



City of Colorado Springs

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

Meeting Minutes City Council

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Tuesday, June 13, 2017

1:00 PM

Council Chambers

1. Call to Order

Present: 9 - Councilmember Yolanda Avila, Councilmember Merv Bennett, President Pro Tem Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, President Richard Skorman, and Councilmember Tom Strand

2. Invocation and Pledge of Allegiance

The Invocation was made by Reverend Dr. Nori Rost from All Souls Unitarian Universalist Church

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

Eileen Lynch Gonzalez, City Council Administrator, stated that there are staff requests for Items 11.B., 12.A. and 12.B. to be postponed until the June 27, 2017 City Council meeting and Item 4A.B. to be removed from the Consent Calendar.

Consensus of Council agreed to these changes on the agenda.

4. Consent Calendar

These items will be acted upon as a whole, unless a specific item is called for discussion by a Councilmember or a citizen wishing to address the City Council. (Any items called up for separate consideration shall be acted upon following the Mayor's Business.)

4A. Second Presentation:

4A.A. [CPC ZC 17-00015](#)

Ordinance No. 17-44 amending the zoning map of the City of Colorado Springs relating to 2.8 acres located at 917 East Moreno Avenue from R2 (Two-Family Residential) to PBC/CR (Planned Business Center with Conditions of Record).

(Quasi-Judicial)

Related File: CPC DP 17-00016

Presenter:

Lonna Thelen, Principal Planner, Planning & Community Development
Peter Wysocki, Planning and Community Development Director

Attachments: [ZC ORD Helen Hunt](#)
[EXHIBIT A - legal description](#)
[EXHIBIT B - depiction](#)
[Vicinity Map](#)
[Signed Ordinance 17-44](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. [17-1053](#) City Council Regular Meeting Minutes May 23, 2017

Presenter:

Sarah B. Johnson

Attachments: [5-23-2017 City Council Meeting Minutes Final](#)

The Minutes were approved on the Consent Calendar.

4B.B. [17-944](#) Resolution to amend the Rules of the Colorado Springs Civil Service Commission for the Municipal Police and Fire Departments

Presenter:

Tracy Lessig, Division Chief - Employment Division, City Attorney's Office

Attachments: [Resolution](#)
[061317 CivilServiceRuleChanges-CouncilVersion-FINAL-05-25](#)
[061317 CivilServiceRuleChanges-CouncilVersion-CLEAN](#)
[Signed Resolution 62-17](#)

This Resolution was adopted on the Consent Calendar.

4B.C. [17-991](#) Ordinance No. 17-46 amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$235,642 for events recommended by the LART Citizen Advisory Committee

Presenter:

Charae McDaniel, Acting Budget Director
Fred Veitch, Chair, LART Citizen Advisory Committee

Attachments: [2017 Attachment A - List of LART recommended projects](#)
[Ordinance for LART 2017 Additional Events](#)

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

- 4B.D.** [17-965](#) A resolution approving and authorizing the Mayor to execute and administer the Intergovernmental Agreement (IGA) with the Colorado Department of Transportation (CDOT) regarding funding for the 30th Street Corridor Improvements.

Presenter:
Aaron Egbert, P.E. Senior Engineer

Attachments: [IGA-CDOT-30thStreet-2017-05-11](#)
[Exhibit A R2-IGA-21635 Execs revised 08Feb2017 Part 1](#)
[R2-IGA-21635 Execs revised 08Feb2017 - Part 2 Exhibits](#)
[30th_council_powerpoint](#)

This Resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Bennett, seconded by Councilmember Strand, 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 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

5. Recognitions

President Skorman read a Proclamation declaring June 5-11, 2017 as Hemp History Week. Dennis Apuan, Chair KCMJ, stated that KCMJ Community Radio celebrated Hemp History Week by watching a documentary film, "Bringing it Home", and serving a Hemp seed infused dinner.

- 5.A.** [17-1054](#) A Resolution to support June 26, 2017 as Waldo Canyon Fire Commemoration Day

Presenter:
Ted Collas, Fire Chief, Colorado Springs Fire Department
Bret Waters, Deputy Chief of Staff

Attachments: [2017 Waldo AnniversaryResolutionFinal.doc](#)
[Signed Resolution 64-17](#)

Councilmember Strand read the Resolution to support June 26, 2017 as

Waldo Canyon Fire Commemoration Day.

