



# City of Colorado Springs

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

## Meeting Minutes City Council

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Tuesday, January 9, 2018

1:00 PM

Council Chambers

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### 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 Pastor Victoria Heim from Crossroads Ministry.

President Skorman led the Pledge of Allegiance.

### 3. Changes to Agenda/Postponements

Councilmember Knight requested item 4.B.E. pertaining to the Tuscan Foothills Village Metropolitan District be removed from the Consent Calendar. Consensus of Council agreed to this change 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. [17-1388](#)**

Ordinance No. 17-119 for the inclusion of certain property into the Creekwalk Marketplace Business Improvement District

(Legislative)

Presenter:  
Conrad Olmedo, Comprehensive Planner II, Planning & Community Development  
Carl Schueler, Comprehensive Planning Manager, Planning &

## Community Development

**Attachments:** [ORD\\_CreekwalkMarketplaceBID](#)  
[Exhibit A\\_CMBID - Petition](#)  
[Exhibit B\\_CMBID Notice of Inclusion](#)  
[CMBID - Submittal Letter](#)

**This Ordinance was finally passed on the Consent Calendar.**

**4B. First Presentation:**

**4B.A.** [18-0011](#) City Council Regular Meeting Minutes December 12, 2017

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [12-12-2017 City Council Regular Meeting Minutes Final](#)

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

**4B.B.** [18-0028](#) Appointments to Boards and Commissions

Presenter:  
Jacquelyn Puett, Assistant to Council

**Attachments:** [010918 Boards and Commissions](#)

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

**4B.C.** [17-1403](#) Annual Designation of the City Clerk's Office as the public place for posting of public notices for public meetings.

**Attachments:** [charter - for postings.doc.pdf](#)

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

**4B.D.** [17-1410](#) The City Clerk reports that on December 4, 2017 there was filed with her a petition for the annexation of Briargate Church Assembly of God annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1) .

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [Briargate Church Asseembly of God petition.pdf](#)  
[Briargate Church Asseembly of God map.pdf](#)

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

- 4B.F.** [17-1399](#) A resolution authorizing the Intergovernmental Agreement establishing the administration and governance of the Metro Vice, Narcotics and Intelligence Division

Presenter:  
Peter Carey, Chief of Police

**Attachments:** [010918 Metro VNI IGA Resolution-FINAL-2018 Date](#)  
[Metro VNI IGA 12-11-17](#)  
[010918 IGA-MOU-CouncilHandout](#)

**This Resolution was adopted on the Consent Calendar.**

- 4B.G.** [17-1307](#) Request for Approval of Updates to Sworn and Civilian Policies and Procedures Manuals

Presenter:  
Danielle Lack, Human Resources Manager, Human Resources Department

**Attachments:** [Policy - Civilian PPM - Glossary](#)  
[Policy 2 Civilian PPM Draft - Employment - RFC](#)  
[Policy 3 Sworn PPM Draft - Overtime - CM 102317](#)  
[Policy 4 Civilian PPM - Internal Transfer Program](#)  
[Policy 5 Sworn PPM - Acting and Longevity Pay](#)  
[Policy 7 Sworn PPM - Rest Period](#)  
[Policy 7&27 Civilian PPM - Removal of HRC references](#)  
[Policy 8 Sworn PPM - Standby Status](#)  
[Policy 10 Civilian PPM Nursing Mothers](#)  
[Policy 11 Sworn PPM Draft - Holidays](#)  
[Policy 16 Civilian PPM - Rest Periods](#)  
[Policy 24 Sworn PPM - Educational Assistance - RFC](#)  
[Policy 32 Civilian PPM- Performance Management](#)  
[Policy 41 Sworn PPM - City-Owned and Personal Vehicles for Business Use](#)  
[Policy 59 Civilian PPM - City Owned Vehicles](#)  
[Policy ii Civilian and Sworn PPM - At-Will Employees](#)  
[Q4 2017 PPM Updates - summary](#)

**This Item was approved 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 9-0-0-0

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

## **5. Recognitions**

There were no Recognitions.

## **6. Citizen Discussion**

Marc Smith, Division Chief, Corporate Legislative Counsel, advised City Council against commenting on any issues in regards to Archer Park because it is currently in the El Paso District Court.

Citizen Jim Ciletti, owner of Hooked on Books, spoke regarding signage issues in the downtown parking garage and the loss of twenty-six parking meters. Jeff Greene, Chief of Staff, commented that staff will review the issues presented.

Citizen Charles Barber requested removing the execution of stormwater matters from the control of the Regional Building Department (RBD).

Citizens Kenyada Lattimore and Herbert Johnson gave a brief overview of the new professional basketball team in the City called The Colorado Springs Mountaineers.

Citizen David Leinweber spoke regarding homeless camp fires getting out of control and the danger to the community. President Skorman, Councilmember Geislinger and Councilmember Strand commented that they will engage the community to address the issue.

