



# City of Colorado Springs

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

## Meeting Minutes City Council

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Tuesday, October 27, 2020

10:00 AM

Council Chambers

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### 1. Call to Order

**Present:** 9 - Councilmember Yolanda Avila, Councilmember Jill Gaebler, Councilmember David Geislinger, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, President Richard Skorman, President Pro Tem Tom Strand, and Councilmember Wayne Williams

### 2. Invocation and Pledge of Allegiance

The Invocation was made by Pastor Rich Baley from Rocky Mountain Calvary Church.

President Skorman led the Pledge of Allegiance.

### 3. Changes to Agenda/Postponements

Sarah B. Johnson, City Clerk, stated the Utilities Business items will be taken in the following order: 9.C., 9.B., 9.D., 9.E. and 9.A. and the appellant for item 12.A. requested it be postponed to the November 10, 2020 City Council meeting.

Councilmember Knight requested item 4B.J. be removed from the Consent

Calendar.

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development, stated staff requested item 4.B.N. be removed from the Consent Calendar in order to substitute a revised plan that contains a typographical error.

Consensus of Council agreed to these changes 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. [20-525](#)** Ordinance No. 20-71 amending Multiple Sections Within Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Animal Fees

Presenter:

Charae McDaniel, Chief Financial Officer

**Attachments:** [Attachment A Animal Control Fee Update](#)  
[Attachment B - Other City Animal Licensing Fees](#)  
[AnimalControlFeesORD-2020-09-08](#)  
[Signed Ordinance 20-71.pdf](#)

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

- 4A.B. [20-515](#)** Ordinance No. 20-72 certifying Delinquent Stormwater Fees and Charges to the El Paso County Treasurer for Collection

Presenter:

Richard Mulledy, Stormwater Enterprise Manager

**Attachments:** [Ordinance StormwaterFees-CertificationOfDelinquency](#)  
[Exhibit A](#)  
[Signed Ordinance 20-72.pdf](#)

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

- 4A.C. [20-461](#)** Ordinance No. 20-73 amending Ordinance No. 19-87 (2020 Appropriation Ordinance) for a supplemental appropriation to the

Parking Enterprise Fund in the amount of \$1,100,000 for additional funding of smart technology parking meters

Presenter:

Scott Lee, Parking Enterprise Director

Chris Wheeler, City Budget Manager

**Attachments:** [Supplemental Approp Ord - Parking Enterprise for smart meters](#)

[Signed Ordinance 20-73.pdf](#)

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

**4A.D. [19-731](#)**

Ordinance No. 20-74 amending Section 102 (Definitions), Section 105 (Prohibition on Sale of Cigarettes or tobacco products in vending machines), and Section 106 (Tobacco Product Placement) of Part 1 (No Smoking in Public Places or Workplaces Except in Those Areas Designated for Smoking) of Article 6 (Public Health and Sanitation - No Smoking in Public Places) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to limitations on tobacco products in vending machines and tobacco product placement and providing penalties for the violation thereof

Presenter:

Tom Strand, City Councilmember

Marc Smith, Corporate Division Chief and Legislative Counsel, City Attorney's Office

**Attachments:** [Tobacco Placement ORD-2020-09-15-clean.docx](#)

[HB2020a 1001 signed](#)

[HB20-1001 State Bill Summary](#)

[Signed Ordinance 20-74.pdf](#)

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

**4A.E. [20-539](#)**

Ordinance No. 20-75 creating a new Section 213 (Unlawful Transfer of Tobacco and Tobacco Products) of Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the unlawful transfer of tobacco and tobacco products and providing penalties for the violation thereof

Presenter:

Tom Strand, City Councilmember

Marc Smith, Corporate Division Chief and Legislative Counsel, Office of the City Attorney

**Attachments:** [Tobacco Possession Transfer ORD-2020-09-15-clean.docx](#)  
[Signed Ordinance 20-75.pdf](#)

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

**4A.F.** [CPC A 18-00116](#) Ordinance No. 20-76 annexing to the City of Colorado Springs that area known as Mazariegos Addition No. 1 consisting 0.165 of an acre.

(Legislative)

Related Files: CPC A 18-00116R, CPC A 18-00116, CPC ZC 19-00141, CPC PFP 20-00082

Presenter:

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

**Attachments:** [ORD MazariegosAdditionNo.1Annexation](#)  
[Exhibit A - MazariegosLegalDescription](#)  
[Exhibit B - Mazariegos Annexation Agreement](#)

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

**4A.G.** [CPC ZC 19-00141](#) Ordinance No. 20-77 amending the zoning map of the City of Colorado Springs pertaining to 0.165 of an acre located at 4221 Date Street establishing a R-5 (Multi-Family Residential) zone

(Legislative)

Related Files: CPC A 18-00116R, CPC A 18-00116, CPC ZC 19-00141, CPC PFP 20-00082

Presenter:

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

**Attachments:** [ZC ORD MazariegosAdditionNo.1](#)  
[Exhibit A\\_ZC LegalDescription](#)  
[Exhibit B\\_ZC Depiction](#)  
[Signed Ordinance 20-77.pdf](#)

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

**4A.H.** [CPC A 19-00064](#) Ordinance No. 20-78 annexing to the City of Colorado Springs that area known as Dickerson Addition No. 1 consisting of 0.414 of an acre.

