



# City of Colorado Springs

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

## Meeting Minutes - Final City Council

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Tuesday, February 23, 2016

1:00 PM

Council Chambers

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### 1. Call to Order

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

### 2. Invocation and Pledge of Allegiance

The Invocation was led by Victoria Heim, Crossroads Ministry.

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. [16-00049](#)** Ordinance No. 16-17 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 finally passed on the Consent Calendar.**

**4B. First Presentation:**

**4B.A.** [16-00155](#) City Council Meeting Minutes February 9, 2016

Presenter:  
Sarah B. Johnson, City Clerk

**The Meeting Minutes were approved on the Consent Calendar.**

**4B.B.** [16-00037](#) A Resolution Authorizing the Mayor to Transfer Funds in the General Fund from the Public Works Department to the Planning/Economic Development /Housing Department

Presenter:  
Travis Easton, Public Works Director

Res/Ord Number: 17-16

**The resolution was adopted on the Consent Calendar.**

**4B.C.** [16-00095](#) A Resolution Approving a Land Exchange Between the City of Colorado Springs and Interquest Marketplace, LLC

Presenter:  
Kathleen Krager, Transportation Manager

Res/Ord Number: 18-16

**The resolution was adopted on the Consent Calendar.**

**4B.D.** [16-00129](#) Ordinance No. 16-21 amending the zoning map of the City of Colorado Springs pertaining to 2.42 acres located southeast of Circle Drive and Monterey Road from OC (Office Complex) to PBC (Planned Business Center).Quasi-Judicial

Presenter:  
Lonna Thelen, Principal Planner Land Use Review  
Peter Wysocki, Director, Planning and Community Development

Res/Ord Number: 16-21

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

**4B.E.** [16-00133](#) A Development Plan for Circle K associated with the change of zone to develop the property as a convenience store with fuel and car wash located at southeast corner of Circle Drive and Monterey Road. Quasi-Judicial

Presenter:

Lonna Thelen, Principal Planner Land Use Review  
Peter Wysocki, Director, Planning and Community Development

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

**4B.F. [16-00134](#)**

Ordinance No. 16-22 amending the zoning map of the City of Colorado Springs pertaining to 8.69 acres located northwest of Powers Boulevard and Victor Place from PIP-2/AO (Planned Industrial Park with Airport Overlay) to C-6/CR/AO (General Business with Conditions of Record and Airport Overlay). Quasi-Judicial

Presenter:

Mike Schultz, Principal Planner, Land Use Review  
Peter Wysocki, Planning and Development Director, Planning and Development Department

Res/Ord Number: 16-22

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

**4B.G. [16-00135](#)**

A concept plan associated with the change of zone of a 8.69-acre property located northwest of Powers Boulevard and Victor Place to develop the property for commercial uses (currently presented as an automobile sales use). Quasi-Judicial

Presenter:

Mike Schultz, Principal Planner, Land Use Review  
Peter Wysocki, Planning and Development Director, Planning and Development Department

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

**4B.H. [16-00106](#)**

A Resolution Authorizing the Acquisition of Property Owned by Jerry Ann Daiss, Formerly Known as Jerry Ann O'Connor, to be Used for Southern Delivery System Project Improvements

Presenter:

Lyman Ho, SDS Land Acquisition Manager  
Jerry Forte, P.E., CEO, Colorado Springs Utilities

Res/Ord Number: 19-16

**The resolution was adopted on the Consent Calendar.**

**4B.I. [16-00159](#)**

A Resolution Approving an Intergovernmental Agreement between the City of Colorado Springs, Colorado, the City of Fountain, Colorado, the Security Water District, and the Pueblo West Metropolitan District for the Operations, Maintenance, Replacement and Expansion of the Southern Delivery System, and Authorizing Execution of Such an

Intergovernmental Agreement

Presenter:  
John Fredell, Southern Delivery System, Program Director  
Jerry Forte, P.E., CEO, Colorado Springs Utilities  
Res/Ord Number: 20-16

The resolution was adopted on the Consent Calendar.

**Approval of the Consent Agenda**

Motion by Councilmember Murray, 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 8-0-1.

