



# City of Colorado Springs

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

## Meeting Minutes - Final City Council

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Tuesday, May 24, 2016

1:00 PM

Council Chambers

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### **1. Call to Order**

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

### **2. Invocation and Pledge of Allegiance**

The Invocation was led by Pastor Greg Wilkins, Vista Grande Church of God.

The Pledge of Allegiance was led by Council President Bennett.

### **3. Changes to Agenda/Postponements**

Council President Bennett stated agenda item 11.C. will be heard at after 3pm.

### **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:**

#### **4B. First Presentation:**

**4B.A. [16-404](#)** City Council Meeting Minutes May 10, 2016

Presenter: Sarah Johnson, City Clerk

The Meeting Minutes were approved on the Consent Calendar.

**4B.B. [16-410](#)** Appointments to Boards and Commissions

Presenter:

Jacquelyn Puett, Assistant to Council

The agenda item was approved on the Consent Calendar.

**4B.D.** [16-271](#)

A Resolution Authorizing the Mayor to Set the Budgets of Certain Stormwater CIP Projects to Zero in the Total Amount of \$3,150,000 and Transfer \$3,150,000 of Budget in the General Fund from the Finance Appropriating Department to the Public Works Appropriating Department for the Stormwater Budget

Presenter:

Travis Easton, P.E., Public Works Director

Res/Ord Number: 49-16

The resolution was adopted on the Consent Calendar.

**4B.G.** [16-401](#)

A resolution endorsing the appointment of a Council President's Special Marijuana Working Group to study the issue of marijuana regulation within the City of Colorado Springs and make recommendations to Council and City staff

Presenter:

Councilmember Larry Bagley

Res/Ord Number: 50-16

The resolution was adopted on the Consent Calendar.

## Approval of the Consent Agenda

**Motion by President Pro Tem Gaebler, 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, Collins, Gaebler, Knight, Murray, Pico, and Strand

**Excused:** 1 - King

## 5. Recognitions

**5.A.** [16-343](#)

A Resolution designating the Month of June to be Bike Month in the City of Colorado Springs

Presenter:

Kate Brady, Senior Bicycle Planner

Res/Ord Number: 51-16

Council President Pro Tem Gaebler read the resolution and endorsed

the efforts to move this City forward as a bicycle friendly community.

Kate Brady, Senior Bicycle Planner, spoke about the importance of bicycles and the bicycle industry to our community.

**Motion by Councilmember Strand, seconded by Councilmember Murray, that the Resolution designating the month of June to be Bike Month in the City of Colorado Springs be adopted. The motion passed by a vote of 8-0-1.**

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

**Excused:** 1 - King

## **6. Citizen Discussion**

Citizen Pat Doyle provided information about Historic Preservation.

Citizen Charles Barber spoke about the importance of stormwater control and public safety.

Citizen Jaymen Johnson expressed appreciation for Council and the work they do and urged them to connect with their constituents.

Citizen John Kilbury voiced concern about conditions in the downtown area.

Citizens Mark Nelson, Sandy Matthews, Becky Fuller, Charles Doolittle, Carol Holden, Tracy Smith, Karen Thrailkill, Kathy Anderson, Mike Anderson, Ralph Everett, and Sterling Sorrell voiced concern about buses and traffic on North Nevada Ave. in the Old North End neighborhood. Jeff Greene, Chief of Staff, suggested a public meeting be scheduled to allow citizens to speak to this issue and allow City Staff to respond to citizen concerns. Mr. Greene stated the City is tasked with making difficult decisions and works to address public concerns.

Citizen Deborah Stout-Meiningner voiced concern about City spending and slow progress on repairing pot holes with the citizen approved tax increase.

## **7. Mayor's Business**

There was not any Mayor's business.

## **8. Items Called Off Consent Calendar**

**4B.C.** [16-405](#)

A resolution directing the City Clerk to provide notice that the

Colorado Springs City Council will consider annexation of the area known as Mohl Hollow consisting of 1.26 acres pursuant to C.R.S. 31-12-106(1) on June 28, 2016.

(Legislative)

Presenter:

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

Res/Ord Number: 52-16

Councilmember Knight stated he pulled this item off the consent calendar because this is a City initiated annexation and does not require a public hearing.

Meggan Herington, Planning Manager, stated Colorado State Statutes guide the vacation process. This item was included on the consent calendar with the intent to allow the City Clerk to post the required notice prior to this action and does not require a public hearing. This is a rare situation. The property owner paid for the annexation plat and is willing to reimburse the City for the cost of posting notice.

**Motion by President Pro Tem Gaebler, seconded by Councilmember Murray, that the resolution directing the City Clerk to give notice that the City Council will consider the Mohl Hollow annexation on June 28, 2016 be adopted. The motion passed by a vote of 8-0-1.**

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

**Excused:** 1 - King

## **9. Utilities Business**

There was no Utilities Business.