(Legislative)

Related Files: CPC A 19-00064R, CPC A 19-00064, CPC PFP 20-00056, CPC ZC 20-00055

Presenter:

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

**Attachments:** [ORD DickersonAdditionNo.1Annex](#)  
[Exhibit A - DickersonAnnexationLegal](#)  
[Exhibit B Dickerson Annexation Agreement](#)

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

- 4A.I.** [CPC ZC 20-00055](#) Ordinance No. 20-79 amending the zoning map of the City of Colorado Springs pertaining to 0.331 of an acre located southwest of Siferd Boulevard and Rosalie Street establishing the R-5 (Multi-family Residential) zone.

(Legislative)

Related Files: CPC A 19-00064R, CPC A 19-00064, CPC PFP 20-00056, CPC ZC 20-00055

Presenter:

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

**Attachments:** [ZC ORD DickersonAdditionNo.1](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[Signed Ordinance 20-79.pdf](#)

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

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

- 4B.A.** [20-591](#) City Council Regular Meeting Minutes October 13, 2020

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [10-13-2020 City Council Meeting Minutes Final.pdf](#)

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

- 4B.B.** [20-600](#) Request for Approval Amount of Settlement in Case No. 16-CV-02745-JLK

Presenter:  
Wynetta Massey, City Attorney/Chief Legal Officer

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

**4B.C.** [CPC ZC 20-00008](#) Ordinance No. 20-80 amending the zoning map of the City of Colorado Springs pertaining to 0.73-acre from Intermediate Business with Planned Provisional Overlay (C5/P) to Intermediate Business (C5), located at 4430 Forrest Hill Road.

(Quasi-Judicial)

Related Files: CPC ZC 20-00008, CPC DP 20-00009, CPC NV 20-00069, and CPC NV 20-00070

Presenter:  
Daniel Sexton, Principal Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Attachments:** [ZC\\_ORD\\_4430ForrestHillRoad](#)  
[Exhibit A - Legal](#)  
[Exhibit B - Zone Change](#)  
[Vicinity Map](#)

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

**4B.D.** [CPC DP 20-00009](#) A Development Plan an eight (8) unit residential project located at 4430 Forrest Hill Road.

(Quasi-Judicial)

Related Files: CPC ZC 20-00008, CPC DP 20-00009, CPC NV 20-00069, and CPC NV 20-00070

Presenter:  
Daniel Sexton, Principal Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Attachments:** [Development Plan](#)  
[7.5.502.E Development Plan Review](#)

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

**4B.E.** [CPC NV 20-00069](#) A Nonuse Variance from City Code Section 7.3.104(A), to allow the reduction of the front setback to 16 feet where the required setback is 20 feet for an 8-unit residential project located at 4430 Forrest Hill Road

(Quasi-Judicial)

Related Files: CPC ZC 20-00008, CPC DP 20-00009, CPC NV 20-00069, and CPC NV 20-00070

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Attachments:** [Development Plan](#)

[7.3.104.A Agricultural-Residential-Spec Use-Traditional Neighborhood zone standards](#)  
[7.5.802.B Nonuse Variance Criteria](#)

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

**4B.F.** [CPC NV 20-00070](#)

A Nonuse Variance from City Code Section 7.3.104(A), to allow the reduction of the rear setback to 13 feet where the required setback is 25 feet for an 8-unit residential project located at 4430 Forrest Hill Road.

(Quasi-Judicial)

Related Files: CPC ZC 20-00008, CPC DP 20-00009, CPC NV 20-00069, and CPC NV 20-00070

Presenter:

Daniel Sexton, Principal Planner, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Attachments:** [Development Plan](#)

[7.5.802.B Nonuse Variance Criteria](#)  
[7.3.104.A Agricultural-Residential-Spec Use-Traditional Neighborhood zone standards](#)

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

**4B.G.** [20-545](#)

Ordinance No. 20-81 amending Ordinance No. 19-87 (2020 Appropriation Ordinance) for a supplemental appropriation to the Grant Fund in the amount of \$67,013,392, the Airport Grant Fund in the amount of \$24,340,290, and the CDBG Grant Fund in the amount of \$1,811,610 for the Coronavirus Aid, Relief, and Economic Security Act (CARES) grants funding response to and recovery from the coronavirus pandemic.

