



# 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, January 27, 2015

1:00 PM

Council Chambers

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### 1. Call to Order

**Present:** 9 - Councilmember Larry Bagley, President Pro Tem Merv Bennett, Councilmember Helen Collins, Councilmember Jill Gaebler, President Keith King, Councilmember Don Knight, Councilmember Jan Martin, Councilmember Andy Pico, and Councilmember Val Snider

### 2. Invocation and Pledge of Allegiance

The Invocation was led by Phil Steiger, Living Hope Church.

The Pledge of Allegiance was led by Council President King.

### 3. Changes to Agenda/Postponements

Eileen Gonzalez, City Council Administrator, stated there has been an Added Agenda Item related to agenda item 11.G. This item was posted at 3:01 pm yesterday and can be discussed after 3:01 pm today.

### 4. Councilmember Comments

There were no Councilmember Comments.

### 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. 15-0005**

Ordinance No. 15-1 amending the Zoning Map of the City of Colorado Springs relating to 4.59 acres located northwest of the Cowpoke Road and Dry Needle Place intersection and immediately east of the Canary Circle and Loftwood Road intersection

(Quasi-Judicial Matter)

Res/Ord Number: 15-1

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

- 5A.B. 15-0017** Ordinance No. 15-2 vacating a portion of public alley rights-of-way consisting of 2,405 square feet located south of East Colorado Avenue and east of South Corona Street  
(Legislative Matter)  
Res/Ord Number: 15-2

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

- 5A.C. 15-0015** Ordinance No. 15-3 vacating a portion of public alley rights-of-way consisting of 15,554 square feet located south of East Pikes Peak Avenue and west of South Prospect Street  
(Legislative Matter)  
Res/Ord Number: 15-3

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

- 5A.D. 15-0013** Ordinance No. 15-4 amending the zoning map of the City of Colorado Springs relating to 0.5 acre located west of Commerce Center Drive and south of Tudor Road  
(Quasi-Judicial Matter)  
Res/Ord Number: 15-4

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

- 5A.E. 15-0021** Ordinance No. 15-5 amending the zoning map of the City of Colorado Springs relating to the Tutt Boulevard and Sopresa Lane intersection  
(Quasi-Judicial Matter)  
Res/Ord Number: 15-5

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

**5B. First Presentation:**

- 5B.B. 15-0042** Ordinance No. 15-10 amending the zoning map of the City of Colorado Springs relating to 7.71 acres located in the northeastern corner of the Banning Lewis Ranch, south of Woodman Road and south of Rolling Thunder Way.  
(Quasi-Judicial Matter)  
Res/Ord Number: 15-10

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

- 5B.C. 15-0045** Bradley Heights Amendment to the Banning Lewis Ranch Master

Plan, Bradley Heights PUD Zone Change and Concept Plan  
(Quasi-Judicial Matter)

**This agenda item was approved on the Consent Calendar.**

**5B.D. 15-0043**

Ordinance No. 15-11 amending the zoning map of the City of Colorado Springs relating to 529.45 acres located at the southwest corner of the Bradley Road and Marksheffel Road intersection in the southern portion of Banning Lewis Ranch.  
(Quasi-Judicial Matter)

Res/Ord Number: 15-11

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

**5B.E. 15-0044**

Bradley Heights Amendment to the Banning Lewis Ranch Master Plan, Bradley Heights PUD Zone Change and Concept Plan  
(Quasi-Judicial Matter)

**This agenda item was approved on the Consent Calendar.**

### **Approval of the Consent Agenda**

**Motion by President Pro Tem Bennett, seconded by Councilmember Martin, 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, Martin, Pico, and Snider

## 6. Recognitions

There were no Recognitions.

## 7. Citizen Discussion

Citizen Carl Strow spoke about corruption in the local government.

Citizen Spencer Stringham with Advance Patrol Security, spoke about the slow actions of Council to make his requested changes to the Private Security Officer License on the ability of licensed security officers to carry concealed weapons. Mr. Stringham stated no other city in Colorado prohibits licensed security officers from carrying concealed weapons while on duty. Councilmember Pico reminded Mr. Stringham that Council decided yesterday in the work session to bring this issue back to a meeting in April.

Citizen K.C. Stark spoke about zone changes for a marijuana social club that were promised two years ago that have yet to happen.

