



City of Colorado Springs

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

Meeting Minutes - Draft City Council

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Tuesday, February 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 Pastor Stan Lightfoot III, Rustic Hills Baptist Church.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

Councilmember King requested agenda item 4.A.E. be pulled off the Consent Calendar.

Eileen Gonzalez, City Council Administrator, stated the Mayor will present Spirit of the Springs awards during Mayor's Business.

Councilmember Collins requested agenda item 4.A.A. be pulled off the Consent Calendar.

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.B. [16-00062](#) Ordinance No. 16-8 amending the zoning map of the City of Colorado Springs pertaining to 14.75 acres located southwest of Powers Boulevard and Hancock Expressway from C-6/P/AO (General

Business with a Planned Provisional Overlay and the Airport Overlay) to R1-6000/DF/AO (Single-Family Residential with Design Flexibility and the Airport Overlay).
(Quasi-Judicial)

Presenter:
Lonna Thelen, Principal Planner, Planning and Community Development
Res/Ord Number: 16-8

This Ordinance was finally passed on the Consent Calendar.

- 4A.C.** [16-00061](#) Ordinance No. 16-9 amending the zoning map of the City of Colorado Springs pertaining to 5.84 acres located approximately 1,000 feet east of the intersection of Rangewood Drive and Woodmen Road.
(Quasi-Judicial)

Presenter:
Mike Schultz, Principal Planner, Planning and Community Development
Res/Ord Number: 16-9

This Ordinance was finally passed on the Consent Calendar.

- 4A.D.** [16-00065](#) Ordinance No. 16-10 amending the zoning map of the City of Colorado Springs pertaining to 12.99 acres located at the southwest corner of Woodmen Road and Lee Vance View.
(Quasi-Judicial)

Presenter:
Mike Schultz, Principal Planner, Planning and Community Development
Res/Ord Number: 16-10

This Ordinance was finally passed on the Consent Calendar.

- 4A.F.** [16-00007](#) Ordinance No. 16-12 excluding certain property from the Interquest North Business Improvement District. (Legislative)

Presenter:
Carl Schueler, Comprehensive Planning Manager, Planning and Community Development
Res/Ord Number: 16-12

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [16-00103](#) City Council Meeting Minutes January 26, 2016

Presenter:
Sarah Johnson, City Clerk

The Meeting Minutes were approved on the Consent Calendar.

4B.B. [15-00756](#) A Resolution Approving the Renewal of the \$1,000,000 Loan Agreement and Promissory Note between the Great Outdoors Colorado Trust Fund (GOCO) and the City of Colorado Springs

Presenter:
Chris Lieber, Park Development Manager/TOPS Program Manager
Res/Ord Number: 13-16

The resolution was adopted on the Consent Calendar.

4B.C. [15-00809](#) A Resolution Supporting the Acceptance of a Grant From the Colorado Department of Transportation for the Pikes Peak Greenway Trail I-25 North Project

Presenter:
Tilah Larson, Senior Grants Analyst
Res/Ord Number: 14-16

The resolution was adopted on the Consent Calendar.

4B.D. [16-00049](#) An Ordinance Amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the Capital Improvements Program Fund in the Amount of \$528,532 for the Detention Pond 3 Project

Presenter:

Tim Mitros, OEM Engineering Program Manager
Res/Ord Number: 16-17

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

- 4B.E.** [15-00704](#) Resolution Directing the Chief Executive Officer of Colorado Springs Utilities to Execute the Sewer Treatment and Disposal Agreement between Colorado Springs Utilities and Manitou Springs
Res/Ord Number: 15-16

The resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, 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 John Kilbury spoke about the condition of sidewalks and flower beds in the downtown area.

Citizen Charles Barber spoke about options for handling the Pueblo stormwater case, offering alternative drainage solutions.

Citizen Gerald Miller spoke about damage to his grill and developed a connection between Cities with NFL team and fewer potholes.

Citizens Lara Rowell and Walter Lawson spoke in opposition to the proposed park land swap with The Broadmoor. Councilmember King stated there is a town hall meeting scheduled and requested a copy of her questions so answers can be prepared. Councilmember Murray requested the answers be provided to Council in writing.

Citizen Deborah Stout-Meininger expressed concerns about the Southern Delivery System and funds spent on C4C and Urban Development.

Citizen Chris Wynkoop spoke about snow on the local sidewalks, stating companies hired to plow parking lots for businesses should also shovel the sidewalks.

7. Mayor's Business

Mayor John Suthers presented Spirit of the Springs awards to American Medical Response, The Salvation Army, and Mortgage Solutions Financial Expo Center and recognized the organizations for their response to the Planned Parenthood incident in November 2015.

