



City of Colorado Springs

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

Meeting Minutes - Final City Council

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Tuesday, August 9, 2016

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 Courtney Wright, Church for All Nations.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

There were no changes to the agenda.

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. [CPC ZC
16-00048](#)**

Ordinance No. 16-75 amending the zoning map of the City of Colorado Springs relating to 4.23 acres located at 5520 and 5540 North Nevada Avenue from OC/CR (Office Complex with Conditions of Record) to PUD (Planned Unit Development: Commercial and Large Animal Veterinary Service, up to 47,500 square feet with a 45-foot maximum building height).

(Quasi-Judicial)

Presenter:

Conrad Olmedo, Planner II, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Res/Ord Number: 16-75

The ordinance was finally passed on the Consent Calendar.

4A.B. [CPC ZC
16-00058](#)

Ordinance No. 16-76 amending the zoning map of the City of Colorado Springs pertaining to .96 acre located at the northwest corner of North Cascade Avenue and West Van Buren Street from R-1 6000 (Single-family Residential) and M-1 (Light Industrial) to R-5 (Multi-family Residential).

(Quasi-Judicial)

Related File: CPC DP 16-00059

Presenter:

Michael Schultz, Principal Planner, Planning and Community Development

Peter Wysocki, Director, Planning and Community Development

Res/Ord Number: 16-76

The ordinance was finally passed on the Consent Calendar.

4A.C. [CPC PUZ
16-00051](#)

Ordinance No. 16-77 amending the zoning map of the City of Colorado Springs pertaining to 18 acres located to the northwest of the New Life Drive and Voyager Parkway intersection from PUD/A/CR (Planned Unit Development and Agricultural with Conditions of Record) to PUD (Planned Unit Development: Multi-Family Residential, 15.58 dwelling units per acre, 40-foot height maximum).

(Quasi-Judicial)

Related Items - CPC MP 04-00254-A4MN16, CPC MP 05-00095-A1MN16, CPC PUP 16-00052

Presenter:

Daniel Sexton, Senior Planner, Planning and Community Development

Peter Wysocki, Planning and Community Development Director

Res/Ord Number: 16-77

The ordinance was finally passed on the Consent Calendar.

4A.D. [CPC ZC
16-00022](#)

Ordinance No. 16-78 amending the zoning map of the City of Colorado Springs relating to 2.95 acres located north of the

intersection of Elkton Drive and Chestnut Street from R/HS (Estate Single-family residential with Hillside Overlay) to PBC/CR/HS (Planned Business Center with Conditions of Record and Hillside Overlay)

(Quasi-Judicial)

Related File: CPC DP 16-00023

Presenter:

Hannah Van Nimwegen, Planner II, Planning and Community Development Department

Peter Wysocki, Planning Director

Res/Ord Number: 16-78

The ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [16-499](#) City Council Meeting Minutes July 26, 2016

Presenter: Sarah Johnson, City Clerk

The Meeting Minutes were approved on the Consent Calendar.

4B.B. [16-505](#) Appointments to Boards and Commissions

Presenter:

Jacquelyn Puett, Assistant to Council

This item was approved on the Consent Calendar.

4B.C. [16-453](#) Ordinance No. 16-79 amending Section 302 (Classification and Occupation Tax Established) of Part 3 (Occupation Tax on Liquors) of Article 5 (Alcohol Beverages) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Lodging and Entertainment Licenses

Presenter:

Sarah Johnson, City Clerk

Res/Ord Number: 16-79

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

- 4B.D.** [16-454](#) A resolution amending the Liquor and Beer Licensing Board Rules of Procedure and accepting and adopting the fees for Lodging and Entertainment License set forth in the Colorado Liquor Code

Presenter:
Sarah Johnson, City Clerk
Res/Ord Number: 78-16

The resolution was adopted on the Consent Calendar.

- 4B.E.** [16-460](#) A resolution authorizing the disposal of surplus city-property to WH Capital, LLC as the one logical, potential purchaser

Presenter:
Mike Chaves, P.E., Engineering Manager
Aaron Egbert, P.E., Senior Civil Engineer
Res/Ord Number: 79-16

The resolution was adopted on the Consent Calendar.

- 4B.F.** [16-461](#) A resolution approving an Intergovernmental Agreement with the Colorado Department of Transportation (CDOT) for the funding of the Platte Avenue Bridge Project over Sand Creek.