Ted Collas, Fire Chief, Colorado Springs Fire Department, stated that William and Barbara Everett lost their lives and 347 residents lost their homes due to the fire. Mr. Collas expressed appreciation for the communities that came together during that time of tragedy.

Bret Waters, Deputy Chief of Staff, invited everyone to the Waldo Canyon Fire 5th Anniversary Observance, at Mountain Shadows Community Park on June 26, 2017 at 6:00PM. Mr. Waters reminded everyone of the need for individual and community preparedness and thanked Gordon Brenner, Recovery Coordinator, and volunteers for their recovery efforts.

Councilmember Gaebler said that the City's Forester has already completed fire mitigation on three hundred acres of City Park land and asked how many more were still in need of mitigation. Mr. Waters explained that the City has a very active fire mitigation program and will contact Karen Palus, Director Parks and Recreation for additional information.

Sallie Clark, former El Paso County Commissioner, thanked Mr. Waters, Gordon Brenner, Jeff Greene, Chief of Staff, as well as the City staff, and Colorado Springs Utilities for their efforts.

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the Resolution be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

6. Citizen Discussion

Citizen Charlotte Long, Alzheimer's Association, spoke about Alzheimer's disease and presented information regarding raising awareness in the community.

Citizen Charles Barber spoke against the proposed 2015 ICC Regional Building Code 130mph Wind Resistance Loading for all El Paso County buildings.

Citizen Gerald Miller spoke in favor of paving a dirt alley next to his house and against drug use in his neighborhood.

Citizen Bill Sandras spoke of the new proposed Comcast agreement

presented on May 22, 2017 in relation to Comcast service to the Cedar Heights area.

Citizen Rita Ague spoke for Physicians for Social Responsibility and thanked the Fire and Police Departments for their service.

Citizen Edwin Aldrich, His Urban Presence-House of Misfits, spoke regarding his homeless ministry and their employment programs.

Citizen Shanon Greever spoke for affordable housing and his experience with homelessness.

Citizen Walter Lawson spoke on wildfire prevention and response systems.

Citizens Aisha Sawyer, Mimi Friedman, Leslie Ann Miller, Bridget Seret, John Franks, Gina Stephens, and Matthew Kahl spoke for increasing the number of cannabis plants allowed in home grows in the Medical Marijuana Plant Count Ordinance for patients.

Citizen Deborah Stout-Meiningner spoke regarding the mitigation of the soil of the proposed U.S. Olympic Training Center Museum location.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

4A.B. [CPC PUZ 17-00030](#)

Ordinance No. 17-45 for Penrose-St. Francis zone change of 78.84 acres from PUD (Planned Unit Development) and R (Residential Estate) to PUD (Planned Unit Development; hospital, office, medical office, general commercial, 1,850,000 gross floor area, 165-foot maximum building height, located at the northeast corner of Centennial Boulevard and Fillmore Street.

(Quasi-Judicial)

Related Files: CPC MPA 04-00043-A3MN17, CPC PUP
15-00052-A1MJ17

Presenter:
Mike Schultz, Principal Planner, Planning & Community Development
Peter Wysocki, Planning and Community Development Director

Attachments: [ZC ORD Penrose Hospital](#)
[Exhibit A Legal Description](#)
[Exhibit B Zoning Diagram](#)
[Vicinity map](#)
[Signed Ordinance 17-45](#)

Councilmember Murray called Item 4A.B. off the Consent Calendar stating that 65 feet was the maximum height previously allowed on the Mesa and expressed that special privilege should not be allowed for any organization.

Councilmember Geislinger recused himself from the public hearing due to his employment with Centura Health.

Motion by Councilmember Bennett, seconded by President Pro Tem Gaebler, that the ordinance changing the zoning of 78.84 acres from PUD (Planned Unit Development) and R (Residential Estate) to PUD (Planned Unit Development; hospital, office, medical office, general commercial, 1,850,000 gross floor area, 165-foot maximum building height), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603 and the establishment of PUD zones as set forth in City Code Section 7.3.603 be finally passed. The motion passed by a vote of 7-1-1

Aye: 7 - Avila, Bennett, Gaebler, Knight, Pico, Skorman, and Strand

No: 1 - Murray

Recused: 1 - Geislinger

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

There was no Unfinished Business.

