



City of Colorado Springs

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

Meeting Minutes - Final City Council

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Tuesday, October 27, 2015

1:00 PM

Council Chambers

1. Call to Order

- Present:** 8 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Keith King, Councilmember Don Knight, Councilmember Andy Pico, and Councilmember Tom Strand
- Excused:** 1 - Councilmember Bill Murray

2. Invocation and Pledge of Allegiance

The Invocation was led by James Chapman, Broadmoor Community Church.

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.** [15-00556](#) Ordinance No. 15-78 amending Part 1 (General Provisions), Part 2 (License Required), Part 3 (Occupation Tax on Liquors), Part 5 (Issuance of Licenses), Part 6 (Suspension and Revocation of Licenses) and Part 7 (General Liquor Offenses) 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

Res/Ord Number: 15-78

This Ordinance was finally passed on the Consent Calendar.

- 4A.B.** [15-00621](#) Ordinance No. 15-81 amending the zoning map of the city of Colorado Springs pertaining to a 0.1 acre portion of the property located at 1317 Glen Avenue from R-2/SS(two family residential with streamside overlay) to PK(public park).

(Quasi-Judicial Matter)

Res/Ord Number: 15-81

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.A.** [15-00657](#) City Council Meeting Minutes October 13, 2015

The Meeting Minutes were approved on the Consent Calendar.

- 4B.B.** [15-00631](#) Resolution Directing the Chief Executive Officer of Colorado Springs Utilities to Execute the Sewer Treatment and Disposal Agreement between Colorado Springs Utilities and Stratmoor Hills Sanitation District

Res/Ord Number: 104-15

The resolution was adopted on the Consent Calendar.

- 4B.C.** [15-00552](#) A Resolution Authorizing the Acquisition of Approximately 7.022 Acres Owned By Union Pacific Railroad for the Rock Island Trail Corridor

Res/Ord Number: 105-15

The resolution was adopted on the Consent Calendar.

- 4B.D.** [15-00554](#) John Venezia Community Park Resolution of Support for Great Outdoors Colorado Grant Request

Res/Ord Number: 106-15

The resolution was adopted on the Consent Calendar.

- 4B.E.** [15-00658](#) A resolution finding a petition for annexation of the area known as Mountain Valley Preserve consisting of 44.716 acres to be in substantial compliance with Section 31-12-107(1), C.R.S. and setting a hearing date of December 8, 2015 for the Colorado Springs City Council to consider the annexation of the area (Legislative)

Res/Ord Number: 107-15

The resolution was adopted 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 8-0-1.

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

Excused: 1 - Murray

5. Recognitions

- 5.A.** [15-00661](#) Presentation of a proclamation designating October 25-31, 2015 as Family Promise Week to recognize and raise awareness of the issue of homeless children and families in our community

Council President Pro Tem Gaebler read the proclamation.

Michael Royal, Executive Director, Family Promise, thanked Council for this proclamation and their support.

6. Citizen Discussion

Citizen Dr. Linda Watts spoke in support of establishing an indigenous People's Day in lieu of Columbus Day.

Citizen Charles Barber spoke about storm water management in Colorado Springs.

Citizen Roger McCarville spoke about a problem he encountered with Code Enforcement.

Citizen Jim Coonradt voiced his concerns about the lack traffic enforcement on Interstate 25 through Colorado Springs.

Citizen David Hopkins spoke about problems with the government and in support of the proposed medical marijuana moratorium.

Citizen Carl Rippa requested the bus stop at American Drive and Academy Boulevard be removed, brought up a deficiency in the bus routes and spoke about streets needing repairs.

Citizen Deborah Stout-Meiningner spoke in opposition to the proposed tax increase and about misappropriation of taxes.

Citizen Teddi Roberts asked what steps have been taken since the

moratorium on marijuana social clubs was passed.

Citizen Jason Bartis spoke about the importance of public transportation.

Citizen Andy Anderson spoke about homelessness in our community.

7. Mayor's Business

There was no 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

- 10.A.** [15-00620](#) Ordinance No. 15-80 amending the zoning map of the city of Colorado Springs pertaining to a 1.381 acre property located at 232, 236, and 240 W. San Miguel Street and 1315, 1317, 1323, and 1331 Glen Avenue from R-2/SS(two family residential with streamside overlay) and SU/SS(special use with streamside overlay) to SU/SS(special use with steamside overlay).