Presenter:

Charae McDaniel, Chief Financial Officer  
Jen Vance, Grants Manager

**Attachments:** [CARES\\_Act\\_GrantsSuppAppORD-2020-09-17](#)  
[Granicus File 20-545 CARES Grant Supplemental Appropriation PowerPoint\\_10.12.20](#)

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

- 4B.H. [20-570](#)** Ordinance No. 20-82 Repealing Ordinance No. 17-37 and Dissolving the Colorado Springs Commission on Aging

Presenter:  
Jill Gaebler, City Councilmember

**Attachments:** [CommissionAgingDissolutionORD-2020-09-22](#)  
[Ord-no.-17-37 Comm Aging](#)

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

- 4B.I. [20-504](#)** Resolution authorizing the Banning Lewis Ranch Metropolitan District No. 3 to Issue Series 2020 General Obligation Limited Tax Refunding Bonds in an Aggregate Principal Amount Not to Exceed \$11,000,000.

(Legislative)

Presenter:  
Carl Schueler, Comprehensive Planning Manager, Planning and Community Development  
Peter Wysocki, Director of Planning and Community Development

**Attachments:** [RES\\_BLRMetroDistNo3BondRefunding](#)  
[1- BLR 3 - Financing - Cover Letter](#)  
[2- BLR 3 - DA Davidson Board Presentation - Proposed Financing](#)  
[3- BLR 3 - Term Sheet](#)  
[4- BLR 3 - Financing Plan](#)  
[5- Indenture - Banning Lewis Ranch MD No. 3](#)  
[6- BLR 3 - 2020 Bond Issuance - Form GC Opinion](#)  
[PowerPoint](#)  
[Signed Resolution 91-20.pdf](#)

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

- 4B.K. [20-312](#)** Approval of the Proposed 2021 Operating Plan and Budget for the Barnes & Powers South Business Improvement District

Presenter:  
Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2021 Operating Plan - Barnes Power South BID\(4285147.1\) Rev](#)



This Item was approved on the Consent Calendar.

- 4B.L. [20-311](#) Approval of the Proposed 2021 Operating Plan and Budget for the Barnes & Powers North Business Improvement District

Presenter:  
Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2021 Operating Plan & Budget - Barnes\\_Powers North BID - revised\(4298629.1\)](#)

This Item was approved on the Consent Calendar.

- 4B.M. [20-315](#) Approval of the Proposed 2021 Operating Plan and Budget for the Creekwalk Marketplace Business Improvement District

Presenter:  
Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2021 Operating Plan - Creekwalk Marketplace BID\(4284505.1\) Rev](#)

This Item was approved on the Consent Calendar.

- 4B.O. [20-317](#) Approval of the Proposed 2021 Operating Plan and Budget for the First and Main Business Improvement District No. 2

Presenter:  
Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2021 Operating Plan - First Main BID No. 2\(4285048.1\) Revised 10.16.20](#)  
[First and Main BID No. 2 - redline 10.16.20](#)

This Item was approved on the Consent Calendar.

- 4B.P. [20-318](#) Approval of the Proposed 2021 Operating Plan and Budget for the First and Main North Business Improvement District

Presenter:  
Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2021 Operating Plan - First Main North BID Rev](#)

This Item was approved on the Consent Calendar.

- 4B.Q. [20-320](#) Approval of the Proposed 2021 Operating Plan and Budget for the Interquest North Business Improvement District

Presenter:  
Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2021 Operating Plan and Budget - Interquest North BID\(4283608.1\)](#)  
[Rev 10.16.20](#)  
[Interquest North BID - redline 10.16.20](#)

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

- 4B.R. [20-321](#)** Approval of the Proposed 2021 Operating Plan and Budget for the Interquest South Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2021 Operating Plan and Budget - Interquest South BID\(4285889.1\)](#)  
[Rev](#)

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

- 4B.S. [20-322](#)** Approval of the Proposed 2021 Operating Plan and Budget for the Interquest Town Center Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2021 Operating Plan - Interquest Town Center BID\(4285091.1\) rev](#)  
[10.16](#)

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

- 4B.T. [20-323](#)** Approval of the Proposed 2021 Operating Plan and Budget for the MW Retail Business Improvement District

Presenter:

Carl Schueler, Planning Manager - Comprehensive Planning

**Attachments:** [2021 Operating Plan and Budget - MW Retail BID\(4286157.1\) Rev](#)  
[10.16](#)

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

- 4B.U. [20-324](#)** Approval of the Proposed 2021 Operating Plan and Budget for the Powers & Woodmen Commercial Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2021 Operating Plan - Powers and Woodmen BID\(4284734.1\) Revised](#)  
[10.16.20](#)  
[Powers and Woodmen Commercial BID - redline 10.16.20](#)

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

- 4B.V. [20-325](#)** Approval of the Proposed 2021 Operating Plan and Budget for the SW

## Downtown Colorado Springs Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2021 Operating Plan - SW Downtown BID - revised\(4300355.1\) 10.16.20](#)  
[SW Downtown BID - redline 10.16.20](#)

This Item was approved on the Consent Calendar.