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

**Excused:** 1 - Collins

**5. Recognitions**

There were no Recognitions.

**6. Citizen Discussion**

Citizen Charles Barber spoke about the sun shining in Colorado Springs.

Citizen John Kilbury spoke about safety on the sidewalks in downtown Colorado Springs.

Citizen Jan Hoag spoke about homelessness.

Citizen Deborah Stout-Meininger voiced concern about urban renewal projects and tax increment financing.

Citizen Gerald Miller spoke about disrespectful behavior of citizens in the library.

**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.** [16-00006](#) Ordinance No. 16-18 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, Comprehensive Planning Manager, stated the updated operations plan and budget for this proposal have been provided to Council and a typo in the draft document has been corrected.

Councilmember Murray expressed concern about the short time frame Council has had to review the financial changes. Mr. Schueler explained the change reflects the exclusion of the McDonalds property.

Deborah Stout-Meiningner spoke in opposition of including the McDonalds property in this district.

**Motion by Councilmember King, seconded by Councilmember Strand, that the Ordinance organizing the Creekwalk Marketplace Business Improvement District and providing for the Election of the Board of Directors as passed on first reading with the exclusion of the McDonald's property be finally passed. The motion passed by a vote of 6-2-1.**

**Aye:** 6 - Bagley, Bennett, Gaebler, King, Knight, and Strand

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

**Excused:** 1 - Collins

- 10.B.** [16-00068](#) Ordinance No. 16-19 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

There were no questions or comments on this agenda item.

**Motion by Councilmember Murray, seconded by Councilmember Bagley, that the Ordinance to approve the proposed code change and adopt the ordinance as proposed based on the finding that the procedures described in Section 7.5.602 have been met be finally passed. The motion passed by a vote of 8-0-1.**

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

**Excused:** 1 - Collins

## **11. New Business**

- 11.A. [15-00719](#)** Ordinance No. 16-23 amending Sections 102 (Code Adopted by Reference) and 103 (Additions and Modifications) of Part 1 (General Provisions) of Article 10 (Building Code Administration) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, and amending provisions of the Pikes Peak Regional Building Code, 2011 edition, formerly adopted by Ordinance 11-34, as amended by Ordinance 13-6

Presenter:

Ryan Tefertiller, Planning Manager, Planning and Development Department  
Roger Lovell, Regional Building Official

Res/Ord Number: 16-23

Councilmember Knight asked about feedback from the Planning Commission on these proposed changes. Ryan Tefertiller, Urban Planning Manager, stated there was good discussion in an informal Planning meeting and no further questions or comments have come from the committee members since that meeting.

**Motion by Councilmember Murray, seconded by Councilmember Bagley, that the Ordinance be approved on first reading. The motion passed by a vote of 8-0-1.**

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

**Excused:** 1 - Collins

- 11.B. [16-00046](#)** A Resolution Authorizing the Acquisition of Approximately 200 Acres Owned By Joanne R. Watkins for the Purpose of Public Open Space and Trails as an Extension of Cheyenne Mountain State Park

Presenter:

Chris Lieber, Park Development Manager/TOPS Program Manager

Res/Ord Number: 21-16

Councilmember Knight stated he requested a copy of the Parks priority

list from the Parks Department, since he has not received the requested information, he will not be supporting this item.

**Motion by Councilmember Murray, seconded by Councilmember King, that the Resolution authorizing the acquisition of a 200-acre Parcel Known as the Watkins Property for the Purpose of Public Open Space and Trails as an extension of Cheyenne Mountain State Park be adopted. The motion passed by a vote of 7-1-1.**

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

**No:** 1 - Knight

**Excused:** 1 - Collins

- 11.C. [16-00047](#)** Ordinance No. 16-24 amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the Trails Open Space and Parks (TOPS) Fund in the Amount of \$980,000 for the Acquisition of Approximately 200 Acres Owned by Joanne R. Watkins for the Purpose of Public Open Space and Trails

Presenter:

Chris Lieber, Park Development Manager/TOPS Program Manager

Res/Ord Number: 16-24

There were no questions or comments on this agenda item.