## **10. Unfinished Business**

There was no Unfinished Business.

## **11. New Business**

### **11.A. [16-361](#)**

Resolution Approving an Amended 2016 Operating Plan and Budget for the Interquest North Business Improvement District (Legislative Item)

Presenter:

Carl Schueler, Comprehensive Planning Manager

Res/Ord Number: 53-16

Carl Schueler, Comprehensive Planning Manager, responded to questions asked in the Council Work Session regarding this item. Russ Dykstra with Spencer Fane, representing Nor'wood Development, provided additional information regarding this proposal. The increased debt amount has been voter authorized and allows for coverage of any incidental expenses that may occur.

Councilmember Knight asked if there is any possibility of future bond debt increases. Mr. Dykstra stated any future debt issuance requests would require Council approval. This includes an amended budget, although the exact numbers are not included today, the figures will be included in the annual Business Improvement District budget presented for Council approval at the end of the year.

Councilmember King arrived.

**Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the resolution approving an Amended 2016 Operating Plan and Budget for the Interquest North Business Improvement District 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. [16-270](#)** Authorization of Interquest North Business Improvement District to issue up to \$4,765,000 in debt as a Limited Tax General Obligation Bond. (Legislative Item)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Res/Ord Number: 54-16

Please see comments in agenda item 11.A.

**Motion by Councilmember Bagley, seconded by Councilmember Strand, that the resolution authorizing the Interquest North Business Improvement District to issue debt not to exceed \$4,765,000 in the form of Limited Tax General Obligation Bond 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.C. [16-00078](#)** A Resolution Authorizing a Land Exchange between the City of Colorado Springs and the Broadmoor

Res/Ord Number: 55-16

Karen Palus, Director of Parks, Recreation and Cultural Service, provided an overview of the proposed land exchange and explained how the proposed agreement has been amended to address concerns expressed by citizens. Chris Lieber, Parks Development Manager, explained how the proposal works toward meeting the goals of the Parks department. Rebecca Jewett, Executive Director of Palmer Land Trust, provided a summary of the conservation easement process and how it applies to this property. Ronn Carlentine, Real Estate Services Manager, provided information about the land exchange process allowed through the City Real Estate Manual.

Jack Damioli, President and CEO of The Broadmoor, presented a summary of The Broadmoor's interest in this proposal. Mr. Damioli stated if this exchange is approved, The Broadmoor will live up to the commitments made throughout this process.

Councilmember Murray asked why a decision on this needs to be made today and expressed concern about the due diligence process following Council's decision. Ms. Palus explained the process and reiterated that the decision to continue today allows for the due diligence process to be followed.

Councilmember Murray asked why a lease option is not being considered. Ms. Palus stated the City and The Broadmoor mutually agreed a lease option was not feasible.

Councilmember Strand asked if the TOPS Working Committee provided input to this decision. Ms. Palus stated they did not, as it is not TOPS property.

Councilmember Strand asked if the public will be able to use the conservation easement for equestrian use. Mr. Damioli stated the public will be allowed to use the property included in the conservation easement for non-motorized activities, including horseback riding.

Councilmember Strand asked if the Palmer Land Trust is financially capable of supporting this agreement and how the Trust is funded. Ms. Jewett stated the Trust has almost \$3 million in reserve and the land owner typically pays a project fee to fund the agreement. In this case, The Broadmoor paid the fee on behalf of the City. Council continued to

discuss the standards and requirements of the Palmer Land trust and this conservation easement.

Citizens Johnny Walker, Lawrence Martinez, David Adair, Marcy Morrison (representing TOPS), Jeff Hansen, Kyle Hybl, Steve Schuck, Pip Jackson, Jay Fowler, Glen Montgomery, Christopher Ellis, Barry Brown, Dirk Draper, Doug Price, Sandra Matthews, Renee Zeutz (representing Housing and Building Association), Karen Brandner, Carol Beckman, Kurt Segerberg, Spencer Gray, Jackie Hilaire (Parks Board Chair), spoke in support of the proposal.

Bill Koerner read a statement from the Trails and Open Space Coalition Board regarding the land swap, requesting certain conditions be included in the resolution

Citizens Jeff Bieri (Friends of Ruxton Canyon), Bob Falcone (Friends of Cheyenne Canyon), Missy Bonds, Kent Obee, Richard Skorman, Patricia Seator, Jim Bensberg, Sharon Friedman and Jim Lockhart spoke in opposition of the proposal.