**Approval of the Consent Agenda**

**Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that all matters on the Consent Calendar be passed, adopted, and approved by consent of the members present. The motion passed by a vote of 8-1-0-0. Councilmember Murray did not vote Aye on Item 4B.B.**

**Aye:** 8 - Avila, Gaebler, Geislinger, Knight, Pico, Skorman, Strand, and Williams

**No:** 1 - Murray

**5. Recognitions**

- 5.A.** [20-538](#) A Proclamation celebrating the 50th Anniversary of the Defense Support Program Satellite Launch

Presenter:

Don Knight, City Councilmember District #1

**Attachments:** [DSP Final](#)

Councilmember Knight gave a brief history of the Defense Support Program (DSP) satellite launch, introduced U.S. Air Force Retired Colonel Les Nelson and U.S. Air Force Retired Colonel Jim Ross who supported the DSP, and read a Proclamation celebrating the 50th Anniversary of the Defense Support Program satellite launch.

Colonel Nelson explained the importance of the DSP and expressed appreciation for the Proclamation.

President Skorman, Councilmember Pico, and President Pro Tem Strand expressed gratitude for the work of the DSP.

- 5.B.** [20-556](#) A Proclamation observing October 2020 as Breast Cancer Awareness Month

Presenter:

Jill Gaebler, Councilmember District #5

**Attachments:** [Breast Cancer Awareness Month 2020](#)

Councilmember Gaebler read a Proclamation recognizing October 2020 as Breast Cancer Awareness Month.

Rick Baker, Founder and Executive Director of the Becky Baker Foundation, and Dr. Barb Houston, President, of the Becky Baker Foundation, gave an overview of the purpose of the Becky Baker Foundation which is to assist in the prevention of breast cancer.

Laura Simmons and Tara Shell, Co-Captains UCHealth Cancer Conquers Team, Bethany Kelsey, Pikes Peak YMCA, and Karen Svarverud, Director of Development, Susan G. Komen Group, expressed appreciation for the Proclamation and the efforts made within community to fight cancer.

Councilmember Avila commented that men are also vulnerable to breast cancer.

President Skorman, Councilmember Knight, and Councilmember Geislinger spoke about the effect of cancer on so many lives.

**5.C.** [20-561](#)

Presentation of the Colorado Chapter of the American Planning Association Recognition of Tejon Street as a recipient of the 2020 Great Places Award

Presenter:

Ryan Tefertiller, Planning Manager, Planning and Community Development Department  
Peter Wysocki, Planning Director, Planning and Community Development Department

**Attachments:** [GP CATEGORY-CERTIFICATE-Tejon-DPCS REV](#)  
[Tejon\\_Street-ColoradoSprings-reduced size Oct 2020](#)

Peter Wysocki, Planning Director, Planning and Community Development Department, introduced Maureen Paz de Araujo, Southeast Colorado American Planning Association (APA).

Ms. Paz de Araujo, stated the proposal of Tejon Street received a score of 43.8 out of 50, read the comments received by the selection committee, and presented the 2020 Great Places Award.

President Skorman gave recognition to Judy and Dick Noyce, Chinook

Bookshop, for their contributions to downtown.

Mr. Wysocki expressed appreciation for the award, the Downtown Partnership, the Downtown Development Authority (DDA), Susan Edmondson, Lenn Kendall, Aaron Briggs, the Housing and Building Association, Ryan Tefertiller, Planning Manager, Planning and Community Development Department, the downtown business owners, and the visitors to downtown.

Len Kendall, Director of Planning and Mobility, Downtown Partnership, gave an overview of the Downtown Partnership's goals for the downtown area.

Councilmember Williams identified the two park improvements made possible by the voters of Colorado Springs.

President Skorman and Councilmember Avila spoke about how downtown has been a big part of their lives.

## **6. Citizen Discussion For Items Not On Today's Agenda**

Citizen Collette Cook spoke about her carport and the twenty-five feet front yard setback zoning regulation requirement within the City.

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

There was no Mayor's Business.

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

- 4B.J.** [20-314](#) Approval of the Proposed 2021 Operating Plan and Budget for the Briargate Center Business Improvement District and Specifically Allowing for a Temporary Increase in the Operating Mill Levy of up to 13.000 Mills

Presenter:

Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2021 Briargate Center OPERATING PLAN AND BUDGET\(00779611-2\\_xAF7F5\)\) 10-12-20 BIDpresentation](#)

Councilmember Knight stated the Briargate Center Business Improvement District (BID) charged a total of 39 mills in 2020 with 4 mills for operations and maintenance (OEM), but for 2021, they are proposing 13 mills for OEM

when generally the operations cap for BIDs is 10 mills. Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, stated their service plan was originally set at a combined mill levy cap of 50 mills and are proposing to reduce their debt service mill levy and increase their OEM mill levy by 9 mills due to major repairs needed. He stated a motion could be made that the temporary exceedance is limited to one year.