Councilmember Gaebler responded that she has been in contact with

Mr. Stark about this issue and assured Mr. Stark the CSPD and the Zoning Department are working on this and that he will be kept informed of the decisions made.

Citizen Lisa Dell'Amoré spoke about the Helen Collins recall, requesting Council not set the election date for the recall election until after the expiration of the 40 day protest period.

Citizen Walter Lawson spoke about Colorado Springs offering advanced telecommunications services as a utility which he feels is crucial to attracting economic development to our community. Councilmember Knight reminded Mr. Lawson that they have talked about this and it is not valid to say the City is not doing anything about this. Discussions have taken place about adding high speed internet as a City provided service and the required private company partnership to achieve that goal. Councilmember Pico stated he does not agree the City should provide internet service.

Citizens Judy Lenberg and Rita Ague spoke in opposition of the City granting a revocable permit to their neighbor, allowing them to build a concrete wall on Wheeler Avenue. This is agenda item 13.C.

Citizen Robert Blancken stated he has submitted a letter of intent to file a protest on the City Council District 4 recall petition and requested Council delay the vote to put this on the ballot. Councilmember Bennett explained that the vote today is to set a date for the item to go to ballot as required by the City Charter. Councilmember Bennett stated he does not believe Councilmember Collins has done anything wrong.

## 8. Mayor's Business

Steve Cox, Chief of Staff thanked the public for attending and participating in the Mayor's recent public forums.

## 9. Items Called Off Consent Calendar

### **5B.A. 15-00109** City Council Regular Meeting Minutes January 13, 2015

Councilmember Knight stated he had this item pulled off the Consent Calendar because one of his votes had been recorded wrong. The requested correction has been made and the minutes have been republished.

**Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that**

the Minutes be approved. The motion passed by a vote of 9-0-0.

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Martin, Pico, and Snider

## 10. Utilities Business

**10.A. 15-0037** A Resolution Setting the Gas Cost Adjustment effective February 1, 2015

Res/Ord Number: 7-15

Councilmember Bennett reminded the audience this is a gas rate reduction for all CSU customers.

Councilmember Knight added CSU is passing on their saving to the customers as a city owned utility.

**Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Resolution be adopted. The motion passed by a vote of 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Martin, Pico, and Snider

## 11. Unfinished Business

**11.A. 15-0010** Ordinance No. 15-6 annexing to the City of Colorado Springs that area known As Dusty Hills Annexation as hereinafter specifically described in Exhibit "A"  
(Legislative Matter)

Res/Ord Number: 15-6

Councilmember Collins stated she does not support annexations because the City cannot support the property it has.

**Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Ordinance for the Dusty Hills 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 be finally passed. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

**No:** 1 - Collins

**11.B. 15-0011** Ordinance No. 15-7 amending the zoning map of the City of Colorado Springs relating to 27.74 acres located north of Woodmen Road and east and south of Woodmen Court  
(Legislative Matter)

Res/Ord Number: 15-7

Councilmember Collins stated she does not support this annexation because neighbors in the area expressed concerns about the increased

traffic as a result of the development.

**Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Ordinance to approve the establishment of the PUD/HS (Planned Unit Development: Detached Single Family Residential, 0.83 Dwelling Units Per Acre, 35-Foot Maximum Building Height with Hillside 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) and the criteria for the establishment and development of a PUD zone as set forth in City Code Section 7.3.603 be finally passed. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

**No:** 1 - Collins

- 11.C. 15-0026** Ordinance No. 15-8 annexing to the City of Colorado Springs that area known as Dublin North 1D Annexation as hereinafter specifically described in Exhibit "A"  
(Legislative Matter)

Res/Ord Number: 15-8

There were no questions or comments on agenda item 11.C.

**Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Ordinance to approve the Dublin North 1D Annexation, based upon the finding that the annexation complies with the findings of City Code Section 7.6.203, subject to the conditions and technical and/or informational modifications found in the City Planning Commission's Decision of Record, dated September 18, 2014 be finally passed. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

**No:** 1 - Collins

- 11.D. 15-0028** Ordinance No. 15-9 amending the zoning map of the City of Colorado Springs relating to 5.0 acres located northwest of the Dublin Boulevard and Sandyford Lane intersection, south of Vickie Lane  
(Legislative Matter)

Res/Ord Number: 15-9

There were no questions or comments on agenda item 11.D.

**Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Ordinance to approve the establishment of the PUD/AO (Planned Unit Development: Detached Single-Family Residential, maximum density 5.66 dwelling units per acre, maximum building height of 30 feet, with Airport Overlay) zone district, based upon the finding that the change complies with the zone change criteria found in City Code Section 7.5.603.B and the PUD establishment criteria found in City Code Section 7.3.603 be finally passed. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

**No:** 1 - Collins

- 11.E. 14-0732** An ordinance submitting a charter amendment to the electors of the City for the general municipal election to be held April 7, 2015, relating to transparent budget preparation, appropriation, and budget administration matters, providing for the form of ballot title, providing for certain matters with respect to the election and providing the effective date of this ordinance.

Councilmember Knight stated that Council discussion in a previous work session determined this is an issue that will likely change under the new Mayor's leadership. Councilmember Knight stated he has reached out to the Mayoral candidates and they are all agreeable to the 12 budget departments included in this ordinance. Councilmember Gaebler thanked Councilmember Knight for reaching out to the mayoral candidates regarding this issue.

**Motion by Councilmember Knight, seconded by Councilmember Martin, that the Ordinance be postponed indefinitely. The motion passed by a vote of 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Martin, Pico, and Snider

- 11.F. 14-0341** Ordinance No. 15-12 submitting charter amendments to the electors of the city for the general municipal election to be held April 7, 2015 relating to City Council direction and supervision of Auditor and legislative employees

Res/Ord Number: 15-12

Councilmember Knight confirmed this ordinance has been amended to include the phrase, "in lieu of the Mayor", as discussed in the work session yesterday.

**Motion by Councilmember Knight, seconded by President Pro Tem Bennett, that the Ordinance as amended with the addition of "in lieu of Mayor" in Section 3, 5th line, after "city council..", be approved on first reading. The motion passed by a vote of 9-0-0.**

**Aye:** 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Martin, Pico, and Snider

- 11.G. 14-0470** A Resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the General Municipal Election to be held on Tuesday, April 7, 2015, the question of issuing Sales and Use Tax Revenue bonds of the City without raising taxes or imposing a new fee, in the maximum principal amount of \$160,000,000 for the purpose of financing capital improvements; providing for the form of the ballot title and text; providing for certain matters with respect to the election; and, providing the effective date of this resolution

Council President King stated there are a few versions of this proposal; the Mayor's proposal will be presented first, then the alternate presented by Councilmember Gaebler, then the one included in the Added Item

Agenda.

Steve Cox, Chief of Staff, clarified the request today is for Council to place this on the ballot to allow citizens to vote on the bond issue. Mr. Cox provided a brief overview of the proposal presented by the executive branch. Police Chief Peter Carey, Fire Chief Christopher Riley, Public Works Director Travis Easton, Corey Farkas Streets Division Manager, Tim Mitros, Development Review and Stormwater Manager, Karen Palus Parks, Recreation and Cultural Services Director, provided brief summaries of the needs of their departments.

Citizens Charles Barber, Barry Freeman, John Hawk, Lindsey Dean, Henry Allen, Jeff Moser, Susan Davies, John Cassiani, Joseph Rottenbacher, Patrick Malfitano, and Angela Dougan spoke in support of the SCIP Bond proposal.

Citizens Michael Tozier, and Walter Lawson spoke in opposition of the SCIP Bond proposal.

Councilmember Collins urged the City to prioritize projects and stated she does not support this proposal because she cannot support borrowing money.

Council President King stated he thinks the proposal could be restructured in a way to save money, speaking against the reserve fund being used to make bond payments in the event of the City not having enough money to make the bond payments adding he is in favor of a more pay as you go option. He will not be supporting this proposal.

**Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that the Resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the General Municipal Election to be held on Tuesday, April 7, 2015, the question of issuing sales and use tax revenue bonds of the City without raising taxes or imposing a new fee, in the maximum principal amount of \$160,000,000 for the purpose of financing capital improvements; providing for the form of the ballot title and text; providing for certain matters with respect to the election; and, providing the effective date of this resolution be adopted. The motion failed by a vote of 2-7-0.**

**Aye:** 2 - Bagley, and Bennett

**No:** 7 - Collins, Gaebler, King, Knight, Martin, Pico, and Snider

Kara Skinner, CFO, provided a summary of Councilmember Gaebler's amended proposal discussed in the Council Work Session yesterday.