**Motion by Councilmember Murray, seconded by Councilmember Strand, that the Ordinance Amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Open Space and Parks (TOPS) Fund in the Amount of \$980,000 for the Acquisition of Approximately 200 Acres Owned by Joanne R. Watkins for the Purpose of Public Open Space and Trails as an Extension of Cheyenne Mountain State Park be approved on first reading. The motion passed by a vote of 7-1-1.**

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

**No:** 1 - Knight

**Excused:** 1 - Collins

- 11.D. [16-00066](#)** Ordinance No. 16-25 amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the Trails, Opens Space and Parks (TOPS) Fund in the Amount of \$855,421 to Fund Three Additional Capital Projects Related to Garden of the Gods Park, Deerfield Hills Park and Community Center, and the Manitou Incline

Presenter:

Chris Lieber, Parks Development Manager/TOPS Program Manager

Res/Ord Number: 16-25

Chris Lieber, Park Development Manager, provided an overview of the

plans.

**Motion by Councilmember Murray, seconded by Councilmember King, that the Ordinance Amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the TOPS Fund in the Amount of \$855,421 to Fund Three Additional Capital Projects Related to Garden of the Gods Park, Deerfield Hills Park and Community Center, and the Manitou Incline be approved on first reading. The motion passed by a vote of 8-0-1.**

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

**Excused:** 1 - Collins

- 11.E. [16-00148](#)** Ordinance No. 16-26 vacating a public right-of-way consisting of 0.877 acres located north of Dublin Boulevard and South of the intersection of Templeton Gap Road and Vickie Lane  
Legislative

Presenter:

Meggan Herington, LUR/DRE Planning Manager,  
Peter Wysocki, Director, Planning and Community Development  
Department

Res/Ord Number: 16-26

Councilmember Knight requested an update on the construction of Vickie Lane. Meggan Herington, Planning Manager, presented an overview of the proposal including an overview of the process and the benefit of this action as an interim traffic solution.

Kathleen Krager, Transportation Manager, explained this is a temporary connection until Tutt Boulevard can be completed. The vacation of right-of-way is preferable to purchasing the property. Ms. Krager explained how this vacation of right-of-way and completion of Vickie Lane will alleviate current traffic flow concerns until Tutt Boulevard can be completed through this area.

**Motion by Councilmember King, seconded by Councilmember Murray, that the ordinance vacating 0.877 acres of City right-of-way for Templeton Gap Road based on the finding that the request complies with the review criteria in City Code Section 7.7.402.C (Review Criteria for the Vacation of Right-of-Way) with the condition that the right-of-way vacation ordinance become effective on March 31, 2016 and not be recorded until after publication pursuant to City Charter be approved on first reading. The motion passed by a vote of 8-0-1.**

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

**Excused:** 1 - Collins

- 11.F. [16-00132](#)** A resolution specifying a time period for the submission of written objections to an Initial Decision for City Council consideration



concerning a hearing regarding ethics complaints under the City Code of Ethics

Presenter:  
Council President Merv Bennett

Res/Ord Number: 22-16

There were no questions or comments on this agenda item.

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

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

**Excused:** 1 - Collins

## **12. Public Hearing**

### **12.A. [16-00151](#)**

Ordinance No. 16-27 amending the Zoning Map of the City of Colorado Springs relating to a .5-acre area located at 16 and 22 Spruce Street from C-6 (General Business) to PUD (Planned Unit Development) that would allow for a maximum multi-family building height of 60 feet from grade, gross density of 96 dwelling units per acre, and a parking ratio of one on-site parking stall per dwelling unit. Quasi-Judicial

Presenter:  
Michael Turisk, Planner II, Planning and Community Development  
Peter Wysocki, Director, Planning and Community Development  
Department

Res/Ord Number: 16-27

Michael Turisk, Planner II, provided a summary of the development plan for this proposal.

Councilmember Knight requested additional information about the parking arrangements for this complex. Mr. Turisk stated without the variance, 67 on-site parking stalls would be required, however; this plan includes a request to approve 49 on-site parking stalls. A comprehensive parking analysis determined available on-street parking is adequate to handle any parking over-flow.