Presenter:
Mike Chaves, P.E., CIP Engineering Manager
Aaron Egbert, P.E., Senior Engineer
Res/Ord Number: 80-16

The resolution was adopted on the Consent Calendar.

- 4B.G.** [16-485](#) Ordinance No. 16-80 amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the Public Safety Sales Tax (PSST) Fund in the amount of \$3,200,000 for Public Safety Projects

Presenter:
Kara Skinner, Chief Financial Officer
Res/Ord Number: 16-80

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

- 4B.H.** [16-486](#) The City Clerk reports that on July 13, 2016 there was filed with her a petition for the annexation of Hartsuiker Annexation. The City Clerk

herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1) .

Presenter:
Sarah B. Johnson, City Clerk

This Informational Report was received on the Consent Calendar.

- 4B.I.** [16-487](#) The City Clerk reports that on May 18, 2016 there was filed with her a petition for the annexation of Bowen Addition Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1) .

Presenter:
Sarah B. Johnson, City Clerk

This Informational Report was received on the Consent Calendar.

- 4B.J.** [16-491](#) Ordinance No. 16-81 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 and the Revolving Promissory Note of the City relating thereto; and providing matters relating thereto

Presenter:
Bill Cherrier, Chief Planning and Finance Officer, Colorado Springs Utilities
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities
Res/Ord Number: 16-81

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

- 4B.K.** [16-492](#) Ordinance No. 16-82 of the City of Colorado Springs, Colorado approving and authorizing the execution and delivery of the Standby Bond Purchase Agreement among the City of Colorado Springs, Colorado, Wells Fargo Bank, National Association, as Tender Agent, and Landesbank Hassen-Thuringen Girozentrale, the Standby Letter of Credit and Reimbursement Agreement between the City of Colorado Springs, Colorado and Sumitomo Mitsui Banking Corporation, the Fee Agreements between the City of Colorado Springs, Colorado and such banking organizations, and the Official Statements for the Utilities System Revenue Bonds previously issued by the City to which the agreements relate; ratifying certain action heretofore taken

Presenter:
Bill Cherrier, Chief Planning and Finance Officer, Colorado Springs
Utilities
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities
Res/Ord Number: 16-82

This Ordinance 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, Murray, Pico, and Strand

5. Recognitions

There were no Recognitions.

6. Citizen Discussion

Citizen Gerald Miller expressed concern about conditions in his neighborhood involving illegal business operations and alleged drug dealers.

Citizen Larry Small, Executive Director of the Fountain Creek Watershed Flood Control and Greenway District, provided a copy of a letter from the district requesting financial support until the District can establish itself. The funding received through the agreement is mandated for required work and does not go toward administrative costs. Councilmember Knight requested additional information about the district's budget and costs. Mr. Small discussed the financial needs and obligations of the district. Council President Bennett suggested this request be referred to Kara Skinner, CFO, to be considered in the 2017 budget

Citizen David Hughes spoke about the Coronado High School Homecoming Parade being cancelled due to required City administrative costs. Bret Waters, Deputy Chief of Staff, will follow-up on this concern.

Citizen Deborah Stout-Meininger spoke about corruption in the City government.

Citizen Jaymen Johnson requested Council procedure be changed to allow citizens to comment after all Councilmembers have had the opportunity to speak.

7. Mayor's Business

There was not any Mayor's Business.

8. Items Called Off Consent Calendar

There were no items called off the Consent Calendar.

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

There was no Unfinished Business.

11. New Business

- 11.A. [16-467](#) Ordinance No. 16-83 creating a new Appendix P (Indoor Flora Grow Operations in Residential Occupancies) to Chapter 8, Article 4, Part 1, Section 105 of the Code of the City of Colorado Springs 2001, as amended.

Presenter:

Ted Collas, Interim Fire Chief, CSFD

Brett Lacey, Fire Marshal, CSFD

Res/Ord Number: 16-83

Brett Lacey, Fire Marshal, stated a couple of formatting/typographical errors to the document have been corrected.

There were no Councilmember questions or comments on this item.

Citizen Bridget Seritt spoke in opposition of the square foot limitation included in this ordinance.

Motion by Councilmember Murray, seconded by Councilmember Bagley, 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

- 11.B. [CPC CA 16-00073](#) Ordinance No. 16-84 amending Section 206 (Parking Exempt Districts) of Part 2 (Off-street Parking Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Old Colorado City Parking Exempt District.