Councilmember Pico stated this proposal is marginally better than the other proposal and added that the general budget allocations for streets, public safety and other departments have increased over the past couple of years. He does not support going into debt for this amount of money to address these needs.

**Motion by Councilmember Gaebler, seconded by President Pro Tem Bennett, that the Resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the General Municipal Election to be held on Tuesday, April 7, 2015, the question of issuing sales and use tax revenue bonds of the City without raising taxes or imposing a new fee, in the maximum principal amount of \$160,000,000 for the purpose of financing capital improvements; providing for the form of the ballot title and text; providing for certain matters with respect to the election; and, providing the effective date of this resolution with an amendment to change the projects funded to shift \$3,000,000 per year from street projects to storm water projects be adopted. The motion failed by a vote of 4-5-0.**

**Aye:** 4 - Bagley, Bennett, Gaebler, and Knight

**No:** 5 - Collins, King, Martin, Pico, and Snider

Councilmember Knight stated he inadvertently voted for this item and requested the opportunity to change his vote.

**Motion by Councilmember Pico, seconded by Councilmember Snider, to reconsider the second vote of agenda Item 11.G. The motion to reconsider passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

**No:** 1 - Collins

**Motion by Councilmember Gaebler, seconded by President Pro Tem Bennett, that the Resolution submitting to the registered qualified electors of the City of Colorado Springs, Colorado, at the General Municipal Election to be held on Tuesday, April 7, 2015, the question of issuing sales and use tax revenue bonds of the City without raising taxes or imposing a new fee, in the maximum principal amount of \$160,000,000 for the purpose of financing capital improvements; providing for the form of the ballot title and text; providing for certain matters with respect to the election; and, providing the effective date of this resolution with an amendment to change the projects funded to shift \$3,000,000 per year from street projects to storm water projects be adopted. The motion failed by a vote of 3-6-0.**

**Aye:** 3 - Bagley, Bennett, and Gaebler

**No:** 6 - Collins, King, Knight, Martin, Pico, and Snider

## 12. New Business

### 12.A. 15-00108

A resolution ordering a recall election to be held on the general municipal election on April 7, 2015, in accord with Colorado Springs

City Charter section 12-60(a)(1), providing for the form of ballot, providing for certain matters with respect to the election, and providing the effective date of this resolution

Res/Ord Number: 9-15

Britt Haley, Corporate Division Chief in the Office of the City Attorney, explained the City Charter requires Council to set an election date for the recall, adding the April 7, 2015 election meets the Charter requirements.

Ms. Haley stated the ballots can go out with the recall question, if a protest is filed that invalidates the petition, the ballot question would no longer be active and the results would not be released. Ms. Haley stated there may also be a court order the City would be required to follow.

Council President King asked what would happen if Council failed to set an election date. Ms. Haley stated the City Charter requires Council to do this by law and a court order for Council to follow the requirements of the City Charter could be issued.

Councilmember Pico asked what would happen if Council delays setting the ballot date. Ms. Haley stated this again, could result in a court order for Council to follow the requirements of the City Charter. Ms. Haley added the end of the protest period is February 17, 2015, ballots need to be sent out by February 20, 2015 for the planned election, delaying this action would not allow time for the ballots to be printed prior to the mailing date. Also, military ballots need to be mailed out before February 20, 2015 per Federal Law.

Councilmember Knight questioned the validity of the petition circulators on the basis of the City Charter requiring circulators to be residents of the City and the comments in the Supreme Court case that indicated that a residency requirement might be upheld. Ms. Haley stated there is another case that happened after that one was decided which addressed the residency requirement, finding it unconstitutional.

Citizen Sheryl Glasgow mentioned a law in the State Constitution requiring petition signatures be collected by State residents and read a statement from a third party vendor stating the petition verification was flawed and exhibits multiple errors, suggesting a protest should be filed.

Citizen Michael Tozier spoke in support of Councilmember Collins.

Councilmember Collins stated she has 40 days to file a protest, questions the amount paid to the circulators and the reasoning behind the recall.

Council President King asked about the language in the City Charter and the other Charter language that has been overruled by the Supreme Court. Ms. Haley stated she believes the Colorado Springs City Charter language would be similar enough to the City of Arvada's language that was struck down on constitutional grounds.

Council President King asked what will happen if Council fails to vote to put this on a ballot. Ms. Haley reiterated that the City Charter language requires Council to place this on the ballot.

