

City of Colorado Springs

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

Meeting Minutes

City Council

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Tuesday, August 14, 2018 1:00 PM Council Chamber
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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

Councilmember Avila was excused from approximately 2:40 PM to 3:00 PM.

2. Invocation and Pledge of Allegiance

The Invocation was made by Chaplain Lynn Smith from First Christian Church.

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

President Skorman stated item 11.G. pertaining to the firefighter's collective bargaining agreement has been withdrawn from the meeting due to the Colorado Springs Professional Firefighters Association Local #5 deciding to pursue the citizen iniative process. President Skorman requested Mayor's Business be moved before Citizen Discussion.

Carly Hoff, Legislative Analyst, stated staff requested items 4B.B. and 4B.C. related to the acquisition of property for the addition to the Corral Bluffs Open Space be removed from the Consent Calendar and postponed to the August 28, 2018 City Council meeting.

Councilmember Murray requested that item 4B.D. be removed from the Consent Calendar.

Consensus of Council agreed to these changes on the agenda.

4. Consent Calendar

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

4A. Second Presentation:

4A.A. <u>CPC PUZ</u> <u>18-00017</u> Ordinance No. 18-74 changing the zoning of 20.01 acres from PUD/AO (PUD with Airport Overlay) and A/AO (Agriculture with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay) to allow single family development located southeast of the intersection of Dublin Boulevard and Mustang Rim Drive

(QUASI-JUDICIAL)

Related File: CPC PUD 18-00018

Presenter:

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

<u>Attachments:</u> <u>ZC ORD Renaissance at Indigo South</u> Exhibit A

Exhibit B

Signed Ordinance 18-74

This Ordinance was finally passed on the Consent Calendar.

4A.B. CPC ZC

 18-00041
 Ordinance No. 18-76 amending the zoning map of the City of Colorado

 Springs pertaining to 0.51-acre of land from R-5 (Multi-Family

 Residential) to OR (Office Residential), located at 20 Boulder Crescent

 Street

(Quasi-Judicial)

Related Files: CPC DP 18-00042, CPC NV 18-00043

Presenter: Peter Wysocki, Director, Planning and Community Development Matthew Fitzsimmons, Planner II, Urban Planning Division

Attachments: ZC_ORD_20 Boulder Crescent Street

Exhibit A

Exhibit B Signed Ordinance 18-76

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A.	<u>18-0351</u>	City Council Regular Meeting Minutes July 24, 2018
		Presenter: Sarah B. Johnson, City Clerk
	<u>Attachments:</u>	7-24-2018 City Council Meeting Minutes Final.pdf
		The Minutes were approved on the Consent Calendar.
4B.E.	<u>18-0314</u>	Ordinance No. 18-78 amending Section 304 (Appoint and Dismiss Staff) of Part 3 (Powers and Duties of the Mayor) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Mayor Appointed Staff
		Presenter:
		Wynetta Massey, City Attorney, Office of the City Attorney
	<u>Attachments:</u>	MayorAppointedStaffORD-2018-02-22.docx
		This Ordinance was approved on first reading on the Consent Calendar.
4B.F.	<u>18-0346</u>	Ordinance No. 18-79 amending Ordinance No. 17-116 (2018

Appropriation Ordinance) for a Supplemental Appropriation to the General Fund in the amount of \$300,000 for additional positions and resources to enhance the City's Americans with Disabilities Act Title II (ADA) Program

> Presenter: Charae McDaniel, Chief Financial Officer

Attachments: Supplemental Approp Ord for ADA Program

This Ordinance was approved on first reading 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 9-0-0-0