11. New Business

- 11.A. [17-1055](#)** A Resolution authorizing the acquisition of property owned by AMERCO Real Estate Company for the Tejon Street Roundabout Project

Presenter:

Travis Easton, P.E. Public Works Director
Mike Chaves, P.E. Engineering Manager

Attachments: [Uhaul Acquisition Res 05-31-17](#)
[Uhaul legal exhibits 5-31-2017](#)
[UHaul Parcel Vicinity Map](#)
[Signed Resolution 65-17](#)

There were no questions or comments on this item.

Motion by Councilmember Bennett, seconded by Councilmember Murray, that the Resolution authorizing the acquisition of property owned by AMERCO Real Estate Company for the Tejon Street Roundabout Project be adopted. The motion passed by a vote of 8-1-0

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Murray, Pico, Skorman, and Strand

No: 1 - Knight

- 11.B.** [17-963](#) An Ordinance amending Ordinance No. 16-116 (2017 Appropriation Ordinance) for a Supplemental Appropriation to the General Fund in the amount of \$75,000 for tree cleanup from the April 2017 snowstorm

Presenter:

Karen Palus, Parks, Recreation and Cultural Services Director
Jay Hein, City Forester

Attachments: [050817 - Ordinance for Parks Forestry Div Tree Cleanup \(17-963\).docx](#)
[5-8-17 - Forestry Emergency Supplemental Request - Powerpoint](#)
[April 4 snowstorm June Council.pptx](#)

Motion by Councilmember Knight, seconded by Councilmember Bennett, that the Ordinance be postponed to the June 27, 2017 City Council meeting. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

- 11.C.** [17-923](#) Ordinance No. 17-47 amending Part 7 (Peddlers of Food Wares) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Mobile Food Vendors and providing penalties for the violation thereof

Presenter:

Sarah B. Johnson, City Clerk
Lee McRae, License Enforcement Officer

Attachments: [MobileFoodVendorCh2Art3Part7-2017-05-17v2 \(2\)](#)
[City Council - Mobile Food Vending-2017-06-13](#)

There were no questions or comments on this item.

President Skorman recused himself from the public hearing due to his ownership of a downtown restaurant business.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Ordinance to amend and rename the Peddler of Food Wares License Code be approved on first reading. The motion passed by a vote of 8-0-1

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Strand

Recused: 1 - Skorman

- 11.D. [17-1021](#)** Ordinance No. 17-48 amending Section 507 (License Fees Enumerated) of Part 5 (License Fees) of Article 1 (General Business License Provisions) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Mobile Food Vendor license fees

Presenter:

Sarah B. Johnson, City Clerk

Lee McRae, License Enforcement Officer

Attachments: [MobileFoodVendorCh2Art1Pt5-LicenseFeesEdit-2017-05-17](#)

There were no questions or comments on this item.

President Skorman recused himself from the public hearing due to his ownership of a downtown restaurant business.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Ordinance to amend License Fees Enumerated section of the General Business License Code to reflect the name change of the "Peddler of Food Wares" license type to "Mobile Food Vendors." be approved on first reading. The motion passed by a vote of 8-0-1

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Strand

Recused: 1 - Skorman

- 11.E. [17-916](#)** Ordinance No. 17-49 amending Section 104.F, Article 15, Chapter 10 and Section 106, Article 15, Chapter 10 of the City Code to allow mobile food vendors to utilize on-street metered parking spaces.

Presenter:

Greg Warnke, Parking Administrator

Attachments: [Parking-MobileFoodVendorORD-2017-05-12FINAL](#)
[Application for Mobile Food Vendor Parking Hoods - Final](#)

There were no questions or comments on this item.

