



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, February 24, 2015

1:00 PM

Council Chambers

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 Paulette Morris, Open Heart Sangha.

The Pledge of Allegiance was led by Council President King.

3. Changes to Agenda/Postponements

Eileen Gonzalez, City Council Administrator, announced Councilmember Knight would like to pull agenda items 5.B.H., 5.B.I. and 5.B.G. from the Consent Calendar.

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:

5B. First Presentation:

5B.A. 15-00157 City Council Meeting Minutes February 10, 2015

The Meeting Minutes were approved on the Consent Calendar.

5B.B. 15-00132 Boards and Commissions

This agenda item was approved on the Consent Calendar.

- 5B.C. 15-00134** The City Clerk reports that on February 5, 2015 there was filed with her a petition for the annexation of Mountain Valley Preserve Annexation. She states that she has examined or caused to be examined the above mentioned petition and has determined that the petition is in substantial compliance with Section 31-12-107(1), C.R.S. The City Clerk herewith communicates such to City Council and recommends that the petition be referred to the City Administration for review and recommendation.

This agenda item was approved on the Consent Calendar.

- 5B.D. 15-00116** A Resolution Authorizing Colorado Springs Utilities to Take All Actions Necessary to Remove Certain Water Rights From the State of Colorado's Water Rights Tabulation (Chilcott Ditch Company Water Right Abandonment)

Res/Ord Number: 14-15

This resolution was adopted on the Consent Calendar.

- 5B.E. 15-00142** A Resolution Authorizing the Filing of Water Court Applications for Change of Water Rights, Augmentation Plan and Appropriative Rights of Exchange Related to the City of Colorado Springs' Interests in Water Rights of the Fountain Mutual Irrigation Company and Chilcott Ditch Company

Res/Ord Number: 15-15

This resolution was adopted on the Consent Calendar.

- 5B.F. 15-00117** A Resolution Authorizing Colorado Springs Utilities to Take All Actions Necessary to Remove Certain Water Rights From The State of Colorado's Water Right's Tabulation (Bear Creek Change in Point Diversion)

Res/Ord Number: 16-15

This resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, 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 Charles Barber spoke about plans to finance the C4C projects.

Citizen Carl Strow spoke about corruption in the local government.

8. Mayor's Business

Bret Waters, thanked City Council, El Paso County, the RBA and other stake holders for supporting the commercial aeronautical zone and the economic development opportunities surrounding this development opportunity.

9. Items Called Off Consent Calendar

5B.G. 15-00138 Ordinance No. 15-15 authorizing execution of a Settlement Agreement and extension of water services outside the City Limits

Res/Ord Number: 15-15

Councilmember Knight stated the reason he pulled this off the Consent Calendar is for transparency purposes, to allow the public to have the opportunity to understand this initiative. Michael Gustafson, Senior Attorney, provided an overview of the lawsuit and settlement agreement addressed by this resolution.

Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Ordinance Authorizing Execution of a Settlement Agreement and Extension of Water Services Outside the City Limits 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

5B.H. 15-00141 Ordinance No. 15-16 amending the Zoning Map of the City of Colorado Springs relating 41.7 acres located west of Chapel Hills Drive and north of Research Parkway, east and adjacent to the Focus on the Family Campus, from PIP-1 (Planned Industrial Park) to PBC (Planned Business Center).
(Quasi-Judicial Matter)

Res/Ord Number: 15-16

Councilmember Knight stated he pulled this off the Consent Calendar because he has two questions regarding this item, one about the relocation of a little league field and the other about concerns addressed in a letter from the USAFA.

Meggan Herington, Principal Planner, Land Use and Review, stated they received a letter from the USAFA requesting all property buyers be warned about the potential noise from the airport and requesting a copy of the drainage plan. Ms. Herington added the noise warning is standard for all properties in this area and that the drainage report will be provided as requested. Ms. Herington also stated the Little League fields are located on private property and local entities are looking for a new location for the fields.

Motion by President Pro Tem Bennett, seconded by Councilmember Knight, that the Ordinance to approve the change of zoning district from PIP-1 (Planned Industrial Park) to PBC (Planned Business Center), based upon the findings that the zone change complies with the review criteria outlined in City Code Sections 7.5.603.B 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

5B.I. 15-00143 Highlands at Briargate Concept Plan
(Quasi-Judicial Matter)

Councilmember Knight stated he pulled this item off the Consent Calendar because it is related to the previous item. There were no further comments or discussion.

Motion by President Pro Tem Bennett, seconded by Councilmember Pico, that the Planning Case to approve the Highlands at Briargate Concept Plan based upon the findings that the concept plan meets the review criteria as set forth in City Code Section 7.5.501.E 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

There was no Utilities Business.

11. Unfinished Business

There was no Unfinished Business.

12. New Business

12.A. 14-0398 Ordinance No. 15-17 amending Section 203 (Duties) and Section 204 (Emergency Operations Plan) of Part 2 (Office of Emergency Management) of Article 7 (Emergency Management) of Chapter 8 (Public Safety) of the Code of the City of Colorado Springs 2001, as amended pertaining to approval of the City's Emergency Operations Plan

Res/Ord Number: 15-17

Bret Waters, Director, Office of Emergency Management, stated the

plan has been amended to state City Council will receive notice within 60 days of changes made to the plan as requested in the previous meeting.