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

5. Recognitions

5.A.	<u>18-0356</u>	A resolution of appreciation for Greg Warnke on the occasion of his retirement from the City of Colorado Springs
		Presenter: Charae McDaniel, Chief Financial Officer, Finance Department
	<u>Attachments:</u>	Retirement Resolution Warnke (2)
		Signed Resolution 84-18
		Charae McDaniel, Chief Financial Officer, Finance Department, presented the Resolution of appreciation for Greg Warnke, Manager, Parking System Enterprise, for his twenty-three years of service with the City of Colorado Springs.
		Several councilmembers and Mayor Suthers expressed gratitude for all the accomplishments Mr. Warnke achieved during his career.
		Motion by President Pro Tem Gaebler, seconded by Councilmember Bennett, that the Resolution honoring Greg Warnke on the occasion of his retirement from the City be adopted. The motion passed by a vote of 9-0-0-0
	Aye:	9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand
5.B.	<u>17-1223</u>	A resolution proclaiming August 2018 to be Science, Technology, Engineering and Math (STEM) Education month in the City of Colorado Springs
		Presenter:
		Councilmember Don Knight
	Attachments:	081418 STEM Education Month Resolution.docx
		Signed Resolution 85-18
		Councilmember Knight read the Resolution proclaiming August 2018 to be Science, Technology, Engineering and Math (STEM) Education month and introduced STEM representatives from the United States Air Force Academy and the Challenger Learning Center.
		Motion by Councilmember Pico, seconded by Councilmember Bennett, that the Resolution proclaiming August 2018 to be Science, Technology, Engineering and Math (STEM) Education month in the City of Colorado Springs be adopted. The motion passed by a vote of 9-0-0-0
	Aye:	9 - Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand
6. Citizer	n Discussio	<u>n</u>

Citizens Faith Stone, Victoria Gallegos, and Reverend Paul Nelson spoke regarding funding to revitalize the Leon Young Pavilion. Citizen William Schroeder requested help for finding housing assistance.

Citizen Gerald Miller spoke against the vandalism in his neighborhood.

Citizen Albert Gonzales commented that the Valley Hi Golf Course is not being maintained at a sufficient level.

Citizen Ed Sawyer spoke against vacation rental by owners in his neighborhood.

Citizen Rita Ague spoke in favor of helping the homeless.

Bette Kelso recommended offering bus transit service at night on the weekends.

Selanires Guadalupe Cortez Cinkosky requested providing housing support for senior citizens.

Deborah Stout-Meininger spoke regarding side effects from exposure to the fire retardants being used to extinguish wildfires.

Citizen Chuck Chagett spoke against stormwater fees being charged four times to fourplexes.

Citizen Janice Moglen gave a brief history of Boy Scout Troop Number One.

Citizen Luther Bonow owner of Altitude Organic Medicine, requested City Council to put recreational marijuana on the next election ballot.

Citizen Scott Anderson compared Colorado Springs to Nashville, TN.

7. Mayor's Business

Mayor Suthers expressed appreciation for the El Pomar Foundation, Jeff Greene, Chief of Staff, Bret Waters, Deputy Chief of Staff, Henry Yankowski, El Paso County Administrator, and other City and El Paso County staff who organized the distribution of funding to residents who needed financial assistance due to the recent hail storms.

He also said the City received an A+ grade from the Thumbtack survey in

regards to small business friendliness. Mayor Suthers expressed appreciation for Sarah B. Johnson, City Clerk, for the efficiency of the business license functions of the City Clerk's Office and to City Council for the regulatory requirements for businesses.

8. Items Called Off Consent Calendar

4B.B. <u>18-0282</u> A Resolution Authorizing the Acquisition of up to 246 Acres as an Addition to the Corral Bluffs Open Space Through the Trails, Open Space and Parks (TOPS) Program

Presenter: Karen Palus, Director, Parks, Recreation & Cultural Services Britt Haley, Design and Development Manager / TOPS Program Manager

Attachments: ResolutionCorral Bluffs Acquisition_FINAL082818.doc

8-28-18 - CityCouncilRegularSession-Corral Bluffs Expansion -Powerpoint 8-28-18 - corral bluffs BishopFinal

This item was postponed until the August 28, 2018 City Council meeting.

