COLORADO SPRINGS, COLORADO
CITY COUNCIL CHAMBERS
CITY HALL – 107 N. NEVADA AVENUE
JANUARY 14, 2014 – 1:00 P.M.

Council met in Regular Session.

There were present: President King, President Pro Tem Bennett, Councilmembers Collins, Gaebler, Knight, Martin, Miller, Pico, and Snider. Also present, Chief of Staff Neumann and Interim City Attorney Massey.

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1. **Call to Order.**

City Clerk Johnson called the roll. All Councilmembers were present.

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

The meeting was opened with an invocation by Jordan Mathis, of Baha'i Faith. President King led the Pledge of Allegiance.

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

There were no requested changes to the Agenda.

4. **Councilmember Comments.**

There were no Councilmember comments.

CONSENT CALENDAR

5. The following items were acted upon by unanimous consent of the members present, with the exception of Items B-3, B-6, and B-7, which were called up for separate consideration:

SECOND PRESENTATION:

A-1. CPC LUM 13-00076: Ordinance No. 13-80 entitled "An Ordinance amending the Comprehensive Plan 2020 Land Use Map reflecting changes from July 1, 2010 through June 30, 2013" was presented for final passage.

A-2. Ordinance No. 13-82 entitled "An Ordinance establishing 2014 operating and occupancy rates for Non-Signatory airlines and other users at the Colorado Springs Municipal Airport" was presented for final passage.

FIRST PRESENTATION:

B-1. Approval of the Minutes of the regular Council Meeting of December 10, 2013 and the minutes of the Special Called Session of December 18, 2013.

B-2. Appointments to various Boards and Commissions.

B-3. See action taken later in the meeting.

B-4. The City Clerk reports that on September 24, 2013 there was filed with her a petition for the annexation of Dusty Hills Annexation. She states that she has examined or caused to be examined the above mentioned petition and has determined that the petition is in substantial compliance with Section 31-12-107(1), C.R.S. The City Clerk herewith communicates such to City Council and recommends that the petition be referred to the City Administration for review and recommendation.

B-5. Resolution No. 1-14 was presented: "A resolution granting permission to close a consensual transaction for the acquisition of property for Southern Delivery System project improvements."

B-6. See action taken later in the meeting.

B-7. See action taken later in the meeting.

B-8. AR PFP 13-00541: (Administrative) Resolution No. 2-14 was presented: "A Resolution modifying a plat restriction on Lot 8 Cedar Heights Filing No. 1."

B-9. CPC ZC 13-00120: (Quasi-Judicial Matter) Ordinance No. 14-1 entitled: "An Ordinance amending the Zoning Map of the City of Colorado Springs relating to 5.76 acres from M-1/SS (Light Industrial with Streamside Overlay) to PF/SS (Public Facility with Streamside Overlay) located east of Mark Dabling Boulevard and North of Fillmore Street" was introduced and read.

B-10. **The Falls at Colorado Springs**

A. CPC MPA 02-00064-A1MJ13: Request by Classic Consulting Engineers on behalf of the Community Church of the Rockies of Colorado Springs for approval of a major amendment to the Woodmen Pointe Master Plan consisting of 15.4 acres located northwest of the Austin Bluffs and Woodmen Road intersection.

B. CPC PUZ 13-00098: (Quasi-Judicial Matter) Ordinance No. 14-2 entitled: "An Ordinance amending the zoning map of the City of Colorado Springs relating to 15.4 acres from A/AO/SS (Agricultural with Airport and Streamside Overlays) to PUD/AO/SS (Planned Unit Development with Airport and Streamside Overlays) located northwest of the Woodmen Road and Austin Bluffs Parkway intersection" was introduced and read.

C. CPC PUD 13-00099: (Quasi-Judicial Matter) Request by Classic Consulting Engineers on behalf of the Community Church of the Rockies of Colorado Springs for approval of The Falls at Colorado Springs PUD Development plan consisting of 15.4 acres located northwest of the Austin Bluffs and Woodmen Road intersection.