Councilmember Geislinger asked if marketing and promotional activities are allowed using OEM funds. Mr. Schueler stated confirmed they are authorized under state statutes. Tim Flynn, representing the district, stated there have been promotional activities, such as outdoor movies, conducted in the past and business promotion and development is listed in Section 8 of the operating plan.

Councilmember Williams stated he does not believe this district should be singled out with marketing limited to one year since it is allowable in other districts and this district has previously used OEM funds for marketing.

**Motion by Councilmember Knight, seconded by Councilmember Geislinger, that the proposed 2021 Operating Plan and Budget for the Briargate Center Business Improvement District and specifically allowing for a temporary increase in the operating mill levy of up to 13.000 mills be approved as amended that the temporary increase be limited to one year. The motion passed by a vote of 9-0-0-0**

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

**4B.N. [20-316](#)** Approval of the Proposed 2021 Operating Plan and Budget for the First and Main Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2021 Operating Plan - First Main BID\(4285430.1\) Rev 10.16.20](#)  
[First Main BID - redline 10.16.20](#)

Councilmember Knight stated this item was removed from the Consent Calendar in order for staff to substitute the revised plan document due to a typographical error.

**Motion by Councilmember Knight, seconded by President Pro Tem Strand, that the proposed 2021 Operating Plan and Budget for the First and Main Business Improvement District as amended with the substitution of the new plan which corrects a typographical error be approved. The motion passed by a vote of 9-0-0-0**

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

## **9. Utilities Business**

- 9.A. [20-480](#) Public Hearing for the Consideration of Resolutions Setting Natural Gas and Electric Rates Within the Service Areas of Colorado Springs Utilities, Certain Changes to Natural Gas and Electric Rate Schedules, and Water and Wastewater Rates

Presenter:

Scott Shewey, Chief Planning and Finance Officer, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [10-27-2020 CC Rate Hearing-Resolutions & Tariffs](#)

[Agenda 2021 Rate Case](#)

[City Attorney Instructions-2021 Rate Case](#)

[Issues For Decision-2021 Rate Case](#)

[10-27-20 CC 2021 Rate Case Hearing Presentation](#)

[REVISED 10-27-20 CC 2021 Rate Case Hearing](#)

Chris Bidlack, Senior Attorney, Colorado Springs Utilities (CSU) Division, presented the hearing agenda and read the Colorado Springs Utilities rate setting standards and the quasi-judicial role of City Council. Mr. Bidlack polled Council concerning if any members had received any ex parte communications. City Council indicated there were no ex parte communications.

Scott Shewey, Chief Planning and Finance Officer, CSU, gave an overview of the 2021 rate case setting natural gas and electric rates within the service areas of CSU, certain changes to natural gas and electric rate schedules, and water and wastewater rates. He explained the procedural compliance, natural gas, electric, water, and wastewater tariff changes, customer outreach, proposed bill changes, and programs helping customers. Mr. Shewey stated the Office of the City Auditor reviewed the rate case and had no findings.

Mr. Bidlack polled City Council regarding the issues for decision for the setting of natural gas service, electric service, water service, and wastewater service rates. Please see attached documents for additional details on City Council's direction for the proposed terms and conditions.

There were no comments on this item.

- 9.B. [20-543](#) A Resolution Setting the Electric Cost Adjustment and Industrial Service - Large Power and Light Supply Credit Rates effective November 1, 2020

Presenter:

Scott Shewey, Chief Planning and Finance Officer, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [10-27-2020 CC Mtg-ECA Resolution](#)

[ECA Sheet 2.9 E Rate Tbl - Final](#)

[ECA Sheet 2.9 E Rate Tbl - Redline](#)

[09-2020 ECA Schedule 1](#)

[10-27-2020 CC ECA-GCA](#)

[Signed Resolution 93-20.pdf](#)

Scott Shewey, Chief Planning and Finance Officer, Colorado Springs Utilities (CSU) gave an overview of the Resolutions setting the Electric Cost Adjustment and the Gas Cost Adjustment effective November 1, 2020 in regards to the proposed changes to the water and wastewater rate schedules. He stated the total monthly electric residential typical bill will increase by approximately \$3.29, the total monthly electric commercial typical bill will increase by approximately \$28.20, and the total electric industrial typical bill will increase by approximately \$1,880.00. Mr. Shewey stated the total monthly gas residential typical bill will increase by approximately \$8.06, the total monthly gas commercial typical bill will increase by approximately \$166.40, and the total gas industrial typical bill will increase by approximately \$1,664.08. He stated the ELG Supply Credit will be a two-year phase-in.

Councilmember Geislinger stated these adjustments are due to cost increases and identified there are programs available through CSU if rate payers are adversely impacted by these increases.

