



# City of Colorado Springs

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

## Meeting Minutes City Council

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Tuesday, July 28, 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 Apostle J. Johnson and Chaplain Victoria Heim.

President Skorman led the Pledge of Allegiance.

### 3. Changes to Agenda/Postponements

Marc Smith, Corporate Division Chief, Office of the City Attorney, stated the first item of item 14.A Closed Executive Session was withdrawn.

Sarah B. Johnson, City Clerk, stated a Recognition will be added to the agenda for the retirement of Officer Dave Williams.

Councilmember Knight requested item 4B.M. be removed from the Consent Calendar so it can be bifurcated. She also stated item 13.A. has been added to the agenda and requested it be moved before New Business.

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. [20-301](#)** Ordinance No.20-47 Amending And Creating New Sections Within Article 7 (Sales And Use Tax) Of Chapter 2 (Business Licensing, Liquor Regulation And Taxation) Of The Code Of The City Of Colorado Springs 2001, As Amended, Pertaining To Sales Tax Marketplace Facilitators And Economic Nexus  
Presenter:  
Charae McDaniel, Chief Financial Officer

**Attachments:** [2 - SalesTax-MarketplaceFacilitatorORD-2020-06-22\(clean\)](#)  
[Signed Ordinance 20-47.pdf](#)

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

- 4A.B. [20-302](#)** Ordinance No. 20-48 Amending Article 9 (Lodgers, Campgrounds And Automobile Rental Tax) Of Chapter 2 (Business Licensing, Liquor Regulation And Taxation) Of The Code Of The City Of Colorado Springs 2001, As Amended, Pertaining To Lodgers, Campgrounds And Automobile Rental Tax  
Presenter:  
Charae McDaniel, Chief Financial Officer

**Attachments:** [SalesTax-LART ORD-2020-06-17](#)  
[Signed Ordinance 20-48.pdf](#)

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

- 4A.C. [20-260](#)** Ordinance No. 20-49 of the City of Colorado Springs, Colorado approving and authorizing the execution and delivery of the Standby Bond Purchase Agreement among the City of Colorado Springs, Colorado, Wells Fargo Bank, National Association, as Tender Agent, and TD Bank, N.A., the Fee Agreement between the City of Colorado

Springs, Colorado and TD Bank, N.A., and the Official Statement for the Utilities System Revenue Bonds previously issued by the City to which the Agreement relates; ratifying certain action heretofore taken.

Presenter:

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

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [CSU Ordinance Approving Replacement SBPA](#)  
[Summary of Ordinance Approving Replacement SBPA \(2007A Bonds\) 4816-0678..](#)  
[Plan of Finance Update CC 7-14-20](#)

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

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

**4B.A.** [20-399](#) City Council Regular Meeting Minutes July 14, 2020

Presenter:

Sarah B. Johnson, City Clerk

**Attachments:** [7-14-2020 City Council Meeting Minutes Final.pdf](#)

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

**4B.B.** [CPC PUZ 20-00051](#) Ordinance No. 20-50 amending the zoning map of the City of Colorado Springs relating to 69.97 acres located east of Union Boulevard and north of Fraser Valley Lane from PUD/A (Planned Unit Development and Agricultural) to PUD (Planned Unit Development: single-family residential, 2-3.49 dwelling units per acre, 36-foot maximum building height)

(Quasi-Judicial)

Related files: CPC PUZ 20-00051, CPC PUP 20-00052

Presenter:

Matthew Alcuran, Planner II, Planning and Community Development  
Peter Wysocki, Planning Director, Planning and Community Development

**Attachments:** [ZC ORD CorderaFilingNo.6](#)  
[Exhibit A - Legal Description](#)  
[Exhibit B - PUD Zone Change Cordera Filing No. 6](#)  
[Vicinity Map](#)  
[Signed Ordinance 20-50.pdf](#)

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

- 4B.C.** [CPC PUP 20-00052](#) The Cordera Filing No. 6 PUD Concept Plan for a residential development on 69.97 acres located east of Union Boulevard and north of Fraser Valley Lane.

