



City of Colorado Springs

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

Meeting Minutes - Draft City Council

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Tuesday, April 12, 2016

1:00 PM

Council Chambers

1. Call to Order

2. Invocation and Pledge of Allegiance

The Invocation was led by Pat Hartsock, First Presbyterian Church.

The Pledge of Allegiance was led by Council President Bennett.

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

3. Changes to Agenda/Postponements

Council President Bennett stated the Independent Ethics Commission (IEC) has delivered its recommendations on the three remaining allegations that were not determined to be frivolous in complaint number 2015-02 and requested this item be added to the City Council agenda April 26, 2016 for consideration of the IEC's recommendations and a decision as to whether to accept them. Council President Bennett requested consensus of Council to release the memorandum dated April 6, 2016 and the five-page confidential report on the nonfrivolous allegations in complaint 2015-02 to the public. Consensus of Council agreed to include these items in the April 26, 2016 Regular Meeting Agenda, but did not agree to release the confidential report.

Reach Pikes Peak is having a fundraising event including a Celebrity Dunk June 25, 2016 in Acacia Park; Councilmembers can volunteer to join the Mayor in being dunked.

The Executive Session will be held at the end of the meeting today.

Councilmember Knight requested agenda items 4.B.B. and 4.B.F be pulled from the Consent Calendar.

Councilmember Collins requested agenda item 4.B.A. be pulled from 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.A. [16-00194](#)** Ordinance No. 16-36 amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for an Appropriation to the General Fund in the Amount of \$1,095,560 to Make a Transfer to the City-funded CIP Fund, and to the City-funded CIP Fund in the Amount of \$1,095,560 to Provide the Funding Needed to Complete Public Works Capital Improvement Projects

Presenter:
Travis Easton, P.E. Public Works Director
Res/Ord Number: 16-36

This Ordinance was finally passed on the Consent Calendar.

- 4A.B. [16-00107](#)** Ordinance No. 16-37 amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the Memorial Health System Enterprise Fund in the Amount of \$5,264,000 to Pay Costs Related to Third Party Payor Audits and to Transfer Monies to the Colorado Springs Health Foundation

Presenter:
Kara Skinner, Chief Financial Officer
Res/Ord Number: 16-37

This Ordinance was finally passed on the Consent Calendar.

- 4A.C. [16-00199](#)** Ordinance No. 16-38 amending Section 103 (Presiding Judge; Powers And Duties) Of Article 2 (Judges) And Section 106 (Failure To Pay Fine; Stay Of Execution) Of Article 3 (Procedures) Of Chapter 11 (Municipal Court) Of The Code Of The City Of Colorado Springs 2001, As Amended, Pertaining To Municipal Court Fines

Presenter:

Anne Turner, Senior Attorney

Res/Ord Number: 16-38

This Ordinance was finally passed on the Consent Calendar.

4A.D. [16-00233](#)

Ordinance No. 16-39 correcting a legal description included in Ordinance 12-92 for the B&J Garcia Subdivision No. 2 zone change.

Presenter:

Hannah Van Nimwegen, Planner II, Land Use Review Division of the Planning and Community Development Department

Res/Ord Number: 16-39

This Ordinance was finally passed on the Consent Calendar.

4A.E. [CPC ZC
15-00136](#)

Ordinance No. 16-40 amending the zoning map of the City of Colorado Springs pertaining to 1.44 acres located south of Flying Horse Club Drive and west Highway 83 from PUD to OC. Quasi-Judicial

Presenter:

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

Res/Ord Number: 16-40

This Ordinance was finally passed on the Consent Calendar.

4A.F. [CPC ZC
16-00004](#)

Ordinance No. 16-41 amending the zoning map of the City of Colorado Springs pertaining to 4.29 acres located one mile north of Drennan Road and one mile east of Marksheffel Road from R1-6000 to PF (Public Facility) Quasi-Judicial

Presenter:

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

Res/Ord Number: 16-41

This Ordinance was finally passed on the Consent Calendar.