President Skorman recused himself from the public hearing due to his ownership of a downtown restaurant business.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Ordinance amending Section 104 F, Article 15, Chapter 10, and Section 106, Article 15, Chapter 10 of the City Code pertaining to permits for extended use of parking meters be approved on first reading. The motion passed by a vote of 8-0-1

Aye: 8 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, and Strand

Recused: 1 - Skorman

- 11.F. [17-995](#)** A Resolution authorizing the use of eminent domain to acquire real property owned by Francisco Serna needed for the West Colorado Avenue reconstruction, 31st street to U.S. Highway 24, project

Presenter:

Aaron Egbert, Senior Engineer

Attachments: [Serna Resolution - 05 26 2017](#)

[2017 05 22 Council Worksession 3740 W Colorado AHT 5 12 2017](#)

[Signed Resolution 66-17](#)

Councilmember Geislinger asked if any correspondence had been received from Mr. Francisco Serna since the last Council work session meeting. Brad Rodenberg, TRS, stated that agents had reached out on a weekly basis. He also said Mr. Serna had contacted the public involvement team approximately a week ago and it was relayed to him to contact TRS directly with no response. Mr. Serna had also been made aware of the hearing in the final offer letter.

Motion by Councilmember Bennett, seconded by Councilmember Murray, that the Resolution authorizing the City Attorney to take all action necessary to acquire the Property and to seek immediate possession of the Property by a voluntary Possession and Use Agreement, eminent domain, or other appropriate proceedings be adopted. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

12. Public Hearing

- 12.A. [17-987](#)** An appeal of an administrative approval of a Revocable Permit for a Commercial Mobile Radio Service facility (CMRS) located at Research Parkway and Chapel Hills Drive.

(Quasi-Judicial)

Presenter:

Suzann Matz, Revocable Permit Coordinator, Planning & Community Development

Meggan Herington, Planning & Community Development, Assistant Director

Peter Wysocki, Planning & Community Development Director

Attachments: [Peak Internet permit](#)

[Briargate Business Campus Owner Assn Appeal](#)

[Centum Health appeal](#)

Motion by Councilmember Strand, seconded by President Pro Tem Gaebler, that the appeal hearing be postponed to the June 27, 2017 City Council meeting. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

12.B. [AR PFP
16-00629](#)

An appeal of the Planning Commission decision to approve the Archer Park Preliminary and Final Plat, dividing 4.7-acres into 7 single-family residential lots located at 10 El Encanto Drive.

(Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning & Community Development
Peter Wysocki, Planning and Community Development Director

Attachments: [EXHIBIT A - Appeal Memo Letter](#)
[EXHIBIT B - Appeal Postponement Request](#)
[Vicinity Map](#)
[Archer Park PP - LT - City Council](#)
[CPC Staff Report Archer Park](#)
[FIGURE 1 - Preliminary Plat](#)
[FIGURE 2 - Final Plat](#)
[FIGURE 3 - Project Statement](#)
[FIGURE 4 - 1st Submittal neighborhood comments](#)
[FIGURE 5 - 2nd Submittal neighborhood comments](#)
[FIGURE 6 - 3rd submittal neighborhood comments](#)
[FIGURE 7 - 4th submittal neighborhood comments](#)
[FIGURE 8 - surrounding properties layout](#)
[FIGURE 9 - Density of surrounding neighborhood](#)
[FIGURE 10 - Book 1397 page 217-219](#)
[FIGURE 11 - Book 2228 page 380](#)
[FIGURE 12 - Reception number 216067228](#)
[FIGURE 13 - Book Z2 page 98 \(Replat of Lot 9, Block 1 Sierra Vista Estates Plat\)](#)
[FIGURE 14 - CGS Geologic Hazard Review](#)
[7.7.102 Subdivision Plats Review Criteria](#)
[7.7.204 Preliminary Plat Req - Subdivision Plats Review Criteria](#)
[7.7.303 Final Plat Req - Subdivision Plats Review Criteria](#)
[CPC May 18 2017 Minutes - Archer Park](#)

Motion by Councilmember Bennett, seconded by Councilmember Strand, that the appeal hearing be postponed to the June 27, 2017 City Council meeting. The motion passed by a vote of 9-0-0

Aye: 9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand

13. Added Item Agenda

There were no items added to the Agenda.

14. Executive Session

There was no Executive Session.

15. Adjourn

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

Sarah B. Johnson, City Clerk