8. Items Called Off Consent Calendar

- 4A.A.** [15-00767](#) Ordinance No. 16-7 amending Ordinance No. 14-101 (2015 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$821,090 for the final 2015 LART payment to the Colorado Springs Convention & Visitors Bureau and for additional projects approved by the LART Citizen Advisory Committee during 2015

Res/Ord Number: 16-7

Councilmember Collins stated she pulled this item off the Consent Calendar to thank the LART Committee members for their work and stated, as a member of the committee, she worked to remove economic development from the scope of the committee as the focus of this group should be to promote local tourism.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Ordinance approving a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund be finally passed. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

- 4A.E.** [16-00050](#) Ordinance No. 16-11 amending Section 417 (Disconnection) of Part 4 (Connection and Installation of System) of Article 4 (Water Code); and Section 413 (Disconnection) of Part 4 (Connection and Installation) of Article 5 (Wastewater Treatment Code) All of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to the Elimination of Reconnection Fees for and the Status of Abandoned and Inactive Water and Wastewater Service Lines

Res/Ord Number: 16-11

Councilmember King stated he pulled this item off the Consent Calendar because the language in paragraph 2. of the ordinance states, "...payment of all applicable fees and costs...", which he finds to be inconsistent with the title of this ordinance which pertains to the elimination of reconnection fees.

Ken Burgess, Attorney, CSU, explained the charges referred to in the

ordinance pertain to service level changes. An elimination of all reconnection fees would be better handled through a tariff change.

Councilmember Pico explained this ordinance will remove reconnection charges amounting to thousands of dollars and impose a \$30 reconnection fee. A tariff change will be drafted to clarify reconnection fees will only apply to development changes associated with the reconnection of service.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the Ordinance to approve the proposed City Code changes be finally passed. The motion passed by a vote of 8-1-0.

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

No: 1 - King

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

- 10.A.** [15-00524](#) Ordinance No. 16-13 creating a New Section 112 (Sitting or Lying Down in Commercial Districts) of Article 2 (Offenses Affecting Public Safety) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Pedestrian Access to the Public Sidewalks and Rights-of-Way in Commercial Districts

Res/Ord Number: 16-13

Citizens Tom Barnes, Bill Durland, Dean Tollefson, Alejandra Garza, Carrie Baatz, Zac Chapman, and Ruth Markward spoke in opposition of this proposal.

Anne Turner with the City Attorney's Office spoke about the intent of the ordinance addressing governmental interest in citizen safety and economic vitality.

Motion by Councilmember King, seconded by Councilmember Strand, that the Ordinance be finally passed. The motion passed by a vote of 6-3-0.

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

No: 3 - Collins, Gaebler, and Pico

- 10.B.** [16-00016](#) Ordinance No. 16-14 amending Section 111 (Solicitation Prohibited) of Article 2 (Offenses Affecting Public Safety) and repealing Section 106 (Use of Medians or Central Dividing Strip) of Part 1 (General

Offenses) of Article 6 (Offenses Affecting Property) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to solicitation and medians

Res/Ord Number: 16-14

Consensus of Council requested staff return to Council with a draft ordinance addressing banning solicitation on City buses and in City parking garages for discussion at the April 11, 2016 City Council work session.

Motion by Councilmember Knight, seconded by Councilmember Murray, that the Ordinance amending Section 111 (Solicitation Prohibited) of Article 2 (Offenses Affecting Public Safety) and repealing Section 106 (Use of Medians or Central Dividing Strip) of Part 1 (General Offenses) of Article 6 (Offenses Affecting Property) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to solicitation with additional amendments to the "WHEREAS." sections be finally passed. The motion passed by a vote of 7-2-0.

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

No: 2 - Collins, and Pico

- 10.C.** [16-0019](#) Ordinance No. 16-15 repealing Section 112 (Solicitation On or Near Street or Highway) of Article 18 (Pedestrians' Rights and Duties, Drivers to Exercise Due Care) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended

Res/Ord Number: 16-15

There were no questions or comments on this agenda item.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the Ordinance repealing Section 112 (Solicitation On or Near Street or Highway) of Article 18 (Pedestrians' Rights and Duties, Drivers to Exercise Due Care) of Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as amended be finally passed. The motion passed by a vote of 7-2-0.

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

No: 2 - Collins, and Pico

- 10.D.** [16-00020](#) Ordinance No. 16-16 repealing Section 105 (Unlawful Use of Telephone or Computer) and Repealing and Reordaining Section 107 (Harassment) of Article 2 (Offenses Affecting Public Safety) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to unlawful telephone or computer use and harassment

Res/Ord Number: 16-16

Councilmember Pico stated he opposed this on the first reading, after careful reconsideration, he will now support it.