(Quasi-Judicial Matter)

Res/Ord Number: 15-80

There were no questions or comments on this agenda item.

Motion by President Pro Tem Gaebler, seconded by Councilmember King, to deny the appeal, approving item CPC ZC 15-00055, a zone change from R2/SS (Two Family Residential with Streamside Overlay) and SU/SS (Special Use with Streamside Overlay) to SU/SS (Special Use with Streamside Overlay) based on the findings that the application meets the criteria found in section 7.5.603 of the City Code. The motion passed by a vote of 8-0-1.

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

Excused: 1 - Murray

- 10.B.** [15-00624](#) Ordinance No. 15-82 vacating a portion of W. San Miguel Street right-of-way consisting of 0.267 acres and retaining a public utility easement and an access easement to the adjacent public stormwater facility.

(Legislative Matter)

Res/Ord Number: 15-82

There were no questions or comments on this agenda item.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, to deny the appeal, approving item CPC V 15-00058, a vacation of a portion of W. San Miguel St., based on the findings that the vacation meets the criteria found in section 7.7.402.C. of the City Code subject to compliance with the following conditions of approval: Condition of Approval for the Vacation of San Miguel Right-of-Way: 1. The recordation of the vacation ordinance must immediately precede the conveyance of the area shown on the vacation sketch as being conveyed back to the City for public purposes. 2. Public utility easements and an easement for City access to the adjacent stormwater facility will be retained when the right-of-way is vacated. The motion passed by a vote of 8-0-1.

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

Excused: 1 - Murray

- 10.C.** [15-00629](#) An ordinance creating a six (6) month moratorium on the processing of any land use approval or licensing application for a new medical marijuana facility or the change of location of a currently operating medical marijuana facility within the city limits

Res/Ord Number: 15-79

Councilmember King presented a proposed amendment to the ordinance and provided an explanation of the changes. One key change is the expansion of existing business has been excluded from the proposed ordinance. He noted Councilmember Strands' proposed "hardship" exemption language is included in this draft.

Council President Pro Tem Gaebler requested additional information about the definition of "hardship", as used in the proposed changes, as related to a property owner increasing rent to a much higher rate. David Andrews, Legislative Counsel, stated the definition of a hardship included in the proposed amendment to the ordinance has specified minimum criteria and the decision of the City Clerk's Office regarding a hardship is not arbitrary.

Councilmember Knight expressed concern about the proposed amendment prohibiting the moratorium from being extended if necessary to allow adequate time for the work to be done.

Councilmember King stated the intent is to complete the process within the allotted time-frame and move forward. Mr. Andrews stated Council has the ability to amend any ordinance if additional time is required.

Council President Bennett stated, if the amended ordinance is approved, he will begin work on forming the task force immediately.

Councilmember Knight asked if entities currently planning to relocate would be included under the hardship clause. Councilmember Strand stated changes currently in process, such as changing locations, do not meet the hardship criteria.

Councilmember Collins stated she does not support this amendment as citizens have not been provided the ability to review the proposed changes before Council voting and requested some individuals from the original task force be included on the new task force.

Citizens Jason Warf, Pam Staley, Clifton Black, Bryon Tuck, Mike Elliott, and Joel Aigner, spoke in support of the proposed amendment to the ordinance.

Citizens Deborah Stout-Meininger and Jennie Storm requested medical experts be included on the taskforce.

Councilmember Knight asked how many applications have been received by the City Clerk's Office since this discussion began. Sarah Johnson, City Clerk, stated a total of 28 applications have been received, eight for new operations, nine for businesses desiring to add additional types of business, three location changes and eight modifications to an existing business.

Councilmember Knight stated his main purpose is to provide neighbors the opportunity to express their desires regarding the locations of marijuana establishments and he is concerned the proposed hardship section in this amendment creates continued loop-holes for the industry. Councilmember Strand stated he believes this is an improvement to the present situation.

Councilmember Pico expressed his concerns about the evident growth of the industry operating and moving in directions the community does not support.