Councilmember Martin stated Pueblo is currently going through a similar situation and the votes will not be counted. She added that she is not willing to risk spending the estimated \$200,000 to \$300,000 of City money on a special election by not placing this on the April 7, 2015 ballot.

Councilmember Knight asked additional questions about the circulator requirements and the City Charter. Ms. Haley explained the requirements. Councilmember Knight stated he will vote to place this on the ballot, and endorsed Councilmember Collins adding he will financially support her campaign.

Councilmember Gaebler stated she supports saving the expense and placing this on the April 7, 2015 ballot.

Councilmember Pico asked if the Charter specifies a required time-frame to set the election date. Ms. Haley stated there is not a specific time to set the election date but that the election must take place within the previously stated time frame. Councilmember Pico stated he supports waiting until the timeframe to file a protest is done to set the ballot date. Councilmember Pico endorsed and supported Councilmember Collins.

Councilmember Collins repeated she has 40 days to protest this and disagreed with the estimated cost to place this on a special election ballot.

Council President King stated this is a difficult situation and he appreciates the Councilmember Collins attitude in handling this situation. He understands Council must set a date to put this on the ballot and commended Councilmember Collins on the job she has done representing her district.

**Motion by President Pro Tem Bennett, seconded by Councilmember Martin, that the Resolution ordering a recall election to be held on the general municipal election on April 7, 2015, in accord with Colorado Springs City Charter section 12-60(a)(1), providing for the form of ballot, providing for certain matters with respect to the election, and providing the effective date of this resolution be adopted. The motion passed by a vote of 7-2-0.**

**Aye:** 7 - Bagley, Bennett, Gaebler, King, Knight, Martin, and Snider

**No:** 2 - Collins, and Pico

**12.B. 15-0031** A resolution requiring voter approval of public financing for Colorado Springs' Colorado Sports & Event Center

Res/Ord Number: 10-15

Councilmember Martin provided an overview of the resolution that states Council will require a vote of the citizens if public funds are used to build a downtown stadium and event center.

Councilmember Collins stated three ordinances on this subject were defeated in the last meeting, ordinances are binding and a resolution is not a legal binding law this resolution could be changed tomorrow by Council alone.

Citizens John Hawk and Michael Tozier spoke in opposition of this resolution.

Citizens Laura Neumann and John Cassiani spoke in support of this resolution.

Council President King made a statement about a property tax TIF and a sales tax TIF, property tax TIF is collected by the County, and the use of sales tax is controlled by Council.

Councilmember Knight, as the author of one of the failed ordinances, stated he will vote in favor of this, it is a statement by this Council that the public will have a vote on taxpayer money spent on a stadium.

Councilmember Pico stated he will support this; however, he would like

for it to be stronger.

Councilmember Collins stated she will not support this because she is tired of the little people having to pay for big projects.

**Motion by Councilmember Martin, seconded by President Pro Tem Bennett, that the resolution be adopted. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

**No:** 1 - Collins

**12.C. 14-0765**

Ordinance No. 15-13 amending Ordinance No. 13-77 (2014 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$434,000 for the final 2014 LART payment to the Colorado Springs Convention & Visitors Bureau

Res/Ord Number: 15-13

Councilmember Martin explained that the contract with the Convention and Visitors Bureau (CVB) states 66 percent of the LART tax collected will go the CVB. This ordinance is a result of LART tax collected in excess of the estimated amount.

**Motion by Councilmember Martin, seconded by Councilmember Gaebler, that the Ordinance approving a supplemental appropriation to the Lodgers, Auto & Rental Tax (LART) Fund in the amount of \$434,000 for the final 2014 LART payment to the Colorado Springs Convention & Visitors Bureau be approved on first reading. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

**No:** 1 - Collins

Councilmember Martin was excused.

**Present:** 8 - Councilmember Larry Bagley, President Pro Tem Merv Bennett, Councilmember Helen Collins, Councilmember Jill Gaebler, President Keith King, Councilmember Don Knight, Councilmember Andy Pico, and Councilmember Val Snider

**Excused:** 1 - Councilmember Jan Martin

13. Public Hearing

**13.A. 14-0749**

Calvary Worship Center  
(Quasi-Judicial Matter)

Mike Schultz, Senior Planner, Land Use and Review, presented an overview of the proposed zone change for this property. Mr. Schultz also provided a historical review of the development plan and an overview of

the neighborhood concerns and the changes to the plan to address those concerns. The Planning Commission denied the re-zoning request for this property.