Bill Louis, Counsel representing the opposition to this proposal, brought up numerous concerns about the City Real Estate manual lacking the power to bind Council, about the appraisal not being appropriate for this transaction, about the property not being appraised appropriately, the Conservation Easement, about the appeal process, about The Broadmoor performing the promised work on the property, increased liability of owning the Manitou Incline, criticism of City Attorney's opinion, the City has dedicated the property as a City Park.

Councilmember King stated resolutions are designed to ensure compliance with the required elements of the agreement and, in his opinion, this resolution clearly addresses many of the issues and concerns expressed by the opposition in this case. He requested additional information about the easement issues in Manitou and around the Manitou Incline.

Les Gruen, representing the Cog Railway, spoke about the conditional use permit granted by the Manitou City Council for parking at the base of the Manitou Incline.

Councilmember King requested a legal opinion on the definition of the

term "dedication". Wynetta Massey, City Attorney, briefly defined the term dedication and stated the North Cheyenne Canon - Strawberry Hill area was not dedicated as park land by City ordinance although this parcel has been held and used as park land by the City.

Councilmember King asked how the City verifies conditions included in resolutions are performed and what would happen if a significant variance in the land value is found during the due diligence process. Ms. Massey stated resolutions are legislative acts and the administrative details of the transactions are completed by the executive branch. If a significant variance is found, the discrepancy will be brought to Council for further consideration.

Council President Pro Tem Gaebler read an excerpt from a document authored by General Palmer and stated she cannot support the disposal of public park land. She fully supports the idea of leasing the property to The Broadmoor.

Councilmember Murray provided a document to Council and spoke about the due diligence process, which in his opinion is not being adequately performed. He also supports the idea of leasing the property and has concerns about the lack of a master plan for the properties being acquired by the City through this land exchange. He believes this land exchange will create friction and have negative consequences for the citizens of Colorado Springs.

Councilmember Collins stated she does not support this proposal because she has concerns with the quality of the appraisals.

Councilmember Knight expressed concern about how the proposal was handled by the City. He does not like that the properties have been bundled. He will be supporting the proposal mainly for financial reasons.

Councilmember Pico stated he has struggled with this decision and researched the situation thoroughly. He will be supporting this because of the conservation easement.

Jeff Greene, Chief of Staff, spoke on behalf of the Mayor, stating he is in full support of this proposal, which he believes is in the best interest of our community. The Mayor is committed to ensure all of the requirements of the agreement are fulfilled prior to signing the final



documents on this agreement.

Councilmember Bagley thanked everyone for their participation and stated he will support this because he believes it is in the best interest of the City.

Councilmembers King, Knight and Bennett agreed an amendment to ensure all of the conditions of the agreement are met is not necessary because the terms of the exchange included in the resolution clearly require the stipulations to be completed.

Councilmember Murray requested the resolution be amended to propose a lease of the property to the Broadmoor. David Andrews, Legislative Counsel, stated that type of amendment would require a lease agreement to have been drafted and provided to Council in advance of the meeting to allow time for contemplation.

Councilmember Strand read a statement prepared by himself and Councilmember King supporting this proposal and the process leading to this decision. This statement is available in the City Clerk's Office.

**Motion by Councilmember Murray, seconded by Councilmember Collins, that the resolution authorizing a land exchange between the City of Colorado Springs and The Broadmoor be amended to include the following language, "Council's final approval is withheld pending council's receipt and approval of the Conservation easement for Strawberry Hill outlining the stewardship plan and final site plan for the building envelope and a trail plan including a construction schedule for strawberry Hill that has been approved by the Parks Advisory Board". The motion failed by a vote of 2-7-0.**

**Aye:** 2 - Collins, and Murray

**No:** 7 - Bagley, Bennett, Gaebler, King, Knight, Pico, and Strand

Res/Ord Number: 55-16

**Motion by Councilmember King, seconded by Councilmember Strand, to approve the Resolution authorizing a land exchange between the City of Colorado Springs and the Broadmoor. The motion passed by a vote of 6-3-0.**

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

**No:** 3 - Collins, Gaebler, and Murray

## **12. Public Hearing**

**12.A. [AR V](#)  
[16-00191](#)**

Ordinance No. 16-58 vacating a public right of way consisting of 5,700 square feet originally platted in the Williamsons Addition to Ivywild and located south of East Navajo Street and west of South Nevada Avenue.

## Legislative

## Presenter:

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development

Res/Ord Number: 16-58

There were no question regarding this agenda item.

**Motion by Councilmember Murray, seconded by Councilmember Bagley, that an ordinance vacating 5,700 square feet of City alley right-of-way within the Williamsons Addition to Ivywild 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) subject to the condition that public utility and public access easements across the entire vacated area are retained 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

**12.B.** [CPC PUZ  
15-00143](#)

Ordinance No. 16-59 amending the zoning map of the City of Colorado Springs pertaining to 168 acres located near Echo Canyon Drive and North Powers Boulevard from A (Agriculture) to PUD (Planned Unit Development) for single-family residential development.