Citizen Andrew Soldner requested the residential solar power cap limit be raised to fifteen kilowatts. Mr. Shewey stated the increase to fifteen kilowatts is addressed in the proposed rate case for changes to electric tariffs.

President Skorman requested there be a further discussion on raising that cap limit.



**Motion by Councilmember Gaebler, seconded by President Pro Tem Strand, that the Resolution setting the Electric Cost Adjustment and Industrial Service - Large Power and Light Supply Credit Rates effective November 1, 2020 be adopted. The motion passed by a vote of 9-0-0-0**

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

**9.C.** [20-544](#) A Resolution Setting the Gas Cost Adjustment effective November 1, 2020

Presenter:

Scott Shewey, Chief Planning and Finance Officer, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [10-27-2020 CC Mtg-GCA Resolution](#)

[GCA Sheet 2.4 G Rate Tbl - Final](#)

[GCA Sheet 2.4 G Rate Tbl - Redline](#)

[09-2020 GCA Schedule 1](#)

[Signed Resolution 92-20.pdf](#)

Please see comments in Agenda item 9.B.

**Motion by Councilmember Williams, seconded by Councilmember Geislinger, that the Resolution setting the Gas Cost Adjustment effective November 1, 2020 be adopted. The motion passed by a vote of 9-0-0-0**

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

**9.D.** [20-540](#) Ordinance No. 20-83 Approving the Annual Budget for Colorado Springs Utilities and Appropriating Monies for the Several Purposes Named in the Annual Colorado Springs Utilities Budget for the Year Ending December 31, 2021

Presenter:

Scott Shewey, Chief Planning and Finance Officer, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [2021 Annual Budget Formal Ord](#)

[2020-10-27 CC Prelim Budget](#)

Scott Shewey, Chief Planning and Finance Officer, Colorado Springs Utilities (CSU), presented the Ordinance approving the annual budget CSU and appropriating monies for the several purposes named in the annual CSU budget for the year ending December 31, 2021 and the ordinance identifying and accepting the annual sources of funds for CSU for the year ending December 31, 2021. He gave an overview of the CUS strategy

map, proposed 2021 budget, how the appropriation is funded, capital projects, non-fuel operations and maintenance, labor budget summary/recommendations,

Aram Benyamin, Chief Executive Officer, CSU, stated it was recommended by the CSU Board that CSU absorb the \$400,000 employee portion of the medical insurance premium cost increase and he provided a breakdown of the \$223 M labor and benefit cost in the 2021 budget.

Councilmember Knight stated over the past couple months, CSU staff has been telling him and also provided him a written CSU medical insurance premium cost share policy that reflects a total aggregate of 85 percent employer and 15 percent employee cost, but today CSU is stating there is no cost share formula. Mr. Shewey there is no written policy or specific formula at CSU that identifies shared cost between employee and employer for medical benefits and he was approximating the 85/15 percent cost. Councilmember Knight stated he received a CSU Premium Policy which provided a cost share breakdown of each of the benefit plans in the package he received from Mr. Benyamin and Marcy Hudson, General Manager, Human Resources, CSU, the aggregate was 85/15 which is the industrial standard, and he was told if the ratio went lower, it would be difficult to bring people back. Councilmember Knight stated by not passing on the premium increase to the employees, it would bring the cost share closer to the policy that they have in writing. Mr. Shewey stated he is not aware of any written policy that exists at CSU which tells them how they will share costs between employee and employer for medical benefits and during the Utility Board Meeting, he was speaking in generalities. Councilmember Knight stated the 2020 employee percentage of premium cost was 21.2 percent. Mr. Shewey stated the insurance plan is self-funded where the contributions can go up or down depending on loss rates.

Councilmember Avila, Councilmember Gaebler, Councilmember Williams, and President Skorman stated they support the proposed CSU 2021 budget.

**Motion by Councilmember Avila, seconded by Councilmember Gaebler, that the proposed Ordinance approving the annual budget for Colorado Springs Utilities and appropriating monies for the several purposes named in the annual Colorado Springs Utilities budget for the year ending December 31, 2021 be approved on first reading. The motion passed by a vote of 8-1-0-0**

**Aye:** 8 - Avila, Gaebler, Geislinger, Murray, Pico, Skorman, Strand, and Williams

No: 1 - Knight

- 9.E. [20-541](#) Ordinance No. 20-84 Identifying and Accepting the Annual Sources of Funds for Colorado Springs Utilities for the Year Ending December 31, 2021

Presenter:

Scott Shewey, Chief Planning and Finance Officer, Colorado Springs Utilities

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [2021 Annual Source Funds Ord](#)

Please see comments in Agenda item 9.D.