Jeff Greene, Chief of Staff, requested administrative clarification on the denial of a change of location for an existing facility based on the definition of hardship included in the proposed amendment. Mr.

Andrews stated the Attorney's Office and City Clerk's Office will follow the City Code appeal provisions when a license application is denied.

Councilmember King stated this provides the opportunity to hear the concerns of citizens and make regulatory changes in an informed manner.

Motion by Councilmember King, seconded by Councilmember Strand, to approve an amendment to the ordinance as adopted on first reading at the October 13, 2015 City Council meeting to remove "expansion", correct effective dates, establish task force and membership, include hardship exemption and other changes. The motion passed by a vote of 5-3-1.

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

No: 3 - Collins, Gaebler, and Pico

Excused: 1 - Murray

Res/Ord Number: 15-79

Citizens David Hopkins, Pam Staley, and Jan Doran spoke in support of the proposed moratorium.

Citizens Joel Aigner, Randy Tuck, Clifton Black, Bryon Tuck, Jason Warf, Luther Bonow, Andy Anderson, Mike Dorsey and Mike Elliott spoke in opposition of the proposed moratorium.

Councilmember Pico spoke about concerns expressed by law enforcement officials of neighboring states, the federal government about illegal shipping of marijuana and utility problems necessitating better control of the industry.

Councilmember Knight asked what the appeal process will be under the hardship provision of the amended ordinance. Ms. Johnson stated the process defined in City Code regarding appeals will be followed by the City Clerk's Office.

Citizen Jason Warf requested this item be tabled until a better defined ordinance can be presented.

Councilmember Knight reminded everyone this is part two of a moratorium, the first section dealt with marijuana consumption clubs; this ordinance will allow the City and the industry time to develop regulatory changes necessary to maintain a positive relationship between the medical marijuana industry and the community.

Motion by Councilmember Knight, seconded by Councilmember Bagley, that the Ordinance be approved on first reading as amended. The motion passed by a vote of 6-2-1.

Aye: 6 - Bagley, Bennett, King, Knight, Pico, and Strand

No: 2 - Collins, and Gaebler

Excused: 1 - Murray

11. New Business

11.A. [15-00449](#) Approval of the Proposed 2016 Budget for the Colorado Springs Downtown Development Authority

Carl Schueler, Planning Manager, Comprehensive Planning, presented an overview of agenda items 11.A. through 11. I.

Motion by Councilmember King, seconded by Councilmember Bagley, to approve the proposed 2016 budget for the Colorado Springs Downtown Development Authority. The motion passed by a vote of 7-1-1.

Aye: 7 - Bagley, Bennett, Gaebler, King, Knight, Pico, and Strand

No: 1 - Collins

Excused: 1 - Murray

11.B. [15-00450](#) Approval of the Proposed 2016 Budget and Operating Plan for the Greater Downtown Colorado Springs Business Improvement District

Please see comments in agenda item 11.A.

Motion by Councilmember King, seconded by Councilmember Strand, to approve the proposed 2016 Operating Plan and Budget for the Greater Downtown Colorado Springs Business Improvement District. The motion passed by a vote of 7-1-1.

Aye: 7 - Bagley, Bennett, Gaebler, King, Knight, Pico, and Strand

No: 1 - Collins

Excused: 1 - Murray

11.C. [15-00451](#) Approval of the Proposed 2016 Operating Plan and Budget for the Barnes & Powers North Business Improvement District

Please see comments in agenda item 11.A.

Motion by Councilmember King, seconded by Councilmember Strand, to approve the proposed 2016 Operating Plan and Budget for the Barnes & Powers North Business Improvement District. The motion passed by a vote of 7-1-1.

Aye: 7 - Bagley, Bennett, Gaebler, King, Knight, Pico, and Strand

No: 1 - Collins

Excused: 1 - Murray

- 11.D.** [15-00452](#) Approval of the Proposed 2016 Operating Plan and Budget for the Barnes & Powers South Business Improvement District

Please see comments in agenda item 11.A.

Motion by Councilmember King, seconded by Councilmember Bagley, to approve the proposed 2016 Operating Plan and Budget for the Barnes & Powers South Business Improvement District. The motion passed by a vote of 7-1-1.