Citizen Kim Makower spoke regarding the Concept Fund and identified how multi-court sports facilities create community.

Citizen Deborah Stout-Meiningner spoke against the Colorado Department of Transportation plans for toll roads on I-25.

Citizen Kevin Bright, Honey Bees of South Academy, spoke regarding endangered honey bees and presented City Council coffee cups as a sign of appreciation.

Citizens Bette Ann Albert and Bill Kosar spoke regarding the dangers of

the revised drainage plan for Archer Park.

Citizen Allison Burns, Transit Passenger Advisory Committee (TPAC), expressed appreciation for City Council's support regarding the increase in public transportation funding for 2018.

Citizen John Edward Hawk spoke against the allocation of funds for the development of Banning Lewis Ranch and the proposed stadium for Antlers Park.

Citizen Gerald Miller spoke regarding crime in his neighborhood.

Citizen Courtney Stone, The Independence Center, spoke regarding the meeting notification process regarding the transit system's free fixed route fare program for people with disabilities using the Metro Mobility service.

Citizen Enrique Montiel spoke in favor of the Olympic movement in Colorado Springs.

Citizen Walter Lawson spoke regarding the proposed amendment to the Banning Lewis Ranch annexation agreement and inquired when he would receive answers to his submitted questions. Jeff Greene, Chief of Staff, stated that when the Mayor's Office receives citizen requests, they respond appropriately. Councilmember Pico commented that the proposed Banning Lewis Ranch annexation agreement does not transfer any development costs to the tax payers.

Citizen Tim Hoiles spoke regarding developer responsibilities within the City.

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

There was no Mayor's Business.

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

### **4B.E. [17-1390](#)**

A Resolution to allow the Tuscan Foothills Village Metropolitan District to include a property outside the inclusion area in their approved service plan.

Presenter: Conrad Olmedo, Comprehensive Planner II, Planning & Community Development Department

Carl Schueler, Planning Manager- Comprehensive Planning, Planning & Community Development Department

**Attachments:** [TuscanFoothillsRES-2017-12-06](#)

[Tuscan Foothills Village Metropolitan District Board Resolution](#)

[Applicant Request Letter](#)

[cc PowerPoint](#)

[Signed Resolution 2-18](#)

Carl Schueler, Planning Manager- Comprehensive Planning, Planning and Community Development Department stated that staff provided City Council the justification for the exclusion of the parcel planned for multi-family zoning.

Conrad Olmedo, Comprehensive Planner II, Planning and Community Development Department, gave a brief history of the Tuscan Foothills Village Metropolitan District and presented the property map identifying the exclusion and inclusion of property.

Councilmember Knight said the petitioner indicates that there is now an option to include this property for development, but when the district was originally formed in 2016, the steep hillsides with geohazard potential did not allow any opportunity for additional inclusion for development.

Ray O'Sullivan, representing the developer, presented a property map showing the existing development and stated that the two geohazard reports that were conducted after the district was formed reflected that the property is now approved for development. Mr. O'Sullivan stated that the district is still planning to dedicate twenty-four acres of property to the City for parks as originally agreed upon.

Councilmember Knight said in 2016 there was no intent to develop those thirty-two acres of open space and that they would be donated to the City. Mr. O'Sullivan stated that he did not have the complete development plan at the formation of the district and that the process for donating acreage to the Parks Department is a complicated process due to proving the adequacy of the drainage system.

Councilmember Knight asked what assurance was there that the property planned for exclusion from the district would actually be completed. Megan Murphy, attorney with White Bear Ankele, representing the district, said

pending the outcome of this City Council meeting, the property would be officially excluded as soon as it is recorded.

Mr. O'Sullivan said that that he does not intend to request any additional inclusions of property and at the time of the formation, the geohazard studies had not been completed which they have been now.

Citizen Deborah Stout-Meininger commented on developers not following through on their promises of donated property.

**Motion by Councilmember Bennett, seconded by Councilmember Gaebler, that the Resolution to allow the Tuscan Foothills Village Metropolitan District to include a property outside the inclusion area in their approved service plan be adopted. The motion passed by a vote of 6-3-0-0**

**Aye:** 6 - Avila, Bennett, Gaebler, Geislinger, Skorman, and Strand

**No:** 3 - Knight, Murray, and Pico

## **9. Utilities Business**

There was no Utilities Business.

## **10. Unfinished Business**

- 10.A.** [CPC ZC 17-00103](#) Ordinance No. 17-117 amending the zoning map of the City of Colorado Springs pertaining to 2.13 acres from OC (Office Complex) to PBC/cr (Planned Business Center with Conditions of Record) located at 7585 North Academy Boulevard.