Motion by Councilmember King, seconded by Councilmember Bagley, that the Ordinance Repealing Section 105 (Unlawful Use of Telephone or Computer) and Repealing and Reordaining Section 107 (Harassment) of Article 2 (Offenses Affecting Public Safety) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to unlawful telephone or computer use and harassment be finally passed. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

11. New Business

- 11.A. [15-00804](#)** A resolution of the City Council of Colorado Springs approving the Intergovernmental Agreements concerning the funding, implementation, and administration of programs involving police officers in schools.

Presenter:

Commander Rafael Cintron, Colorado Springs Police Department - Gold Hill Division

Res/Ord Number: 16-16

Councilmember Collins stated she does not support this because the School districts are only covering 75% of the cost.

Councilmembers Strand and King reiterated the positive influence the School Resource Officers have on schools and commented on the decreased number of police responses to schools as a result of these officers.

Motion by Councilmember King, seconded by Councilmember Murray, that the resolution be adopted. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

- 11.B. [16-00006](#)** An Ordinance Organizing the Creekwalk Marketplace Business Improvement District and Providing for the Election of the Board of Directors.

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Res/Ord Number: 16-18

Carl Schueler, Planning Manager, Comprehensive Planning, provided a summary of the changes to this proposal adding a written statement of support from the McDonald's property owner has not been received. Options include moving forward with formation of the district without including the McDonald's property or excluding the property from the proposed district.

Danny Mientka with The Equity Group, the developer, stated his efforts to have the McDonald's property owners appear before Council or provide a written statement of support have been unsuccessful. He does not believe there is any resistance to the inclusion in the district on behalf of the McDonald's Corporation, but there is bureaucracy prohibiting a timely response from the corporation in this matter. There is no time to delay this action any longer due to time constraints posed by the submission requirements of the May election.

Councilmember Knight asked if the BID Board will be paid or voluntary and why three properties in the midst of the proposed district are not crucial to this action. Mr. Schueler stated all board members will be elected strictly on a voluntary basis. Mr. Mientka stated the three properties in question are residential and cannot be included in a BID. If purchased by the developer, they will be added to the BID at a later date. Councilmember Knight requested a spelling error in section 9., Dissolution, of the Operating Plan, be corrected to read, "... seek to dissolve..." rather than, "...seed to dissolve...".

Council discussed the planned financial arrangements of the development in detail with Mr. Mientka and Mr. Schueler.

Citizens Longinos Gonzalez and Deborah Stout-Meiningner spoke in opposition to the development including the McDonald's property.

Motion by Councilmember Murray, seconded by Councilmember King, to amend the motion to exclude McDonald's property. The motion passed by a vote of 6-3-0.

Aye: 6 - Collins, King, Knight, Murray, Pico, and Strand

No: 3 - Bagley, Bennett, and Gaebler

Res/Ord Number: 16-18

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Ordinance organizing the Creekwalk Marketplace Business Improvement District and providing for the Election of the Board of Directors as amended to exclude the McDonald's property be approved on first reading. The motion passed by a vote of 5-4-0.

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

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

- 11.C.** [16-00068](#) An ordinance amending Section 201 (Definitions Enumerated) of Part 2 (Definitions) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) and Section 102 (General Standards) of Part 1 (General 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 fences and accessory structures.

Legislative

Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development

Res/Ord Number: 16-19

Mr. Tefertiller reviewed the changes made to the ordinance since the City Council work session discussion.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the Ordinance ordinance amending Section 201 (Definitions Enumerated) of Part 2 (Definitions) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) and Section 102 (General Standards) of Part 1 (General 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 fences and accessory structures be approved on first reading. The motion passed by a vote of 8-1-0.

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

No: 1 - Collins

12. Public Hearing

There was not a Public Hearing.

13. Added Item Agenda

There were no added agenda items.

14. Executive Session

There was not an Executive Session.

15. Adjourn

Following adjournment of the City Council Regular Meeting, City Council shall reconvene as the Board of Directors of the Colorado Springs Cottonwood General Improvement District, for action on the following items:

- 15.A.** [15-00772](#) A Public Hearing on the Dissolution of the Colorado Springs Cottonwood General Improvement District

There were no citizens in attendance to participate in the Public Hearing.

- 15.B.** [15-00773](#) An Ordinance of the Board of Directors of the Colorado Springs Cottonwood General Improvement District to Approve the Dissolution of Said District

Presenter:

Kara Skinner, Chief Financial Officer

Res/Ord Number: 16-20

Councilmember Pico asked how maintenance costs of the district will be managed once the district is dissolved. Carl Schueler, Planning Manager, Comprehensive Planning, stated there are no outstanding maintenance functions associated with the district.

Motion by Councilmember Knight, seconded by Councilmember Murray, that the Ordinance to approve the dissolution of the Colorado Springs Cottonwood General Improvement 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