Aye: 7 - Bagley, Bennett, Gaebler, King, Knight, Pico, and Strand

No: 1 - Collins

Excused: 1 - Murray

- 11.E.** [15-00454](#) Approval of the Proposed 2016 Budget and Operating Plan for the First and Main Business Improvement District

Please see comments in agenda item 11.A.

Motion by Councilmember King, seconded by Councilmember Bagley, to approve the proposed 2016 Operating Plan and Budget for the First and Main Business Improvement District. The motion passed by a vote of 7-1-1.

Aye: 7 - Bagley, Bennett, Gaebler, King, Knight, Pico, and Strand

No: 1 - Collins

Excused: 1 - Murray

- 11.F.** [15-00455](#) Approval of the Proposed 2016 Budget and Operating Plan for the First and Main Business Improvement District No. 2

Please see comments in agenda item 11.A.

Motion by Councilmember King, seconded by Councilmember Strand, to approve the proposed 2016 Operating Plan and Budget for the First and Main Business Improvement District No. 2. The motion passed by a vote of 7-1-1.

Aye: 7 - Bagley, Bennett, Gaebler, King, Knight, Pico, and Strand

No: 1 - Collins

Excused: 1 - Murray

- 11.G.** [15-00456](#) Approval of the Proposed 2016 Budget and Operating Plan for the First and Main North Business Improvement District

Please see comments in agenda item 11.A.

Motion by Councilmember King, seconded by Councilmember Strand, to approve the proposed 2016 Operating Plan and Budget for the First and Main North Business Improvement District. The motion passed by a vote of 7-1-1.

Aye: 7 - Bagley, Bennett, Gaebler, King, Knight, Pico, and Strand

No: 1 - Collins

Excused: 1 - Murray

- 11.H. [15-00457](#) Approval of the Proposed 2016 Budget and Operating Plan for the Interquest North Business Improvement District

Please see comments in agenda item 11.A.

Motion by Councilmember King, seconded by Councilmember Bagley, to approve the proposed 2016 Operating Plan and Budget for the Interquest North Business Improvement District. The motion passed by a vote of 7-1-1.

Aye: 7 - Bagley, Bennett, Gaebler, King, Knight, Pico, and Strand

No: 1 - Collins

Excused: 1 - Murray

- 11.I. [15-00459](#) Approval of the Proposed 2016 Budget and Operating Plan for the Powers & Woodmen Commercial Business Improvement District

Please see comments in agenda item 11.A.

Motion by Councilmember King, seconded by Councilmember Bagley, to approve the proposed 2016 Operating Plan and Budget for the Powers & Woodmen Commercial Business Improvement District. The motion passed by a vote of 7-1-1.

Aye: 7 - Bagley, Bennett, Gaebler, King, Knight, Pico, and Strand

No: 1 - Collins

Excused: 1 - Murray

- 11.J. [15-00458](#) Approval of the Proposed 2016 Budget and Operating Plan for the Interquest South Business Improvement District

Mr. Schueler stated Council has updated copies of the operating plan which includes the new standardized language requiring Council approval for new, increased or expanded use of PIF revenue.

Councilmember Knight asked about the ability of the district to use PIF revenues. Mr. Schueler stated this would require Council approval of a subsequent operating plan.

Motion by Councilmember Strand, seconded by Councilmember Bagley, to

approve the proposed 2016 Operating Plan and Budget for the Interquest South Business Improvement District. The motion passed by a vote of 7-1-1.

Aye: 7 - Bagley, Bennett, Gaebler, King, Knight, Pico, and Strand

No: 1 - Collins

Excused: 1 - Murray

11.K. [15-00453](#) Approval of the Proposed 2016 Budget and Operating Plan for the Briargate Center Business Improvement District

Mr. Schueler stated this operating plan has been updated to include a request for a temporary operation mil levy of up to 16 mils and a debt service mil levy of 29 mils keeping their overall mil levy at 45 mils.

Tim Flynn, General Counsel, Briargate Center BID, provided detailed information about the proposed use of the funds and the plan to reimburse the owner of the Briargate Center for already completed public improvements. The district is willing to add language to the operating plan limiting the increased mil levy to one year.

Councilmember Knight clarified specific details of the operational and maintenance plans for 2016 and the future with Mr. Flynn.