Councilmember Strand requested additional information about the parking ratio. Kathleen Krager, Transportation Manager, stated the standard parking requirements are intended for suburban development and do not reflect the needs of urban developments such as this one. Ms. Krager also explained the target residents of this development will

not typically be heavy vehicle owners and users.

Council President Pro Tem Gaebler presented an infill perspective on this item, stating it is typical to reduce parking requirements in these types of properties.

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

Dave Morrison, representing the applicant, provided additional information about the proposed development. Jeff Hodson with LSC Transportation Consultants, Inc., provided detailed information about the parking survey done as part of the planning process.

**Motion by Councilmember Murray, seconded by President Pro Tem Gaebler, that the Ordinance approving the zone change from C-6 (General Business) to PUD (Planned Unit Development) to allow for a maximum multi-family building height of 60 feet from grade, gross density of 96 dwelling units per acre, and a parking ratio of one on-site parking stall per dwelling unit based on the finding the request complies with the review criteria in City Code Sections 7.3.601 (Purpose of PUD zone) and 7.5.603.B (Establishment or Change of Zone District Boundaries) be approved on first reading. The motion passed by a vote of 8-0-1.**

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

**Excused:** 1 - Collins

- 12.B. [16-00152](#)** Associated PUD concept plan for the purpose of developing a 48,000 square-foot, 48-unit multi-family project to be named "22 Spruce." Quasi-Judicial

Presenter:

Michael Turisk, Planner II, Planning and Community Development

Please see comments in agenda item 12.A.

**Motion by Councilmember Murray, seconded by Councilmember Pico, to approve the concept plan for "22 Spruce" based on the finding the plan complies with the review criteria in City Code Section 7.3.605 (Review Criteria for PUD Concept Plans), subject to compliance with the technical modifications to the development plan as required per the Record-of-Decision from the January 21, 2016 Planning Commission meeting. The motion passed by a vote of 8-0-1.**

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

**Excused:** 1 - Collins

- 12.C. [16-00149](#)** Ordinance No. 16-28 amending the zoning map of the City of Colorado Springs from R1-6000 (Single-Family Residential) to OR (Office Residential) pertaining to a 15,782 square-foot site located on the northwest corner of the intersection of South 8th Street and

Cheyenne Boulevard. Quasi-Judicial

Presenter:

Conrad Olmedo, AICP, Planner I

Peter Wysocki, Planning and Development Director, Planning and Community Development Department

Res/Ord Number: 16-28

Conrad Olmedo, Planner I, provided an overview of the proposed development plan.

There were no questions or comments on this item.

**Motion by Councilmember Murray, seconded by Councilmember Bagley, that the Ordinance approving the zone change from R1-6000 (Single-Family Residential) to OR (Office Residential) for 802 Cheyenne Boulevard, based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.B be approved in first reading. The motion passed by a vote of 8-0-1.**

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

**Excused:** 1 - Collins

**12.D. [16-00150](#)**

A development plan associated with the zone change of a lot located at 802 Cheyenne Blvd. to allow general office and medical office uses. Quasi-Judicial

Presenter:

Conrad Olmedo, AICP, Planner I, Planning and Community Development

Please see comments in agenda item 12.C.

**Motion by Councilmember Murray, seconded by Councilmember Bagley, to approve the development plan for 802 Cheyenne Boulevard, based upon the finding that the development plan complies with the review criteria in City Code Section 7.5.502.E, subject to compliance with the technical and/or informational modifications listed in the Planning Commission Record of Decision. The motion passed by a vote of 8-0-1.**

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

**Excused:** 1 - Collins

### **13. Added Item Agenda**

There were no items added to the agenda.

### **14. Executive Session**

There was not an executive session.

### **15. Adjourn**

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

Sarah Johnson  
City Clerk

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

- 15.A.** [15-00773](#) Ordinance No. 16-20 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

There were no questions or comments on this agenda item.

**Motion by Councilmember Murray, seconded by Councilmember Bagley, that the ordinance to approve the dissolution of the Colorado Springs Cottonwood General Improvement District be finally passed. The motion passed by a vote of 8-0-1.**

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

**Excused:** 1 - Collins