Councilmember Knight asked for a reminder including the rationale behind the decision to vacate Willamette Ave. Mr. Schultz explained the State Statute governing the vacation of a right of way adding that the owners of the property on either side of the land parcel gain half of the property, in this case the church gained half of the property. If this planning case is approved, the access will be diverted completely onto the church property.

Steve Kuehster with City Engineering provided an explanation of the geological hazard report and survey in regard to the proposed land use.

Pastor Al Pittman, Calvary Worship Center, spoke in support of the church's expansion plan.

Greg Haddon, AIA, project architect, provided additional details about the proposed development plan.

Eric Kniffin, Attorney, spoke in support of the proposal explaining how the development plan meets the legal criteria for the zone change.

Citizens Ralph Braden, Joel Beck, Patrick Malfitano, Cindy Aubrey, Betty Sexton-Ball, and James Dixon spoke in support of the Calvary Worship Center.

Larry Hudson, Registered Architect, LEED AP, and neighbor, spoke in opposition to the Calvary Worship Center development plan. Mr. Hudson provided an overview of his concerns with the development plan presented by the Calvary Worship Center. Major concerns include the retaining wall, parking and lighting.

Citizens Steve Andrews and Jenny Allen spoke in opposition to the development plan.

Councilmember Snider requested clarification on the decision being made by Council. Mr. Schultz stated this is a request to change the zone to PUD because the property needs to all be zoned the same for the development plan to be completed.

Councilmember Knight asked what the standard parking ratio for the City is. Mr. Schultz stated the plan meets the parking requirements. Councilmember Knight asked how the number of planned seats in the auditorium was determined. Mr. Schultz stated the church researched another church in the city and planned according their experience.

Councilmember Pico asked about the parking density. Kathleen Krager, Transportation Manager, stated the parking density is consistent with the national recommended standard. She feels the planned parking will decrease the number of cars parked on the street.

Councilmember Bagley asked if there is a problem with extending the drainage down to Uintah Street. Mr. Haddon stated they are still considering options and will discuss the drainage plan in the final planning review.

Councilmember Bennett asked if the planned retaining wall is included in the final development plan, Mr. Schultz stated this will be included in the final planning review also.

Councilmembers Gaebler and Snider stated this is a classic infill project, supporting the strategic plan of Council.

Councilmember Knight stated the reasons provided by the Planning Commission for denying the development plan are more subjective than objective and he supports the plan.

Council President King stated he supports this.

**Motion by President Pro Tem Bennett, seconded by Councilmember Snider, to approve the appeal reversing the decision of the City Planning Commission. The motion passed by a vote of 8-0-1.**

**Aye:** 8 - Bagley, Bennett, Collins, Gaebler, King, Knight, Pico, and Snider

**Excused:** 1 - Martin

**Motion by President Pro Tem Bennett, seconded by Councilmember Snider, to approve the PUD development plan for the Calvary Worship Center development (Religious Institution and accessory uses, a maximum building height of 45 feet and 30 feet as demonstrated on the development plan, and maximum worship space seating capacity of 1,780 seats) based on the finding the plan complies with the review criteria in City Code Section 7.3.606, and is subject to the Technical and Information items addressed in the record of decision. The motion passed by a vote of 8-0-1.**

**Aye:** 8 - Bagley, Bennett, Collins, Gaebler, King, Knight, Pico, and Snider

**Excused:** 1 - Martin

- 13.B. 14-0748** Ordinance No. 15-14 amending the zoning map of the City of Colorado Springs relating to 8.37 acres located at 501 and 505 Castle Road, 2925 King Street, 525 30th Street and 415 Wilhelmia Street (Quasi-Judicial Matter)

Res/Ord Number: 15-14

Please see comments in agenda item 13.A.

**Motion by President Pro Tem Bennett, seconded by Councilmember Snider, that the Ordinance amending the Zoning Map of the City of Colorado Springs relating to 8.37 acres located at 501 and 505 Castle Road, 2925 King Street, 525 30th Street and 415 Wilhelmia Street be approved approved on first reading. The motion passed by a vote of 8-0-1.**

**Aye:** 8 - Bagley, Bennett, Collins, Gaebler, King, Knight, Pico, and Snider

**Excused:** 1 - Martin

Councilmember Collins was excused.