(Quasi-Judicial)

Related files: CPC PUZ 20-00051, CPC PUP 20-00052

Presenter:

Matthew Alcuran, Planner II, Planning and Community Development  
Peter Wysocki, Planning Director, Planning and Community Development

**Attachments:** [Concept Plan\\_Cordera Filing No. 6](#)

[7.3.605 PUD Concept Plan](#)

[7.5.501.E Concept Plans](#)

This Item was approved on the Consent Calendar.

- 4B.D.** [CPC ZC 20-00047](#) Ordinance 20-51 amending the zoning map of the City of Colorado Springs pertaining to 8.5 acres of land from Office Complex with Streamside Overlay (OC/SS) to General Business with Conditions of Record and Streamside Overlay (C6/cr/SS), located 5580-5590 North Nevada Avenue.

(Quasi-Judicial)

Related Files: CPC ZC 20-00047, CPC DP 20-00048

Presenter:

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

**Attachments:** [ZC ORD LexusOfColoradoSprings](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Zone Change](#)

[Vicinity Map](#)

[Signed Ordinance 20-51.pdf](#)

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

- 4B.E.** [CPC DP 20-00048](#) A development plan for Lexus of Colorado Springs automotive sales on 8.5 acres located at 5580-5590 North Nevada Avenue.

(Quasi-Judicial)

Related Files: CPC ZC 20-00047, CPC DP 20-00048

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.F.** [CPC PUZ  
20-00044](#)

Ordinance 20-52 amending the zoning map of the City of Colorado Springs pertaining to 58.82 acres from PIP-1/cr/SS (Planned Industrial Park with Conditions of Record and Streamside Overlay) to PUD/SS (Planned Unit Development: Commercial, Industrial, and Residential Uses; Maximum Building Height of 45 feet, Density 25-30 Dwelling Units per Acre (Lot 6 only), and Maximum Building Square Footage of 677,527 Square Feet (lots 1-6) with Streamside Overlay), located at 6765 Campus Drive.

(Quasi-Judicial)

Related Files: CPC PUZ 20-00044, CPC PUP 20-00045

Presenter:

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

**Attachments:** [ZC ORD Crest At Woodmen](#)  
[Exhibit A1 - Legal Description](#)  
[Exhibit A2 - Legal Description](#)  
[Exhibit A3 - Legal Description](#)  
[Exhibit B - PUD Zone Change](#)  
[Vicinity Map](#)  
[Signed Ordinance 20-53.pdf](#)

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

**4B.G.** [CPC PUP  
20-00045](#)

A PUD concept plan for the Crest at Woodmen for the redevelopment of a 63.9-acre site with a mix of residential, commercial and industrial uses.

(Quasi-Judicial)

Related Files: CPC PUZ 20-00044, CPC PUP 20-00045

Presenter:

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

**Attachments:** [PUD Concept Plan](#)

[7.3.605 PUD Concept Plan](#)

[7.5.501.E Concept Plans](#)

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

**4B.H.** [CPC ZC  
19-00097](#)

Ordinance 20-53 amending the zoning map of the City of Colorado Springs pertaining to .64-acre changing the zoning from OR (Office Residential) to PBC (Planned Business Center), located at the northeast and northwest intersection of East Pikes Peak Avenue and Farragut Avenue.

(Quasi-Judicial)

Related Files: CPC ZC 19-00097, CPC DP 19-00098, CPC NV 19-00099

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development  
Peter Wysocki, Director, Planning and Community Development

**Attachments:** [ZC ORD YogaStudio](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Zone Change Exhibit](#)

[Vicinity Map](#)

[Signed Ordinance 20-53.pdf](#)

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

**4B.I.** [CPC DP  
19-00098](#)

A development plan for a yoga (personal improvement service), located at the northeast and northwest intersection of East Pikes Peak Avenue and Farragut Avenue.