Motion by Councilmember Geislinger, seconded by Councilmember Murray,Motion by Councilmember Geislinger, seconded by Councilmember Murray, that the Resolution authorizing the acquisition of up to 223.25 Acres as an addition to the Corral Bluffs Open Space through the Trails, Open Space and Parks (TOPS) Program be postponed to the August 28, 2018 City Council meeting. The motion passed by a vote of 9-0-0-0

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

4B.C. <u>18-0283</u> An Ordinance Amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a Supplemental Appropriation in the Amount of \$1,078,000 to the Trails, Open Space and Parks Fund for Acquisition of up to 223.25 Acres of Property for the Purpose of Public Open Space and Trails as an Expansion of the Corral Bluffs Open Space

Presenter:

Karen Palus, Director, Parks, Recreation & Cultural Services Britt Haley, Design and Development Manager / TOPS Program Manager

Attachments: 7-9-18 - Supplemental Approp Ord for TOPS_CorralBluffsBishopAcquisition 7-9-18 - corral_bluffs_bishop_Map

Please see comments in Agenda item 4B.B.

Motion by Councilmember Geislinger, seconded by Councilmember Murray, that tthe Ordinance amending Ordinance No. 17-116 (2018 appropriation Ordinance)

for a supplemental appropriation in the amount of \$1,078,000 to the Trails, Open Space and Parks Fund for acquisition of up to 223.25 acres of property for the purpose of public open space and trails as an expansion of the Corral Bluffs Open Space be postponed to the August 28, 2018 City Council meeting. The motion passed by a vote of 9-0-0-0

- Aye: 9 Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand
- **4B.D.** <u>18-0303</u> Ordinance No. 18-80 amending Ordinance No. 17-116 (2018 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$100,000 for costs associated with the formation of the Colorado Springs Sports Authority as recommended by the LART Citizen Advisory Committee

Presenter: Charae McDaniel, Chief Financial Officer Fred Veitch, Chair, LART Citizen Advisory Committee

<u>Attachments:</u> Ordinance for LART 2018 Supplemental Approp-Colo Spgs Sports Authority

There were no comments on this item.

Motion by Councilmember Bennett, seconded by President Pro Tem Gaebler, that the Ordinance approving a supplemental appropriation to the Lodgers & Auto Rental Tax fund be approved on first reading. The motion passed by a vote of 7-1-1-0

- Aye: 7 Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand
- No: 1 Murray
- Absent: 1 Avila

9. Utilities Business

There was no Utilities Business.

10. Unfinished Business

10.A.CPC ZC
18-00050Ordinance No. 18-75 amending the zoning map of the City of Colorado
Springs pertaining to 4,590 square feet from R-2 (Two-family
Residential) to C-5/CR (Intermediate Business with Conditions of
Record).

(QUASI-JUDICIAL)

Presenter:

Peter Wysocki, Director Planning and Community Development Mike Schultz, Principal Planner, Planning and Community Development Attachments: ZoningMap-749EWilliamtteORD-2018-07-17

Exhibit A - Legal Description 749 Willamette Ave

Exhibit B - Graphic Depiction 749 Willamette

Willamette Market City Council

CPC Staff Report_Lil Market

Figure 1 - Project Statement

Figure 2 - Lil Market DP Plan

Figure 3 - Resident comments in support

Figure 4 - Resident comment in opposition

Figure 5 - Zone District comparisons

Figure 6 - Definitions of Certain Land Uses

Figure 7 - Alternative Parking Options

Figure 8 - Quarter mile map

Figure 9 - Envision Shooks Run pp 55-56

Figure 10 - Conditions of Record

7.5.603 Findings - ZC req_CA

Figure 3 - Supplement Support Comments

Figure 4 - Supplement_Opposed Comments

Signed Ordinance 18-75

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 4,590 square feet from R-2 (Two-family Residential) to C-5/CR (Intermediate Business with Conditions of Record), based on the findings that the zone change request complies with the three (3) review criteria for granting a zone change in City Code Section 7.5.603(B), subject to the Conditions of Record listed within the ordinance be finally passed. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Avila

10.B.18-0313Ordinance No. 18-77 organizing the USAFA Visitor's Center Business
Improvement District and appointing the initial Board of Directors.
(Legislative Item)

Presenter:

Peter Wysocki, AICP, Planning and Community Development Director Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Attachments:	Ordinance_USAFA Visitor's Center BID 7-24-18
	Exhibit A-Petition for Organization 7-13-18
	Exhibit B - Notice Hearing on Petition (Blue and Silver BID)
	Exhibit C_USAFA BID 2018 Operating Plan and Budget - July 31
	2018 Exhibit D - SpecialDistrictPolicyJan06
	Figure 1- 2018 Operating Plan and Budget - USAFA Visitor's Center
	Business Improvement District - redline - 7-13-2018 Figure 2 - Cover Ltr to Colo Springs Blue and Silver BID Petition
	Submittal
	Figure 3 - Maps and Cost Estimates
	Figure 4- Blue and Silver BID Director's Resumes
	Figure 5 - Ordinance_USAFA Visitor's Center BID_
	amended_7-13-18_Redline USAFA District QandA 7-13-18 (3) SFLLP.docx
	Academy EUL Cost Estimate Exhibit 7-20-18.pdf
	Signed Ordinance 18-77
	Carl Schueler, Comprehensive Planning Manager, Planning and
	Community Development, explained that at the request of Councilmember
	Knight at the first reading of the Ordinance, the change was made to
	Section 2.D. regarding the term limits to board of directors.
	Councilmember Murray stated he cannot support this item due to the funding sources not being in place.
	Motion by Councilmember Bennett, seconded by Councilmember Strand, that the
	Ordinance organizing the USAFA Visitor's Center Business Improvement District and appointing the initial Board of Directors be finally passed. The motion passed by a vote of 6-2-1-0
Aye:	6 - Bennett, Gaebler, Geislinger, Knight, Skorman, and Strand
No:	2 - Murray, and Pico
Absent:	1 - Avila
<u>11. New Business</u>	
11.A. <u>CPC CA</u> <u>18-00073</u>	Ordinance No. 18-81 amending section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land
	Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the location of medical marijuana centers

Presenter: Mattie Albert Gullixson, Senior Regulatory Compliance Analyst
 Attachments:
 PlanDev-MMCLocationORD-DRAFT

 CPC Staff Report_MMC Setbacks
 Figure 1 - MMJ 1000 ft buf Council District map

 Setbacks_presentation_CC.pptx
 Ordinance_MMCLocations - Lobato - CPC CA 18-00073

Mattie Albert Gullixson, Senior Regulatory Compliance Analyst, presented the proposed amendment unanimously recommended by the Council President's Special Marijuana Working Group establishing one thousand foot setbacks between medical marijuana centers (MMC).

Councilmember Knight stated after discussing this item with staff, he is withdrawing his request to include all marijuana establishments in the Ordinance.

Councilmember Murray stated this will impede citizen's access and privileges to these facilities. Jeff Greene, Chief of Staff, stated this is an medical marijuana industry recommendation.

Councilmember Geislinger, a member of the Council President's Marijuana Working Group, stated he believes this is a reasonable restriction.

Motion by Councilmember Bennett, seconded by Councilmember Pico, that the Ordinance amending section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the location of medical marijuana centers be approved on first reading. The motion passed by a vote of 8-1-0-0

- Aye: 8 Avila, Bennett, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand
- No: 1 Murray
- **11.B.**CPC A
15-00039RA resolution adopting findings of fact and conclusions of law based
thereon and determining the eligibility for annexation of property known
as Dublin North Addition No. 4 Annexation.

Related Files: CPC A 15-00039, CPC ZC 16-00026, CPC PUZ 16-00029, CPC CP 16-00030

Presenter:

Catherine Carleo, Principal Planner, Planning and Development Peter Wysocki, Planning and Community Development Director
 Attachments:
 RES_FindingOfFacts_Dublin North No. 4

 Exhibit A - Legal Description_Dublin North No.4

 City Clerk Affidavit_Dublin North No.4

 Planner Affidavit_Dublin North No.4

 Surveyor Affidavit-signed

Catherine Carleo, Principal Planner, Planning and Development, presented the Resolution determining the eligibility for annexation of property known as Dublin North Addition No. 4 Annexation. She gave a brief background of the proposed annexation of 10.91 acres and presented maps of the surrounding enclaves. Ms. Carleo identified the fiscal impact analysis, the proposed zone change, the areas of residential, the concept plan, and the stakeholder process.