- 13.C. 15-0046** Appeal of Revocable Permit at 2672 Wheeler Avenue (Quasi-Judicial Matter)

David Andrews, Legislative Counsel, stated the appellant to this case was present to speak during the Citizen Discussion portion of the agenda, but is no longer here. Mr. Andrews apologized that he did not realize Ms. Lenberg was the appellant in this case and stated that if he had, he would have handled the situation in a different manner. Mr. Andrews suggested Council consider allowing Ms. Lenberg to request a continuance. Consensus of Council agreed to continue with the hearing as the appellant's comments had been heard earlier in the meeting.

Sue Matz, Program and Revocable Permits Coordinator, City Planning, provided an overview of the appeal to remove a revocable permit allowing construction of a retaining wall and explained the requirements and restrictions associated with the project.

Councilmember Bennett asked what materials are being used in the construction of the wall, addressing the safety concerns presented by Ms. Lenberg. Ms. Matz stated the wall is constructed of cement blocks reinforced with steel rods.



Councilmember Pico requested to see a picture of the wall. Ms. Matz explained how the wall is situated on the property and provided an image of the wall.

Councilmember Knight asked about the restrictions in placing a six foot fence on private property. Ms. Matz explained the concerns about this fence are associated with the fence being installed on top of the wall.

Terry and Susan Sawyer, the applicants, presented a summary of their plans for the wall and the reasons behind constructing the retaining wall to help prevent flooding in their home. They also explained the finished wall will be made of stucco and painted to match the house and that the fence will be solid wood to prevent climbing and increase safety.

Ms. Gonzalez provided Council with letters of support from neighbors regarding the construction of this wall.

Councilmember Knight asked Ms. Matz what the term "revocable permit" means. Ms. Matz stated a revocable permit allows private use of public right of way, giving the Mayor the right to revoke the permit with 14 day's notice. Councilmember Knight questioned the sustainability of the revocable permit due to the permanent nature of the project the Sawyers are planning. Ms. Matz stated she does not know of any revocable permits that have been revoked in the past and provided examples of multiple projects that exist under revocable permits.

Councilmember Bennett stated he is familiar with the type of construction planned and he feels this wall will be safe and beautiful.

Councilmember Knight stated he will not support this and expressed his concerns about the revocable permit and asked the City to consider vacating the land and/or selling it to the property owners.

**Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the request to deny the appeal and uphold administrative approval of the revocable permit based on the determination that the approval of the revocable permit complied with the criteria set forth in City Code Section 3.2.213.F be approved. The motion passed by a vote of 6-1-2.**

**Aye:** 6 - Bagley, Bennett, Gaebler, King, Pico, and Snider

**No:** 1 - Knight

**Excused:** 2 - Collins, and Martin

## 14. Added Item Agenda

- 14.A. 15-00118** A resolution of the City of Colorado Springs concerning support for the adoption and implementation of a sustainable stormwater control program

Res/Ord Number: 8-15

Councilmember Martin stated she brought this option forward yesterday and provided an overview of the pay as you go plan which would use funds used to pay bond payments to complete projects. This plan requires no debt and provides the opportunity for citizens, the new mayor and City Council to develop a plan to address infrastructure needs.

Councilmember Bennett spoke in support of this proposal and stated it will help with the Arkansas Valley issues.

Citizen Walter Lawson asked for clarification on the funding sources included in this proposal, Councilmember Martin and David Padgett, Chief Environment, Health and Safety Officer, CSU, provided the requested information.

Councilmember Pico stressed these are dollars CSU uses to protect the water supply.

Councilmember Knight added that he and Councilmembers Pico and Bagley are on the CSU finance committee and this is included as necessary spending by CSU.

Citizen Charles Barber spoke about the elevation changes in the City and the need to support our beautiful environment.

Citizen Michael Tozier spoke in support of this proposal adding Council may want to consider adding a sunset clause that will allow future changes to be made. Mr. Tozier also stated improved stormwater management will improve the condition of streets and other infrastructure.

**Motion by Councilmember Martin, seconded by Councilmember Snider, that the Resolution be adopted. The motion passed by a vote of 8-1-0.**

**Aye:** 8 - Bagley, Bennett, Gaebler, King, Knight, Martin, Pico, and Snider

**No:** 1 - Collins

15. Executive Session

There was not an Executive Session.

16. Adjourn