Motion by Bennett, second by Gaebler, that all matters on the Consent Calendar with the exception of Items B-3, B-6, and B-7, be passed, adopted, and approved by unanimous consent of the members present.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider
Noes: None
Absent: None

The motion passed unanimously on a 9-0 vote.

6. **Recognitions.**

There were no recognitions.

7. **Citizen Discussion.**

Charles Barber spoke in opposition to the *City for Champions*.

Kanda Calef, Amy Mitchell, Mark Slaugh, and Mark Johnson spoke to support the eminent domain ordinance proposed by Councilmember Miller.

John Hawk and Mark Johnson spoke against the proposed *City for Champions*.

8. **Mayor's Business.**

Chief of Staff Neumann stated that the Mayor looks forward to seeing Councilmembers at the *City for Champions* meeting on Thursday, January 16th, commencing at 1:30 p.m. in CAB 102.

ITEMS CALLED OFF CONSENT CALENDAR

B-3. Designating the City Clerk's Office as the public place for posting of public notices for public meetings.

Councilmembers Martin, Miller, and Knight all commented on their interest in having a reliable, accessible, centralized location for the notices of public meetings, including on the City's website. City Clerk Johnson stated she will coordinate with other departments to centralize the location and confirm the website posting procedures to ensure timely, convenient postings for the notices.

Motion by Martin, second by Bennett, that the request be approved.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider
Noes: None

Absent: None

The motion passed unanimously on a 9-0 vote.

B-6. Ordinance No. 14-3 entitled "An Ordinance including certain property into the boundaries of the Barnes and Powers South Business Improvement District" was introduced and read.

Carl Schueler described the requested follow-up communications with Costco.

Motion by Bennett , second by Gaebler that the Ordinance be passed as introduced.

Ayes: Bennett, Gaebler, King, Knight, Martin, Miller, Pico, Snider
Noes: Collins, Miller
Absent: None

The motion passed on a 7-2 vote.

B-7. Ordinance No. 14-4 entitled "An Ordinance excluding certain property from the boundaries of the Barnes and Powers North Business Improvement District" was introduced and read.

Motion by Gaebler, second by Martin, that the Ordinance be passed as introduced.

Ayes: Bennett, Gaebler, King, Knight, Martin, Miller, Pico, Snider
Noes: Collins, Miller
Absent: None

The motion passed on a 7-2 vote

UTILITIES BUSINESS

9. Ordinance No. 13-81 entitled: "An Ordinance amending Ordinance No. 03-204, pertaining to the Utilities Policy Advisory Committee" was presented on second reading with amended language.

Sherri Newell, CSU's Chief Strategy and External Affairs Officer, described the second reading of the UPAC ordinance and the amended language that was included to address the length of the terms of the appointees. She stated the item will be brought back for a third reading in two weeks.

Motion by Bennett, second by Martin, to approve the amended Ordinance as presented.

Ayes: Bennett, Collins, Gaebler, King, Martin, Miller, Snider
Noes: Pico, Knight
Absent: None

The motion passed on a 7-2 vote.

10. **Process for Mayoral Appointees**

A. Ordinance No. 14-5 entitled "An ordinance amending Section 201 (Appointees) of Part 2 (Appointive Officers, General Provisions) 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 the confirmation process for Mayoral Appointees" was introduced and read.

Councilmember Knight described the rationale for creating the Ordinance.

Michael Sullivan, HR Director, objected to the approval stating there were revisions that needed to be made and offered to work on those and bring back for Council's consideration.

Motion by Knight, second by Pico, that the Ordinance be passed as introduced.

Ayes: Bennett, Gaebler, King, Knight, Miller, Pico
Noes: Collins, Martin, Snider
Absent: None

The motion passed on a 6-3 vote.

B. Ordinance No. 14-6 entitled: "An ordinance amending Section 303 (Appoint to Acting Capacity) 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 the confirmation process for Mayoral Appointees" was introduced and read.