Councilmember Pico commented that forty-two percent of this proposed addition is zoned commercial.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Resolution of finding that Dublin North Addition No. 4 Annexation meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution and that the property is eligible for annexation be adopted. The motion passed by a vote of 9-0-0

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

11.C. <u>CPC A</u> C <u>15-00039</u> a

Ordinance No. 18-82 annexing into the City of Colorado Springs that area known as Dublin North Addition No. 4 consisting of 10.91 acres. (Legislative)

Related Files: CPC A 15-00039R, CPC ZC 16-00026, CPC PUZ 16-00029, CPC CP 16-00030

Presenter:

Catherine Carleo, Principal Planner, Planning and Development Peter Wysocki, Planning and Community Development Director

 Attachments:
 ORD Annex DublinNorthNo.4

 Exhibit A - Legal Description_Dublin North No.4

 Exhibit B - Dublin North Add. No. 4 Annexation Agreement

 Enclave Annexations Revised_Dublin No4

Please see comments in Agenda item 11.B.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Dublin North Addition No. 4 Annexation based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria set forth in City Code Section 7.6.203 be approved. The motion passed by a vote of 9-0-0-0

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

11.D.CPC ZC
16-00026Ordinance No. 18-83 amending the Zoning Map of the City of Colorado
Springs relating to 4.38 acres located between Dublin Boulevard and
Vickie Lane, east of Tutt Boulevard, establishing the C-6/AO (General
Business with Airport Overlay) zone district

(Legislative)

Related Files: CPC A 15-00039, CPC A 15-00039R, CPC PUZ 16-00029, CPC CP 16-00030

Presenter:

Catherine Carleo, Principal Planner, Planning and Development Peter Wysocki, Planning and Community Development Director

Attachments: ORD_ZC_DublinNorthNo4_C6

Exhibit A

Please see comments in Agenda item 11.B.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the Ordinance for the establishment of the C6/AO (General Business with Airport Overlay) zone district, 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) be approved on first reading. The motion passed by a vote of 9-0-0

- Aye: 9 Avila, Bennett, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, and Strand
- 11.E. <u>CPC PUZ</u> <u>16-00029</u> Ordinance No. 18-84 amending the Zoning Map of the City of Colorado Springs relating to 5.69 acres located between Dublin Boulevard and Vickie Lane, east of Tutt Boulevard, establishing the PUD/AO (Planned Unit Development; Single-Family Residential, 3.5-11.99 Dwelling Units per Acre, 35-Foot Maximum Building Height with Airport Overlay) zone district.

(Legislative)

Related Files: CPC A 15-00039, CPC A 15-00039R, CPC ZC 16-00026, CPC CP 16-00030

Presenter:

Catherine Carleo, Principal Planner, Planning and Development Peter Wysocki, Planning and Community Development Director

Attachments: ORD_ZC-PUD_DublinNorthNo4

Exhibit A

Please see comments in Agenda item 11.B.

Motion by Councilmember Murray, seconded by Councilmember Pico, that the Ordinance for the establishment of the PUD/AO (Planned Unit Development; Single-Family Residential, 3.5-11.99 Dwelling Units per Acre, 35-Foot Maximum Building Height with Airport Overlay) zone district, 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 approved on first reading. The motion passed by a vote of 9-0-0-0

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

11.F.CPC CP
16-00030Dublin North Addition No. 4 Concept Plan illustrating future development
of 4.38 acres of commercial development and 5.69 of single-family
residential development located between Dublin Boulevard and Vickie
Lane, east of Tutt Boulevard.

(Quasi-Judicial)

CPC A 15-00039, CPC ZC 16-00026, CPC PUZ 16-00029, CPC CP 16-00030

Presenter:

Catherine Carleo, Principal Planner, Planning and Development Peter Wysocki, Planning and Community Development Director

Attachments: FIGURE 1 - Concept Plan

7.5.501.E Concept Plans

7.3.605 PUD Concept Plan

Please see comments in Agenda item 11.B.

Motion by Councilmember Knight, seconded by Councilmember Strand, that the Dublin North No. 4 Concept Plan, based upon the finding that the proposal meets the review criteria for concept plans as set forth in City Code Section 7.5.501E as well as the criteria for PUD concept plans as set forth in City Code Section 7.3.605 be approved. The motion passed by a vote of 9-0-0-0

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.

<u>15. Adjourn</u>

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

Sarah B. Johnson, City Clerk