(Quasi-Judicial)

Presenter:

Peter Wysocki, Director Planning and Community Development  
Daniel Sexton, Senior Planner, Planning and Community Development

**Attachments:** [ORD updated 17-117 12192017](#)  
[Exhibit A - Legal Description](#)  
[Exhibit B - Zone Change Exhibit](#)  
[Email SteeleBonomo 12212017](#)  
[Email GregMeeter-ConfluentDev 12212017](#)  
[7585NAcademyBlvd\\_CCPresentation-Staff](#)  
[ZC ORD 7585NAcademyBlvd](#)  
[Vicinity Map\\_rev1182017](#)  
[7585NAcademyBlvd\\_CCPresentation-Staff](#)  
[Signed Ordinance 17-117](#)

Daniel Sexton, Senior Planner, Planning and Community Development, identified the justifications for postponement and the corrections to the Ordinance amending the zoning map located at 7585 North Academy Boulevard. Mr. Sexton stated that the appellant and the applicant requested clarification for the language of prohibited land uses agreed upon at the first reading hearing to include 2. Liquor Sales, limited only to retail sales for off premises consumption of alcohol and 6. Young Adult Clubs.

Greg Meter, Confluent Development, LLC, representing the applicant, stated that liquor stores are not identified in City Code Planning as a specific land use which required the language to be changed to liquor sales to be consistent with what was read at the first reading.

There was discussion from some of the Councilmembers regarding if these changes would require another first reading of this Ordinance.

Marc Smith, Division Chief, Corporate Legislative Counsel, said that both parties agreed that this was what was read into record at the first reading, but the applicant and appellant requested clarification of the language. Mr. Smith agreed to review the meeting recording to determine if this item needs to come back for a third reading. After review, the next day it was deemed a second and final reading.

Councilmember Murray asked if the appellant has agreed to the revised language. Mr. Sexton said that staff worked with both the applicant and appellant to come to this conclusion.

Councilmember Knight requested a left turn signal to be added at the intersection at Agora Point due to increased traffic. Kathleen Krager, Transportation Planning Manager, said the criteria for adding a left turn signal is either volume of traffic or delay of traffic and that she will review the area.

**Motion by Councilmember Bennett, seconded by President Pro Tem Gaebler, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 2.13 acres from OC (Office Complex) to PBC/cr (Planned Business Center with Conditions of Record), 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(B), subject to the following conditions of record: The following land uses are prohibited within this PBC zone: Use as defined by City Code: 1. Bar; 2. Liquor Sales, limited only to retail sales for off premises consumption of alcohol; 3. Sexually oriented businesses;**

4. Medical marijuana facilities, including: Medical marijuana centers, Medical marijuana infused product manufacturer, and Cultivation operations; 5. Teen Clubs; and 6. Young Adult Clubs. Uses not defined by City Code: 1. Methadone clinics; and 2. Pawnshops be finally passed . The motion passed by a vote of 9-0-0-0

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

**10.B.** [CPC ZC 17-00096](#)

Ordinance No. 17-120 amending the zoning map of the City of Colorado Springs pertaining to 43.08 acres located northwest of Powers Boulevard and Platte Avenue from PUD/AO/SS (Planned Unit Development with Streamside and Airport Overlay) to PUD/AO/SS (Planned Unit Development: Single-Family Residential, 8-11.99 Dwelling Units per Acre, Maximum Building Height of 35 Feet; Multi-Family Residential, 25+ Dwelling Units per Acre, Maximum Building Height of 55 Feet; Private Open Space with Streamside and Airport Overlay). (Quasi-Judicial)

Related File: CPC PUP 08-00157-A1MJ17

Presenter:

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

**Attachments:** [ZC ORD Patriot Park](#)  
[EXHIBIT A - Legal Description](#)  
[EXHIBIT B - Zone change depiction](#)  
[Vicinity Map](#)  
[Signed Ordinance 17-120](#)

There were no comments on this item.

**Motion by Councilmember Murray, seconded by Councilmember Bennett, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 43.08 acres from PUD/AO/SS (Planned Unit Development with Streamside and Airport Overlay) to PUD/AO/SS (Planned Unit Development: Single-Family Residential, 8-11.99 Dwelling Units per Acre, Maximum Building Height of 35 Feet; Multi-Family Residential, 25+ Dwelling Units per Acre, Maximum Building Height of 55 Feet; Private Open Space with Streamside and Airport 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 complies with City Code Section 7.3.603 for establishment of a PUD zone be finally passed . The motion passed by a vote of 7-2-0-0.**

**Aye:** 7 - Avila, Bennett, Gaebler, Geislinger, Murray, Skorman, and Strand

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

## **11. New Business**

- 11.A. [18-0023](#) A Resolution of the City Council of the City of Colorado Springs, Colorado, Consenting to the Transfer of Control of the City's Cable System Franchisee to FBB Holdings, LLC

Presenter:  
Bret Waters, Deputy Chief of Staff

**Attachments:** [FalconBroadbandTransferRES-2017-12-19](#)  
[Signed Resolution 3-18](#)

There were no comments on this item.

**Motion by Councilmember Strand, seconded by Councilmember Murray, that the Resolution consenting to the transfer of control of the City's cable system franchisee to FBB Holdings, LLC 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**

There was no Public Hearing.

## **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