Motion by Councilmember King, seconded by Councilmember Pico, to approve the proposed 2016 Budget and Operating Plan for the Briargate Center Business Improvement District allowing for the operational mill levy to be temporarily increased to 16.0 mills for one year only, after which it will be reduced to 10.0 mills or less, consistent with the City Special District Policy. The motion passed by a vote of 7-1-1.

Aye: 7 - Bagley, Bennett, Gaebler, King, Knight, Pico, and Strand

No: 1 - Collins

Excused: 1 - Murray

11.L. [15-00639](#) Resolution Authorizing the Banning Lewis Ranch Metropolitan District No. 3 to Issue Series 2015A Limited Tax General Obligation Bonds in an Amount Not to Exceed \$9,000,000, and Series 2015B Subordinate Cash Flow Bonds in an Amount Not to Exceed \$1,800,000 (Legislative Matter)

Res/Ord Number: 108-15

Mr. Schueler provided additional information about the request for an operational mil levy of 20 mils due to the unique circumstances of the development.

Councilmember King requested confirmation that the increased mil levy

is due to the added public features included in the development. Mr. Schueler confirmed the development plan includes public amenities such as charter schools, recreation centers, parks, medians, trash removal and other public services not usually included in development plans.

Councilmember Knight asked if residents will have to pay additional fees to use the public commodities such as the aquatics center. Bruce Rau, representing Oakwood Homes, explained the district is a self-contained entity and is not able to take operations and maintenance revenue out of district funds. The district's budget is designed to generate a little bit of surplus revenue for future needs. Home owners pay additional fees to cover the costs of using the commodities and the developer is continuing to cover some of the financial needs of the district as development continues.

Councilmember Collins stated she does not support special improvement districts.

Councilmember Pico stated this area is within the City limits and the funds are necessary to reimburse the developer for public improvements that have already been completed. Mr. Rau confirmed these improvements have been made and are now essentially a part of the City.

Citizen Deborah Stout-Meiningner spoke in opposition to this proposal.

Motion by Councilmember King, seconded by Councilmember Strand, that the resolution Authorizing the Banning Lewis Ranch Metropolitan District No. 3 to Issue Series 2015A Limited Tax General Obligation Bonds in an amount not to exceed \$9,000,000, and Series 2015B Subordinate Cash Flow Bonds in an amount not to exceed \$1,800,000 be adopted. The motion passed by a vote of 7-1-1.

Aye: 7 - Bagley, Bennett, Gaebler, King, Knight, Pico, and Strand

No: 1 - Collins

Excused: 1 - Murray

12. Public Hearing

12.A. [15-00641](#) Major amendment to the Flying Horse Master Plan (Legislative Matter)

Meggan Herington, Planner, Land Use and Review, presented an overview of the proposed amendment to the Flying Horse Master Plan.

Councilmember King asked is if the \$200 parks fee will affect all of the homes in the development. Ms. Herington stated it will only be assessed on the homes located in the previously designated park land.

Chris Lieber, Park Development Manager, Parks, Recreation and Cultural Services, provided an explanation of the decision made by the Parks Department to access these fees in lieu of designated park land.

Councilmember Knight asked if the park fees are fair compensation for the land. Mr. Lieber explained the required park land ratios, how the fees in lieu of land system works and stated the development plan is balanced from a parks perspective based on the dedicated park land, fees in lieu of land and the planned changes to the population density.

Councilmember Knight stated a community park in his mind equates to more than a grass field and asked about the planned parks and amenities. Mr. Lieber stated some of the parks include amenities, others are trails and open space.

Council discussed the overall parks master plan and the ideal community park sites with Mr. Lieber who provided an overview of the parks serving the area and the City's plan to provide a defined amount of park space per citizen.

Tim Siebert with NES Inc., representing the developer, provided detailed information about the proposed changes to the development plan.

Motion by Councilmember Bagley, seconded by Councilmember Strand, to approve the major amendment to the Flying Horse Master Plan, based upon the finding that the amendment meets the review criteria for master plan amendments as set forth in City Code Section 7.5.408. The motion passed by a vote of 8-0-1.

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

Excused: 1 - Murray

13. Added Item Agenda

There were no added agenda items.

14. Executive Session

There was not an executive session.

15. Adjourn