4A.G. [CPC ZC
15-00122](#)

Ordinance No. 16-42 amending the zoning map of the City of Colorado Springs pertaining to 17 acres located east of Manitou Boulevard, north of Monument Street, and south of Uintah Street from PK/PF/R/HS (Parks and Recreation, Public Facilities, Estate Single-Family Residential with Hillside Overlay) to PF/HS (Public Facility with Hillside Overlay). Quasi-Judicial

Presenter:

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

Res/Ord Number: 16-42

This Ordinance was finally passed on the Consent Calendar.

4A.H. [CPC ZC
16-00002](#)

Ordinance No. 16-43 amending the zoning map of the City of Colorado Springs pertaining to 1.28 acres located northwest of Shrider Road and Academy Boulevard from PBC/CR (Planned Business Center with Conditions of Record) to PBC/CR (Planned Business Center with Conditions of Record). - Quasi-Judicial

Presenter:

Katie Carleo, Principal Planner, Planning and Community Development Department
Peter Wysocki, Director, Planning and Community Development

Res/Ord Number: 16-43

This Ordinance was finally passed on the Consent Calendar.

4A.I. [CPC ZC
15-00130](#)

Ordinance No. 16-45 to change the zoning of 4.75 acres located at the northeast corner of Platte Avenue and Wooten Road from PIP-1/AO to C-5/AO. Quasi-Judicial

Presenter:

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

Res/Ord Number: 16-45

This Ordinance was finally passed on the Consent Calendar.

4A.J. [CPC V
15-00106](#)

Ordinance No. 16-46 to vacate .384 acres (16,727 square feet) of Edison Avenue right-of-way located just east of Wooten Road; Legislative

Presenter:

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

Res/Ord Number: 16-46

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.C.** [16-00218](#) A Resolution Approving an Agreement Between the City of Colorado Springs and Life Time Fitness Regarding the Construction and Operation of the John Venezia Community Park Tennis and Pickleball Facility

Presenter:

Sarah Bryarly, Landscape Architect
Kim King, Recreation and Administration Manager

Res/Ord Number: 31-16

This resolution was adopted on the Consent Calendar.

- 4B.D.** [CPC ZC](#)
[15-00088](#) Ordinance No. 16-47 amending the zoning map of the City of Colorado Springs pertaining to 6.055 acres located southwest of North Marksheffel Road and Dublin Boulevard from PUD/AO to PUD/AO. (The Reserve at Indigo Ranch) Quasi-Judicial

Presenter:

Rachel Teixeira, Planner, Land Use Review
Peter Wysocki, Director, Planning and Community Development

Res/Ord Number: 16-47

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

- 4B.E.** [CPC PUD](#)
[13-00048-A2](#)
[MJ15](#) An amendment to The Reserve at Indigo Ranch Filing No. 2 Development Plan associated with the change of zone to develop the vacant site into a mix of single-family attached and single-family detached units located southwest of North Marksheffel Road and Dublin Boulevard. (The Reserve at Indigo Ranch) - Quasi-Judicial

Presenter:

Rachel Teixeira, Planner, Land Use Review
Peter Wysocki, Director, Planning and Community Development

This agenda item was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by President Pro Tem 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, Murray, Pico, and Strand

5. Recognitions

- 5.A.** [16-306](#) A Resolution Designating April 12, 2016 as Start by Believing day in support of victims of violent crime

Presenter:
Mayor John Suthers

Res/Ord Number: 32-16

Sarah Johnson, City Clerk, read the resolution.

Megan Leichtner, Forensic Nurse Examiner, Memorial Hospital, provided a summary of the campaign and the goals of the organization and thanked Council for their support.

Jeff Greene, Chief of Staff, expressed the Mayor's support of this campaign.

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

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

- 5.B.** [16-249](#) A Resolution of Appreciation Designating April 10th Through 16th, 2016 as National Volunteer Week

Presenter:
Kim King, Recreation and Administration Manager - Parks, Recreation, and Cultural Services

Res/Ord Number: 33-16

Council President Pro Tem Gaebler read the resolution and expressed appreciation to volunteers who serve our community.

Kim King, Recreation and Administration Manager, thanked Council and the volunteers for the work that they do.

Jean Kraus, Manager of the CAPS, the Volunteer Program with the Police Department, introduced the members of the CAPS program in attendance and thanked the volunteers, Council, Police Chief Carey and Mayor Suthers for their support.