## Quasi-Judicial

## Presenter:

Katie Carleo, Principal Planner, Land Use Review

Peter Wysocki, Director, Planning and Community Development

Res/Ord Number: 16-59

Katie Carleo, Principal Planner, provided an overview of the proposed zone change and development plan for this area.

Councilmember Murray requested information about the increase in traffic generated by this development. Kathleen Krager, Transportation Manager, provided information about the planned traffic features and flow changes designed to manage traffic in the development.

Councilmember Bagley requested information about future traffic flow improvements if necessary. Ms. Krager stated the traffic improvement measures meet City standards and will be monitored for efficiency.

Councilmember Bagley asked about the drainage. Tom Taylor with High Valley Land Company and La Plata Communities stated the drainage will be engineered to assure City drainage requirements are met and the endangered species inhabiting the adjacent vicinity will be protected.

Motion by Councilmember Bagley, seconded by Councilmember Murray, that an ordinance changing the zoning from A (Agriculture) to PUD (Planned Unit Development: Detached Single-Family Residential, 3.6 Dwelling Units Per Acre and 36-foot Maximum Building Height), 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 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.C.** [CPC PUD 15-00146](#) North Fork at Briargate Development Plan associated with the zone change for a 602 lot, single-family residential development located near Echo Canyon Drive and North Powers Boulevard.

Quasi-Judicial

Presenter:

Katie Carleo, Principal Planner, Land Use Review

Peter Wysocki, Director, Planning and Community Development

Please see comments in agenda item 12.B.

Motion by Councilmember Bagley, seconded by Councilmember Murray, to approve the PUD Development Plan for North Fork at Briargate, based upon the findings that the development plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.606, and the development plan review criteria as set forth in Section 7.5.502E subject to compliance with the technical modifications and/or conditions listed in the Planning Commission minutes dated April 21, 2016. The motion passed by a vote of 8-1-0.

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

**No:** 1 - Collins

- 4B.E.** [CPC ZC 16-00018](#) Ordinance No. 16-60 amending the zoning map of the City of Colorado Springs pertaining to a 10.7-acre property located at the corner of Boychuk Avenue (just west of South Academy Boulevard) and Drennan Road from C-6/AO (General Business with Airport Overlay) to M-1/AO (Light Industrial with Airport Overlay).

Quasi-Judicial

Presenter:

Michael Turisk, Planner II

Peter Wysocki, Director, Planning and Community Development Department

Res/Ord Number: 16-60

Councilmember Collins stated she pulled these items off the Consent Calendar because she has concerns about citizen notification of this proposal. Individual citizens renting lots in a mobile home park to the north of this proposed development were not notified, only the management of the mobile home park was notified.

Michael Turisk, Planner II, provided an overview of the zone change and concept plan included in this proposal. Mr. Turisk clarified this is a truck storage and maintenance facility and administrative support office. This project has gone through multiple postcard notification distributions. It is not standard practice to notify apartment renters or mobile home park residents of planned developments. The Planning department worked with the mobile home park administration in this situation to post notice in the common area of the mobile home park. Staff has gone above and beyond City Code requirements regarding public notification of this proposal. There have been no responses to the notification.

Councilmember Strand noted the Planning Commission unanimously approved this and asked if there will be a refuse transfer station at this location. Mr. Turisk stated his understanding this is not going to be a transfer station. James H. Miles, representing the applicant stated there may be times when trucks with loads of trash are on the property, but that will be the exception as this a maintenance facility.

Council discussed the planning notification process with Mr. Wysocki and Mr. Turisk at length. Further discussion between staff and Council on this will occur.

Citizen Jaymen Johnson spoke in opposition to this proposal.

**Motion by Councilmember Murray, seconded by Councilmember Strand, that the ordinance to approve the zone change from C-6/AO (General Business with Airport Overlay) to M-1/AO (Light Industrial with Airport Overlay) based on the finding the request complies with the review criteria in City Code Section 7.5.603.B (Establishment or Change of Zone District Boundaries) 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

**4B.F.** [CPC CP  
16-00019](#)

A concept plan for the purpose of establishing light industrial uses including a garbage services company for Springs Waste Systems to locate at the corner of Boychuk Avenue and Drennan Road, just west of South Academy Boulevard.

(Quasi-Judicial)

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

Please see comments in agenda item 4.B.E.

**Motion by Councilmember Bagley, seconded by Councilmember Murray, to approve the concept plan based on the finding the plan complies with the review criteria in City Code Section 7.5.501.E (Review Criteria for Concept Plans). The motion passed by a vote of 8-1-0.**

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

**No:** 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