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

12.B. 15-00112 A Resolution Supporting a Paths to Parks Grant Application to Great Outdoors Colorado for the Legacy Loop Paths to Parks Project

Res/Ord Number: 19-15

Councilmember Knight asked if the requested amendments to the proposed resolution have been made. Jeff Webb, Senior Analyst, Parks, Recreation and Cultural Services, explained an incorrect version of the document was included in the Council Packet, and that the changes have been made as requested. The updated version of the resolution of support was provided to Council.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that the Resolution of Support for a Great Outdoors Colorado grant request in the amount of \$1,000,000 for the Legacy Loop Paths to Park project be adopted. The motion passed by a vote of 9-0-0.

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

12.C. 15-0040 Ordinance No. 15-18 providing for the platting of Blocks 203, 212 and 213 in Evergreen Cemetery

Res/Ord Number: 15-18

Will DeBoer, Cemetery Manager, reviewed the plan to open needed burial plots at the cemetery.

Councilmember Martin commented on Mr. DeBoers' pending retirement and expressed appreciation for his years of service.

Motion by Councilmember Gaebler, seconded by Councilmember Pico, that the ordinance providing for the platting of blocks 203, 212 and 213 in Evergreen Cemetery 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

12.D. 14-0744 A Resolution Authorizing an amendment to an Intergovernmental Agreement between the City of Colorado Springs and the Colorado Department of Transportation for the I-25/Cimarron Street Reconstruction Project

Res/Ord Number: 17-15

There were no questions or comments on this agenda item.

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

- 12.E. 15-00128** A Resolution Authorizing the donation of real property for a public purpose to the Colorado Department of Transportation

Res/Ord Number: 18-15

There were no questions or comments on this agenda item.

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

- 12.F. 15-0030** Ordinance No. 15-19 for a supplemental appropriation to the general fund in the amount of \$60,000 for the purpose of fulfilling an order to demolish a dangerous building

Res/Ord Number: 15-19

Councilmember Collins reiterated the request for a competitive bid for the demolition. Travis Easton, Public Works Director, explained this is setting a budget for the demolition and a competitive bid process will take place.

Motion by President Pro Tem Bennett, seconded by Councilmember Gaebler, that the Ordinance to approve the supplemental appropriation in the amount of \$60,000 relating to a demolition order for the structure on the property located at 418 E. Cucharras Street 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

- 12.G. 15-0052** Ordinance No. 15-20 amending Ordinance No. 07-15 to redescribe the Colorado Springs Downtown Development Authority so as to include certain additional property.

(Legislative Matter)

Res/Ord Number: 15-20

Councilmember Collins asked if the postcards soliciting feedback about this item were sent to residents and not just businesses. Peter Wysocki, Planning and Development Director, stated post cards were sent to residents within a specified distance of the development and added that the typical planning process, including contacting residents about potential neighborhood changes, will be followed as development proceeds.

Councilmember Collins commented on the BID taking money from

infrastructure projects. Councilmember Gaebler clarified this development will generate increased tax revenue.

Councilmember Knight stated he will support this because it does bring in additional funding and explained the plan to collect and distribute taxes in the area, adding he believes this is a great way to move our city forward.

Motion by Councilmember Gaebler, seconded by Councilmember Martin, that the Ordinance amending Ordinance 07-15 to re-describe the boundaries of the Colorado Springs Downtown Development Authority to include the additional properties 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

12.H. 15-00144 Rawles Open Space Neighborhood Master Plan
(Legislative Matter)

Steve Tuck, Principal Planner, Land Use and Review, provided a brief overview of the master plan prepared by the neighborhood and an explanation of how this process normally works and how this master plan has been developed and submitted. Mr. Tuck stated the planning department recommends approval of the master plan as presented.

Councilmember Martin asked what would happen if the City needs to upgrade Mesa Road to a major artery in the future. Mr. Tuck stated plans can be re-discussed as things change and progress.

Councilmember Gaebler expressed concern about the safety of pedestrians given the lack of sidewalks, curbs and gutters along Mesa Road.

Mr. Tuck stated it is the desire of the neighbors to maintain the rural character of the neighborhood. This recommendation includes the completion of Centennial Boulevard alleviating the need to make Mesa Road a major artery.

Councilmember Pico asked about the Hembre's property being released from this plan. Mr. Tuck explained the inclusion of this property contributes to the cohesion of the neighborhood.

Residents Bruce Warren, James Kin, Alan Strass, Ken Borges, Jean Keeley, George Maenz, John Stith, Walt Hieronymus, and Karen Stith

spoke in support of this proposal.

Christine Hembre, representing her father, the property owner, stated she is not in opposition of the plan; they just do not want their property to be included in the plan and requested the border of the property be moved to the other side of their property.

Councilmember Bennett stated he is familiar with this area and would like to see it preserved as it is. He commended the property owners for the work done to preserve this neighborhood.

Discussion continued about the inclusion of the property owned by the Hembre's, planning guidelines allow boundaries to be defined by those filing the master plan.

Councilmember Martin stated she will support this and commented on the process being the same used to create similar neighborhoods in other areas of the city.

Councilmember Gaebler expressed her concerns about the lack of sidewalks and the danger to students walking to nearby schools.

Councilmember Bennett pointed out the distance to the schools and stated he feels the sidewalks would change the character of the neighborhood and reminded Councilmember Gaebler about the hiking and biking trails in the area.

Council President King stated he believes this will enhance property values and he will support it.

Motion by President Pro Tem Bennett, seconded by Councilmember Snider, to approve the Rawles Open Space Neighborhood Master Plan based on the finding the request complies with the review criteria is City Code Section 7.5.408. The motion passed by a vote of 8-1-0.

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

No: 1 - Gaebler

13. Public Hearing

There was not a Public Hearing.

14. Added Item Agenda

There were no Added Agenda Items.

15. Executive Session

There was not an Executive Session.

16. Adjourn