Police Chief Carey recognized the volunteers and thanked Council for their support.

Jeff Greene, thanked the volunteers on behalf of the Mayor's Office.

Motion by Councilmember Murray, seconded by President Pro Tem Gaebler, that the Resolution designating April 10th through 16th, 2016 as National Volunteer Week be adopted. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

5.C. [16-268](#) A Resolution Designating April 2016 National Landscape Architecture Month

Presenter:

Chris Lieber, Parks Development Manager - Parks, Recreation and Cultural Services

Res/Ord Number: 34-16

Councilmember Strand read the resolution and acknowledged the importance of landscape architecture to our community.

Chris Lieber, Parks Development Manager, spoke about the rich history of landscape architecture in our City.

Tim Seibert with NES Landscape Architects acknowledged the contributions of landscape architects to the City and honored the contributions of Ron Bevins, a local landscape architect who recently passed away.

Motion by Councilmember Strand, seconded by Councilmember Murray, that the Resolution designating April 2016 National Landscape Architecture Month be adopted. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

6. Citizen Discussion

Citizens Donna Strom, Carl Strow, John Spengler, Deborah Bonifas, Lara Rowell and Walter Lawson spoke in opposition to the proposed Parks-Broadmoor land exchange.

Citizens Alejandra Garza de Gutierrez, Alen Pitts, Taylor Wilson, Trygve Bundgaard, Ryan Barry, Ruth Markwardt, spoke in opposition to the Pedestrian Access Act.

Citizen Michael Wilkinson spoke about a situation involving Code Enforcement and the Police in his residence.

Citizen Andi VanGogh spoke in support of the expansion of the Springs Rescue Mission.

Citizen Gerald Miller spoke about a solution for homeless veterans in the City.

Citizen Charles Barber spoke about the Southern Delivery System and the stormwater management IGA.

Citizens Christine Bingham and Pamela Bennett voiced concern about residential marijuana grow operations in neighborhoods.

Citizen Deborah Stout-Meininger spoke in opposition of the marijuana industry, about soil contamination, and the disposal of City assets.

Citizen Jaymen Johnson apologized for the concerns expressed by citizens about the problems the marijuana industry has caused and expressed concern about the Work Session presentation regarding medical marijuana yesterday, the proposed plant limits, and the possibility of extending the medical marijuana moratorium.

7. Mayor's Business

There was not any Mayor's Business.

8. Items Called Off Consent Calendar

4B.A. [16-257](#) City Council Special Session March 15, 2016 Meeting Minutes

Presenter: Sarah Johnson, City Clerk

Councilmember Collins stated she pulled this off the Consent Calendar to let citizens know the Independent Ethics Commission process is flawed and riddled with lack of due process, conflicts of interest and appearances of impropriety. She stated the process is controlled by the City Attorney's Office and biased against a Councilmember not supporting a City government agenda. In her opinion, the City should default to the higher law of the State Constitution when addressing ethical issues.

Councilmember Knight requested to be recused from this vote as he was not present at the meeting. Council President Bennett agreed with the recusal.

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, that

the City Council Special Session March 15, 2016 Meeting Minutes be approved.
The motion passed by a vote of 7-1-1.

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

No: 1 - Collins

Recused: 1 - Knight

4B.B. [16-288](#) City Council Meeting Minutes March 22, 2016

Presenter: Sarah Johnson, City Clerk

Councilmember Knight stated he pulled this item off the Consent Calendar to have the minute language in agenda item 12.A., the Appeal of the Planning Commission's decision to deny a Conditional Use for Iron Mountain Demolition and Roll-Off and Meade Holding, LLC construction and demolition debris transfer station, amended to include his comments about the North Nevada Economic Opportunity Zone report not being included in the process, and that his inability to support the item was due to testimony from two out of three adjacent neighbors speaking in opposition to the proposal.

