado Springs relating 14.4 acres, located North of Barnes Road and West of Powers Boulevard.
(Quasi-Judicial Matter)

Res/Ord Number: 15-27

Councilmember Collins, asked if any Councilmembers went to the location and looked at the intersection and commented on the traffic flow, types of housing in the vicinity and lack of access to the open space to the North. Councilmember Collins also reiterated that two Planning Commission members abstained from voting on this for no reason stated.

Councilmember Knight expressed concern about the number of traffic lights in a short distance on Barnes Road as a result of this development.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Ordinance to approve the zone change from A/AO (Agriculture with Airport Overlay) to R-5/AO (Multi-family Residential with Airport Overlay) for the Barnes Center Apartments Filing No. 1 Plan, based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.B. be finally passed. The motion passed by a vote of 5-4-0.

Aye: 5 - Bagley, Bennett, Gaebler, King, and Strand

No: 4 - Collins, Knight, Murray, and Pico

12. New Business

There was no New Business.

13. Public Hearing

- 13.A.** [15-00217](#) An ordinance vacating a portion of First Street public right-of-way consisting of 4,356 square feet (.1 acres) located between Beech Avenue and Broadmoor Avenue.

(Legislative Matter)

Mike Schultz, Planner, Planning and Development, provided a brief overview of the proposal to vacate the right-of-way.

Councilmember King asked if there are other examples of similar requests where construction has already been completed within the right-of-way area. Mr. Schultz stated he has not researched that. Councilmember King suggested a request for a variance rather than a vacation may be a better choice in this situation. Mr. Schultz stated this option has been considered, but the property owners did not want to request a variance.

Councilmember Knight asked if the neighbors would have the opportunity to comment if the property owners choose to expand the dwelling if the vacation request is granted. Mr. Schultz stated surrounding property owners would not have the opportunity to respond to expansion plans if the vacation request is granted.

Councilmember Knight asked if the fence line is on the property, Mr. Schultz stated the fence line is on City property.

Councilmember Strand requested confirmation that five neighbors objected to the plan and asked about the waterline concern expressed by one of the neighbors. Mr. Schultz stated the City will retain a utility easement to protect the waterline in question.

Councilmember Pico requested confirmation that the house is already as large as permitted by the size of the lot, and confirmed the property owner already has plans to expand the house. Mr. Schultz confirmed this.

Discussion between Council and Mr. Schultz about the impact of this decision on the area continued.

John Maynard, representing the applicant, provided an overview of the request by the property owners for the vacation of the property.

Councilmember King asked why the property owners do not want to file a variance. Mr. Maynard stated the property owners' future plans will require several variances.

Les Gruen, Consultant representing the appellants, presented the

concerns of the surrounding property owners opposed to the plan.

Citizens Wendel Lowry, and R. ThayerTutt spoke in opposition of the proposal.

Motion by Councilmember King, seconded by Councilmember Knight, to deny the vacation of right-of-way application. The motion passed by a vote of 9-0-0.

**13.B. [15-00252](#) Dublin Towne Centre Annexation
(Legislative Matter)**

Meggan Herington, Planner, Planning and Development, provided an overview of the development plan and the proposed annexation request.

Council President Pro Tem Gaebler asked if the road will be built according to City requirements. Kathleen Krager, Transportation Manager, stated the road will be required to meet all City requirements.

Councilmember Pico asked if a traffic signal will be included in the plan. Ms. Krager stated a traffic signal will be located at Dublin and the "collector" street.

Renee Congdon with the City attorney's office explained the process for annexing property into the City.

Councilmember Collins stated she votes against annexations because she does not believe the City has the resources to support the property it has. Council President Pro Tem Gaebler stated she tends to agree with this, but in cases like this where services are already provided to the general area, it makes sense to annex the property.

Councilmember Knight suggested that if Council is against annexations, they should consider a moratorium.

Councilmember Pico stated this area is bringing in business and sales tax and is not going to be detrimental to the City budget.

Motion by President Pro Tem Gaebler, seconded by Councilmember Pico, to approve the Dublin Towne Centre Annexation, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203, subject to the conditions found in the City Planning Commission's Decision of Record, dated December 18, 2014. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

No: 1 - Collins

- 13.C.** [15-00253](#) A Resolution Adopting Findings Of Fact And Conclusions Of Law Based Thereon And Determining The Eligibility For Annexation Of Property Known As Dublin Towne Centre Annexation Hereinafter More Specifically Described In Exhibit "A".

(Legislative Matter)

Res/Ord Number: 44-15

Please see comments in agenda item 13.B.

Motion by President Pro Tem Gaebler, seconded by Councilmember Pico, that the Resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Dublin Towne Centre Annexation hereinafter more specifically described in Exhibit "A" be adopted. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

No: 1 - Collins

- 13.D.** [15-00255](#) An ordinance 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

Please see comments in agenda item 13.B.

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 approved on first reading. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

No: 1 - Collins

- 13.E.** [15-00256](#) An ordinance 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

Please see comments in agenda item 13.B.

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 approved on first reading. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

No: 1 - Collins

13.F. [15-00254](#) Dublin Towne Centre Concept Plan
(Quasi-Judicial Matter)

Please see comments in agenda item 13.B.

Motion by President Pro Tem Gaebler, seconded by Councilmember Pico, that the Dublin Towne Centre Concept Plan based upon the findings that the concept plan meets the review criteria for concept plans as set forth in City Code Section 7.5.501, subject to the technical modifications found in the City Planning Commission's Decision of Record, dated December 18, 2014 be approved. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

No: 1 - Collins

14. Added Item Agenda

There were no Added Agenda Items.

15. Executive Session

There was not an Executive Session.

16. Adjourn

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

William Powell
Deputy City Clerk