(Legislative)

Presenter:

Michael Turisk, Planner II, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

Res/Ord Number: 16-84

Michael Turisk, Planner II, stated City Engineering has developed a plan to reduce Colorado Ave. to two lanes and install diagonal parking through this area.

There were no Councilmember questions or comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the ordinance amending Section 206 (Parking Exempt Districts) of Part 2 (Off-street Parking Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the Old Colorado City Parking Exempt District 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

11.C. [CPC A
14-00131-1](#)

Ordinance No. 16-85 annexing to the City of Colorado Springs that area known as Colorado Springs Airport Filing 1 located southwest of Space Village Drive and Marksheffel Road consisting of 31.158 acres.

(Legislative)

Related files: CPC A 14-00131-1, CPC A 14-00131-2, CPC A 14-00131-3, CPC ZC 14-00132-1, CPC ZC 14-00132-2, CPC ZC 14-00132-3

Presenter:

Mike Schultz, AICP, Principal Planner
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

Res/Ord Number: 16-85

There were no questions or comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the ordinance annexing the Colorado Springs Airport Annexation Filing 1 based upon the findings that the annexation complies with the Conditions for Annexation as set forth in the Colorado Municipal Annexation Act of 1965 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

11.D. [CPC A
14-00131-2](#)

Ordinance No. 16-86 annexing to the City of Colorado Springs that area known as Colorado Springs Airport Filing 2 located between Highway 94 and Air Lane and consisting of 18.89 acres.

(Legislative)

Related Files: CPC A 14-00131-1, CPC A 14-00131-2, CPC A 14-00131-3, CPC ZC 14-00132-1, CPC ZC 14-00132-2, CPC ZC 14-00132-3

Presenter:

Mike Schultz, AICP, Principal Planner
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

Res/Ord Number: 16-86

There were no questions or comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the ordinance annexing the Colorado Springs Airport Annexation Filing 2 based upon the findings that the annexation complies with all of the Conditions for Annexation as set forth in the Colorado Municipal Annexation Act of 1965 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

- 11.E. [CPC A 14-00131-3](#) Ordinance No. 16-87 annexing to the City of Colorado Springs that area known as Colorado Springs Airport Filing 3 located southeast of Highway 24 and the Powers Boulevard intersection and consisting of 47.484 acres.

(Legislative)

Related Files: CPC A 14-00131-1, CPC A 14-00131-2, CPC A 14-00131-3, CPC ZC 14-00132-1, CPC ZC 14-00132-2, CPC ZC 14-00132-3

Presenter:

Mike Schultz, AICP, Principal Planner
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

Res/Ord Number: 16-87

There were no questions or comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Pico, that the ordinance annexing the Colorado Springs Airport Annexation Filing 3 based upon the findings that the annexation complies with all of the Conditions for Annexation as set forth in the Colorado Municipal Annexation Act of 1965 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

- 11.F. [CPC ZC 14-00132-1](#) Ordinance No. 16-88 amending the Zoning Map of the City of Colorado Springs relating to 31.158 acres located southwest of Space

Village Drive and Marksheffel Road establishing the APD/AO/APZ-1/APZ-2 (Airport Planned District with Airport Overlay and Accident Potential Subzones 1 and 2 Overlay) zone district.

(Legislative)

Related Files: CPC A 14-00131-1, CPC A 14-00131-2, CPC A 14-00131-3, CPC ZC 14-00132-1, CPC ZC 14-00132-2, CPC ZC 14-00132-3

Presenter:

Mike Schultz, AICP, Principal Planner
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

Res/Ord Number: 16-88

There were no questions or comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Pico, that the ordinance amending the zoning map of the City of Colorado Springs relating to 31.158 acres located southwest of Space Village Drive and Marksheffel Road establishing the APD/AO/APZ-1/APZ-2 (Airport Planned District with Airport Overlay and Accident Potential Subzones 1 and 2 Overlay) zone district, based upon the findings that the zoning request complies with the three (3) criteria for establishment of a zone district as set forth in City Code Section 7.5.603 be approved on first reading. The motion passed by a vote of 8-1-0

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

No: 1 - Knight

11.G. [CPC ZC 14-00132-2](#)

Ordinance No. 16-89 amending the Zoning Map of the City of Colorado Springs relating to 18.89 acres located between State Highway 94 and Air Lane establishing the APD/AO/APZ-2 (Airport Planned District with Airport Overlay and Accident Potential Subzone 2 Overlay) zone district.