Motion by Councilmember Knight, seconded by Councilmember Strand, that the City Council Meeting Minutes March 22, 2016 be approved as amended. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

4B.F. [CPC V](#)
[16-00012](#) Ordinance No. 16-48 vacating portions of public rights-of-way for Rippy Drive and Emily Loop within The Reserve at Indigo Ranch Filing No. 1 subdivision plat located southwest of North Marksheffel Road and Dublin Boulevard. (The Reserve at Indigo Ranch) - Legislative

Presenter:

Rachel Teixeira, Planner, Land Use Review

Peter Wysocki, Director, Planning and Community Development

Res/Ord Number: 16-48

Councilmember Knight stated he pulled this item off the Consent Calendar because he has questions about vacating land that is occupied by streets.

Rachel Teixeira, Planner II, explained the streets on this property are private streets, owned by the development.

Kathleen Krager, Transportation Manager, explained sub-division guidelines allow private streets within a development. Ms. Krager

reviewed the requirements of this provision and stated it is the responsibility of the development to maintain and repair private streets. Councilmember Knight and Ms. Krager continued to discuss the details of private streets.

Councilmember Murray stated he lives on a private street and has been told numerous times the City is not responsible for the street, sewers, etc. This information is written in the covenants of the community.

Council President Bennett polled the audience; there were no citizens in attendance wishing to speak to this matter.

Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, that the Ordinance vacating portions of public rights-of-way for Rippy Drive and Emily Loop, based upon the findings the request complies with the review criteria in City Code Section 7.7.402.C (Review Criteria for the Vacation of Right-of-Way) 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

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

- 10.A.** [CPC PUZ 15-00092](#) Ordinance No. 16-44 amending the zoning map of the City of Colorado Springs pertaining to 14.44 acres located northwest of South Rockrimmon Boulevard and Delmonico Drive from OC/CR/PUD/HS/SS to PUD/SS. Quasi-Judicial

Presenter:

Rachel Teixeira, Planner, Land Use Review

Peter Wysocki, Director, Planning and Community Development

Res/Ord Number: 16-44

Councilmember Knight stated he is not supporting this due to concerns about public safety, the concentrated population in the area and concerns about vacating the area in the event of another emergency situation.

Councilmember Strand asked about the unanimous decision of the Planning Commission and the lack of public comment on this item. Councilmember Knight stated this was on the Planning Commission's Consent Calendar and lack of awareness likely led to the absence of public comment. He has received several emails regarding this situation since the Planning Commission meeting.

Council President Bennett polled the audience; there were no citizens in attendance wishing to speak to this matter.

Motion by President Pro Tem Gaebler, seconded by Councilmember King, that the ordinance changing the zoning of 14.44 acres located northwest of South Rockrimmon Boulevard and Delmonico Drive from OC/CR/HS/SS and PUD/HS/SS to PUD/SS (Planned Unit Development - Single-Family Attached; 35-foot maximum building height; 12 dwelling units/acre with Streamside Overlay) based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) and the criteria for the establishment and development of a PUD zone as set forth in City Code Section 7.3.603 be finally passed. The motion passed by a vote of 6-3-0.

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

No: 3 - Collins, Knight, and Murray

11. New Business

11.A. [CPC V 16-00014](#)

Ordinance No. 16-49 vacating a portion of the North Chestnut Street public right-of-way consisting of 0.12 acres located on the east side of North Chestnut Street at the southeast corner of North Chestnut Street and Elkton Drive. - (Legislative)

Presenter:

Rachel Teixeira, Planner, Land Use Review

Peter Wysocki, Director, Planning and Community Development Department

Res/Ord Number: 16-49

Rachel Teixeira, Planner II, provided an overview of the proposal.

Councilmember Knight asked if this is the only property on N. Chestnut that had a portion of land deeded to the City and if the property will revert to the property owner or be divided between the property owner and the City. Ms. Teixeira stated this is the only property in that area with this situation. Ms. Krager stated the property will revert to the property owner. This property owner, although getting the property back, agrees to allow public access on the sidewalk and utility line to remain under the sidewalk.

Councilmember Pico asked why this property would revert to the property owner. Ms. Krager stated this process is outlined in City Code.