Councilmembers Knight and Pico described the ordinance changes. They stated that the Ordinance basically addresses the difference between acting vs. interim assignments.

HR Direction, Michael Sullivan, objected on behalf of the Executive Branch stating that the Ordinance interferes with duties given to the Mayor under City Charter 4-40 (c).

Motion by Pico, second by Knight, that the Ordinance be passed as introduced.

Ayes: Bennett, Gaebler, King, Knight, Miller, Pico
Noes: Collins, Martin, Snider
Absent: None

The motion passed on a 6-3 vote.

C. A resolution adopting an amendment to the "City of Colorado Springs Rules and Procedures of City Council" relating to General Procedures for confirmation of Mayoral Appointees.

Councilmembers Knight and Pico stated they will work with City Administration on the changes to the rules and agreed to postpone this item until the end of January.

Motion by Knight, second by Pico to postpone the item to January 28th, 2014.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider
Noes: None
Absent: None

The motion passed unanimously on a 9-0 vote.

11. **Barnes Center:**

A. CPC MP 10-00089-A2MJ13: Request by NES Inc. on behalf of Cypress Partners LLC for approval of a master plan amendment to change the traffic patterns in the High Chaparral Master Plan located northwest of Barnes Road and Powers Boulevard.

Lonna Thelen, Planner with Land Use Review, described the amendment to the Master Plan and walked through the anticipated traffic patterns and land uses.

Kathleen Krager, Transportation Planning Manager, described traffic controls.

Steve Kuehster, City Stormwater/Engineering, described the developer's plan to extend the existing stormwater drainage system.

John Olive representing Cypress Partners LLC, provided the historical background of the property and its various owners.

Sandra Bankes, Sheryl Glasgow, and Lynn Fries expressed concerns relative to the traffic patterns, the installation of an additional traffic signal and a four-way stop and requested the City reconsider the traffic impacts before approving this change.

Motion by Bennett, second by Gaebler, to approve the Master Plan amendment.

Ayes: Bennett, Gaebler, King, Knight, Martin, Snider
Noes: Collins, Knight, Miller , Pico
Absent: None

The motion passed on a 5-4 vote.

B. CPC ZC 13-00107: (Quasi-Judicial Matter) Ordinance No. 14-7 entitled: "An Ordinance amending the zoning map of the City of Colorado Springs relating to 15.9 acres from A/AO (Agricultural with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay) located northwest of Barnes Road and Powers Boulevard" was introduced and read.

Those who spoke in favor of the zone change: John Oliver, of Cypress Partners LLC, spoke to support the zone change.

Those who spoke in opposition to the zone change: Sheryl Glasgow and Sandra Bankes spoke in opposition to the zone change.

Rebuttal: John Olive responded to Ms. Glosgow's concerns.

Motion by Bennett, second by Martin, that the ordinance be passed as introduced.

Ayes: Bennett, Gaebler, King, Knight, Martin, Miller, Snider
Noes: Collins, Pico
Absent: None

The motion passed on a 7-2 vote.

C. CPC CP 13-00108: (Quasi-Judicial Matter) A Request by NES Inc., on behalf of Cypress Partners LLC for approval of a concept plan for eight (8) retail lots consisting of 15.9 acres located northwest of Barnes Road and Powers Boulevard.

Those who spoke in support: John Olive, of Cypress Partners LLC, spoke in support of the request.

Those in opposition: Sheryl Glasgow spoke in opposition.

Motion by Bennett, second by Martin, that the request be approved.

Ayes: Bennett, Gaebler, King, Knight, Martin, Pico, Snider
Noes: Collins, Miller
Absent: None

The motion passed on a 7-2 vote.

UNFINISHED BUSINESS

There was no unfinished business to report.

NEW BUSINESS

There was no new business to report.

At 4:27 p.m., there being no further business to come before City Council,

COUNCIL ADJOURNED

Sarah B. Johnson

Sarah B. Johnson, City Clerk