(Legislative)

Related Files: CPC A 14-00131-1, CPC A 14-00131-2, CPC A 14-00131-3, CPC ZC 14-00132-1, CPC ZC 14-00132-2, CPC ZC 14-00132-3

Presenter:

Mike Schultz, AICP, Principal Planner
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

Res/Ord Number: 16-89

There were no questions or comments on this item.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the ordinance amending the zoning map of the City of Colorado Springs relating to 18.89 acres located between State Highway 94 and Air Lane establishing the APD/AO/APZ-2 (Airport Planned District with Airport Overlay and Accident Potential Subzone 2 Overlay) zone district, based upon the findings that the zoning request complies with the three (3) criteria for establishment of a zone district as set forth in City Code Section 7.5.603 be approved on first reading. The motion passed by a vote of 8-1-0

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

No: 1 - Knight

- 11.H. CPC ZC 14-00132-3** Ordinance No. 16-90 amending the Zoning Map of the City of Colorado Springs relating to 47.484 acres located southeast of Highway 24 and the Powers Boulevard intersection establishing the APD/AO/APZ-1 (Airport Planned District with Airport Overlay and Accident Potential Subzone 1 Overlay) zone district..

(Legislative)

Related Files: CPC A 14-00131-1, CPC A 14-00131-2, CPC A 14-00131-3, CPC ZC 14-00132-1, CPC ZC 14-00132-2, CPC ZC 14-00132-3

Presenter:

Mike Schultz, AICP, Principal Planner
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

Res/Ord Number: 16-90

There were no questions or comments on this item.

Motion by Councilmember Murray, seconded by Councilmember Pico, that the ordinance amending the zoning map of the City of Colorado Springs relating to 47.484 acres located southeast of Highway 24 and the Powers Boulevard intersection establishing the APD/AO/APZ-1 (Airport Planned District with Airport Overlay and Accident Potential Subzone 1 Overlay) zone district, based upon the findings that the zoning request complies with the three (3) criteria for establishment of a zone district as set forth in City Code Section 7.5.603 be approved on first reading. The motion passed by a vote of 8-1-0

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

No: 1 - Knight

- 11.I. [CPC CA 16-00008](#)** An Ordinance repealing and reordaining Section 906 (Appeals) of Part 9 (Notice, Hearings and Appeals) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to appeals.

(Legislative)

Presenter:

Peter Wysocki, Planning and Community Development Director
Carl Schueler, Comprehensive Planning Manager, Planning &
Development Department

Carl Scheuler, Comprehensive Planning Manager, explained there are a couple of versions of this ordinance included in the Councilmember packets and reviewed some of the changes to the document based on requests made by Council at a previous Council Work Session.

Citizen Kyle Campbell, on behalf of the HBA, spoke in support of version A of this document and about the importance of Council respecting the recommendations of volunteer groups selected to advise Council.

Councilmember Knight stated version A of the ordinance being considered today has been changed on the recommendation of the HBA and CONO and asked Mr. Campbell if he is endorsing this document with those changes. Mr. Campbell stated he is endorsing the document as approved by the Planning Commission.

Council discussed the versions of the document with Mr. Campbell and considered multiple options regarding this decision.

Councilmember Pico stated he would like to see this item reviewed by the Code Scrub Committee prior to Council making a decision.

Peter Wysocki, Planning and Community Development Director, explained version A is the latest recommendation of the Planning Commission. Version B is the result of Council requests made in the work session and has been approved by the Parks Department.

Council President Pro Tem Gaebler stated she can support the delay, if the ordinance goes to the Code Scrub Committee and Planning Commission without Council interference.

Councilmember Pico requested changes to the final document be made very clear when it returns to Council for a decision.

Council President Bennett stated he would like to see this come back to Council within 60 days. Councilmembers discussed the procedure that should be followed regarding seeking the assistance of subject matter

experts.

Motion by Councilmember Knight, seconded by Councilmember Murray, to postpone this item indefinitely. This item is to return to Council within 60 days after reconsideration by the Code Scrub Committee and the Planning Commission. 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

There was not a Public Hearing.

13. Added Item Agenda

There were no items added to the agenda.

14. Executive Session

There was not an Executive Session.

15. Adjourn

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

William Powell, Deputy City Clerk