**Motion by President Pro Tem Strand, seconded by Councilmember Murray, that the Ordinance identifying and accepting the annual sources of funds for Colorado Springs Utilities for the year ending December 31, 2021 be approved on first reading. The motion passed by a vote of 9-0-0**

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

## **10. Unfinished Business**

## **11. New Business**

- 11.A. [20-319](#) Approval of the Proposed 2021 Operating Plan and Budget for the Greater Downtown Colorado Springs Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

**Attachments:** [2021 Operating Plan Greater Downtown BID](#)  
[2021 BID General Fund Summary](#)

President Skorman recused himself due to owning a downtown business.

Carl Schueler, Planning Manager, Comprehensive Planning presented the proposed 2021 operating plan and budget for the Greater Downtown Colorado Springs Business Improvement District (BID).

There were no comments on this item.

**Motion by Councilmember Murray, seconded by Councilmember Geislinger, that the proposed 2021 Operating Plan and Budget for the Greater Downtown Colorado Springs Business Improvement District be approved. The motion passed by a vote of 8-0-1**

**Aye:** 8 - Avila, Gaebler, Geislinger, Knight, Murray, Pico, Strand, and Williams

**Recused:** 1 - Skorman

- 11.B. [20-326](#)** Approval of the Proposed 2021 Operating Plan and Budget for the USAFA Visitors Center Business Improvement District, Subject to an Amended Operating Plan and Budget Being Approved Prior to Formal Debt Issuance

Presenter:

Carl Schueler, Comprehensive Planning Manager

**Attachments:** [USAFA BID - 2021 Operating Plan - Revised II - Oct 8 2020 \(4298034\\_1\)](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, presented the proposed 2021 operating plan and budget for the USAFA Visitors Center Business Improvement District (BID) and identified the recommended motion would include “subject to an amended operating plan and budget being approved prior to formal debt issuance”. He stated the Lodging and Automobile Rental Tax (LART) funding would include \$1M contingent on debt issuance and the current budget includes \$500K used in 2020 and \$500K in 2021 assuming late 2020 bond issuance. Mr. Schueler provided an overview of the debt issuance time extension, 2019 not to exceed interest rates in BID bonds, stormwater permitting.

Councilmember Murray asked if there are any stormwater permitting issues since the facility is located on City property. Richard Mulledy, Stormwater Enterprise Manager, stated the USAFA holds their own federal MS4 Permit and any infrastructure built within their permit area falls under their permit regulation and oversight, but erosion control or erosion control management falls outside the regulation of an MS4 permit.

Bob Cope, Economic Development Manager, stated he spoke with Carlos Cruz Gonzalez, Director of Logistics, Engineering and Forest Protection for the USAFA and he assured him the USAFA would rigorously review and regulate this MS4 Permit and this project regarding any downstream impacts.

Eric Smith, Blue and Silver Development Partners, representing the district, provided a project status update and the effects of COVID on the bond, hospitality, and hotel market.

Councilmember Geislinger requested the executive summary of the market study. Mr. Smith stated he will request that information from the hotel developer.

Councilmember Knight asked if the 2021 operating plan and budget is based on the assumptions that the bonding will be completed before the end of 2020. Pat Hrbacek, Spencer Fane, LLC, representing the district, stated it remains a possibility, but they are not certain it will happen so it may be appropriate to come back to City Council with an amended operating plan and budget.

Councilmember Knight requested the total amount of the bonds. Mr. Schueler stated the not to exceed aggregate is \$80M. Councilmember Knight asked if there have been any previous developer advances on this project. Mr. Smith stated there have been many previous developer advances, totaling approximately \$4.5M, as it relates to predevelopment costs, but they are all being carried on the developer side which would be reimbursed after the bonding process is complete.

Councilmember Murray stated this facility was originally supposed to be funded by the USAFA endowment, but now there is concern regarding whether or not it will be subsidized and he will not be supporting it.

Councilmember Avila, Councilmember Knight, and Councilmember Pico stated they are against the establishment of the Urban Renewal Authority for this project, but since this item is regarding their operating plan and budget, they will be supporting it.

**Motion by Councilmember Knight, seconded by Councilmember Geislinger, that the proposed 2021 Operating Plan and Budget for the USAFA Visitors Center Business Improvement District, subject to an Amended Operating Plan and Budget being approved prior to formal debt issuance, as amended that the language regarding other financial obligations be added, be approved. The motion passed by a vote of 8-1-0-0**

**Aye:** 8 - Avila, Gaebler, Geislinger, Knight, Pico, Skorman, Strand, and Williams

**No:** 1 - Murray

**11.C. [20-550](#)**

Resolution Approving an Extension of Time for the USAFA Visitors Center Business Improvement District to Issue Series A, B and C Bonds Previously Authorized by Resolution No. 103-19

(Legislative)

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development

Bob Cope, Economic Development Officer

**Attachments:** [RES\\_USAFAVisitorsCenterBIDExtension10-27-revision](#)

[RES\\_USAFAVisitorsCenterBIDExtension](#)

[1- Transmittal Letter 9-25-20](#)

[2- Resolution 103-19](#)

[Signed Resolution 94-20.pdf](#)

Please see comments in Agenda item 11.B.