Eric Watts, Watts Developing, representing the property owner, stated the extra ten feet of property was voluntarily deeded to the City for future

re-alignment of Chestnut Street which has never happened.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the ordinance vacating 0.12 acre of City right-of-way for North Chestnut Street based upon the finding the request complies with the review criteria in City Code Section 7.7.402.C (Review Criteria for the Vacation of Right-of-Way) 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

- 11.B.** [16-00216](#) Ordinance No. 16-50 amending Ordinance No. 15-86 (2016 Appropriation Ordinance) for a Supplemental Appropriation to the City-Funded CIP Fund in the Amount of \$356,250 for the Construction of Several Traffic Signal Projects

Presenter:

Kathleen Krager, Transportation Manager

Res/Ord Number: 16-50

Kathleen Krager, Transportation Manager, explained the process for funding and installing traffic signals.

Councilmember Collins stated she does not support improvement districts and the amount of money provided by the districts toward the traffic signals seems insignificant.

Councilmember Strand asked if the funds for these signals comes from tax money. Ms. Krager stated the money for traffic signals comes from developers and is collected in advance, to be used when the installation of traffic signals is warranted.

Councilmember Strand asked what the balance in the traffic signal account is. Ms. Krager will provide that information to Council.

Motion by Councilmember Murray, seconded by Councilmember Bagley, that the Ordinance amending the CIP fund for traffic signal installation 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

- 11.C.** [16-00077](#) A resolution approving the City of Colorado Springs Substantial Amendment to the Program year 2014 Action Plan for the use of Community Development Block Grant funds provided through the U.S. Department of Housing and Urban Development

Presenter:

Aimee Cox, Community Development Manager, Planning and

Community Development

Res/Ord Number: 35-16

Aimee Cox, Community Development Manager, provided a summary of this proposal to provide a day facility and other amenities for the homeless.

Larry Yonker, President of the Springs Rescue Mission, spoke about the journey this has been and the community support for this project.

Councilmember King asked if the furnishings are included in this proposal. Mr. Yonker stated this does not include furnishings, Ms. Cox stated furnishings cannot be included in the HUD funding.

Councilmember King and Council President Pro Tem Gaebler expressed appreciation for this resource being provided for the homeless in our community.

Councilmember Pico applauded the project and stated he has reservations about using public grant funds for this project.

Councilmember Strand asked where the balance of funding for the project is coming from. Mr. Yonker stated they have pledges coming in that will be available once the building is started.

Councilmember Strand asked what Utilities has done to support this project in terms of reduced utilities costs. Ms. Cox stated her department has been able to defer development costs and will pay a percentage of the costs once the facility is complete. Bill Cherrier with CSU, stated utilities has the ability to defer development costs for this type of project.

Councilmember Strand commented on the insignificance of this projects when compared to the homeless issue in our community and asked why this is considered a substantial amendment. Ms. Cox stated this project is targeting the chronic homeless in our community and this is considered substantial due to the percentage of the budget and the overall amount of funds.

Councilmember Collins spoke about the national debt and stated she cannot support this initiative due to federal funds supporting it and added facilities like this encourage the homeless to come here.

Councilmember King asked about the flood plain in the vicinity. Ms. Cox stated part of the HUD application process requires an environmental evaluation providing proof there is no adverse impact of the flood plain on the facility. The Springs Rescue Mission will be required to purchase flood insurance.

Citizens Carrie Baatz, Anne Beer and Janice Hogeland spoke in support of this proposal.

Motion by Councilmember Murray, seconded by President Pro Tem Gaebler, that the resolution approving the City of Colorado Springs Substantial Amendment to the Program year 2014 Action Plan for the use of Community Development Block Grant funds provided through the U.S. Department of Housing and Urban Development be adopted. 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

12. Public Hearing

There was not a Public Hearing.

13. Added Item Agenda

There were no items added to the agenda.

14. Executive Session

14.A. [16-303](#) Closed Executive Session

Presenter:

Wynetta Massey, City Attorney

David Andrews, Legislative Council, stated the purpose of the Closed Executive Session is to hold a personnel discussion regarding Council appointees and to receive the legal advice and consultation regarding ordinances which was postponed from the meeting yesterday.

Council President Bennett polled Council regarding the desire to proceed with the discussion in a closed session. Consensus of Council agreed to proceed with the discussion in a closed session.

15. Adjourn