**Motion by Councilmember Geislinger, seconded by Councilmember Gaebler, that the Resolution for an extension of time for the USAFA Visitors Center Business Improvement District to issue Series A, B and C Bonds previously authorized by Resolution No. 103-19 be adopted. The motion passed by a vote of 8-1-0-0**

**Aye:** 8 - Avila, Gaebler, Geislinger, Knight, Pico, Skorman, Strand, and Williams

**No:** 1 - Murray

- 11.D. [20-588](#)** Proposed update to the City of Colorado Springs Civilian and Sworn Policies and Procedures Manuals

Presenter:

Danielle Delgado, HR Manager, Human Resources Department

**Attachments:** [Policy 30 Sworn PPM Draft - Political Activity](#)

[Policy 42 Civilian PPM Draft - Political Activity](#)

Danielle Delgado, HR Manager, Human Resources Department, presented the proposed update to the City of Colorado Springs Civilian and Sworn Policies and Procedures Manuals which would remove the language which prohibits City employees from running for City Council while employed by the City.

Councilmember Geislinger stated further policy discussion regarding this issue will occur in February 2021.

**Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that the Proposed update to the City of Colorado Springs Civilian and Sworn Policies and Procedures Manuals be approved. The motion passed by a vote of 9-0-0-0**

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

- 11.E. [20-594](#)** A resolution adopting the final form of the Agreement and Joint Plan for the Exclusion of Certain Property from the Black Forest Fire Rescue Protection District

Presenter:

Frederick Stein, Public Safety Attorney

**Attachments:** [Black Forest Exclusion City Resolution-FINAL](#)

[Black Forest Fire AgreementJoint Plan for  
Exclusion-BlackForest-FINAL10-20-20  
CumbreVista Filings12-ExA-1](#)

[Forest Meadows Filing1-ExA-2](#)

Frederick Stein, Public Safety Attorney, presented the Resolutions adopting the final form of the agreement and joint plan for the exclusion of certain property from the Black Forest Fire Rescue Protection District and the Falcon Fire Protection District. He stated the revised spreadsheets for the Black Forest Fire Protection District have been updated to include the Cumbre District Filings and Forest Meadows Filings and have been provided to City Council.

There were no comments on this item.

**Motion by Councilmember Pico, seconded by Councilmember Geislinger, that the Resolution authorizing execution of the Agreement and Joint Plan for the exclusion of property from the District be adopted. The motion passed by a vote of 9-0-0-0**

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

**11.F. [20-595](#)**

A resolution adopting final form of the Agreement and Joint Plan for the Exclusion of Certain Property from the Falcon Fire Protection District

Presenter:

Frederick Stein, Public Safety Attorney

**Attachments:** [Falcon Fire Exclusion City Resolution-FINAL](#)

[Falcon Fire AgreementJoint Plan for  
Exclusion-CLEAN-DRAFT-10-20-20  
Shilo Mesa Annex-GIS-ExA](#)

[Quail Brush Creek Map Exhibit A-2](#)

[Shiloh Mesa Exclusion Properties-Updated4-9-20](#)

Please see comments in Agenda item 11.E.

**Motion by Councilmember Pico, seconded by Councilmember Geislinger, that the Resolution authorizing execution of the Agreement and Joint Plan for the exclusion of property from the District be adopted. The motion passed by a vote of 9-0-0-0**

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

## **12. Public Hearing**

- 12.A. [CPC CU 20-00060](#) An appeal of the Planning Commission's decision to approve the Sundance at Rock Creek Conditional Use Development plan for a 240 unit apartment complex located southwest of the intersection of Pine Oaks Road and Highway 115.

(Quasi-Judicial)

Presenter:

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

**Attachments:** [Applicant Appeal Statement](#)  
[Staff - Sundance at Rock Creek- LJT](#)  
[Vicinity Map](#)  
[Aerial Vicinity Map](#)  
[CPC Staff Report Sundance at Rock Creek](#)  
[Conditional Use Development Plan](#)  
[Project Statement](#)  
[Public Comments](#)  
[Context Map](#)  
[Access Road Applicant Comments](#)  
[PlanCOS Vibrant Neighborhoods Framework Map](#)  
[7.5.704 Conditional Use Review](#)  
[7.5.502.E Development Plan Review](#)

The appellant requested this item be postponed to the November 10, 2020 City Council meeting.

**Motion by Councilmember Williams, seconded by President Pro Tem Strand, that the appeal of the Planning Commission's decision to approve the Sundance at Rock Creek Conditional Use Development plan for a 240 unit apartment complex located southwest of the intersection of Pine Oaks Road and Highway 115 be postponed to the November 10, 2020 City Council meeting. The motion passed by a vote of 9-0-0**

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

### **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