(Quasi-Judicial)

Related Files: CPC ZC 19-00097, CPC DP 19-00098, CPC NV 19-00099

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development  
Peter Wysocki, Director, Planning and Community Development

**Attachments:** [DEVELOPMENT PLAN](#)  
[DEVELOPMENT PLAN PROJECT STATEMENT](#)  
[7.5.502.E Development Plan Review](#)

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

- 4B.J.** [CPC NV 19-00099](#) A nonuse variance from City Code Section 7.4.203, Parking Space Requirements by Use, to allow 30 parking spaces where 34 parking spaces are required for personal improvement service, located at the northeast and northwest intersection of East Pikes Peak Avenue and Farragut Avenue.

(Quasi-Judicial)

Related Files: CPC ZC 19-00097, CPC DP 19-00098, CPC NV 19-00099

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development  
Peter Wysocki, Director, Planning and Community Development

**Attachments:** [7.4.203.A Parking Space Req by Use](#)  
[7.5.802.E GuidelinesforReview NonuseVariance](#)

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

- 4B.K.** [20-386](#) Postpone Indefinitely an Emergency Ordinance Requiring the Public to Utilize Face Coverings in Public Places Within the City of Colorado Springs Due to the Public Health Emergency Caused by the 2019 Novel Coronavirus, and Providing Penalties for Violation Thereof

Presenter:

Richard Skorman, City Council President

**Attachments:** [Emerg Face Covering-ORD-2020-07-10 \(003\).docx](#)

**This Item was postponed indefinitely.**

- 4B.L.** [20-200](#) A Resolution Authorizing the Acquisition of Property to be Used for Energy: Distributed-Generation, Gas, and Electric Portfolio Improvements

Presenter:

Jessica Davis, Land Resource Manager, Colorado Springs Utilities  
Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [CC Resolution\\_Acquisition of EDGE Portfolio property\\_Final Exhibit A and B](#)  
[Lockheed Property Purchase CC Presentation\\_07-08-2020](#)  
[Signed Resolution 56-20.pdf](#)

This Resolution was adopted on the Consent Calendar.

**4B.N. [20-377](#)** A resolution setting the Gas Cost Adjustment and the Gas Capacity Charge effective August 1, 2020

Presenter:

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

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [07-28-2020 CC Mtg-GCA Resolution](#)  
[GCA Schedule 1 \(08-01-20\)](#)  
[GCC Schedule 2 \(08-01-20\)](#)  
[Sheet 2.4 G Rate Table - Final](#)  
[Sheet 2.4 G Rate Table - Redline](#)  
[Signed Resolution 57-20.pdf](#)

This Resolution was adopted on the Consent Calendar.

## Approval of the Consent Agenda

**Motion by President Pro Tem Strand, seconded by Councilmember Williams, 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, Gaebler, Geislinger, Knight, Murray, Pico, Skorman, Strand, and Williams

## **5. Recognitions**

Councilmembers, Jeff Greene, Chief of Staff, Chaplain Victoria Heim, expressed appreciation for Officer Williams' service

Councilmember Knight read the Resolution of appreciation for Officer Dave Williams, Colorado Springs Police Department, for his eighteen years of service with the City of Colorado Springs.

**Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that this Resolution of Appreciation for Officer Dave Williams 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

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

Citizen Jim Bensberg introduced his nieces and expressed appreciation for City Council's service to the City.

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

There was no Mayor's Business.

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

- 4B.M. [20-376](#)** A resolution setting the Electric Cost Adjustment, Electric Capacity Charge and Industrial Service - Large Power and Light Supply Credit effective August 1, 2020

Presenter:

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

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [07-28-2020 CC Mtg-ECA Resolution](#)

[ECA Schedule 1 \(08-01-20\)](#)

[ECC Schedule 2 \(08-01-20\)](#)

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

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

[Signed Resolution 59-20.pdf](#)

Councilmember Knight stated he requested this item be bifurcated due to the proposed increase to the Electric Cost Adjustment (ECA) even though gas prices are going down and the Finance Committee was not able to thoroughly review the rate prior to this meeting. He identified the natural gas prices, coal prices and ECA projections for July 2020 and said because the previous month's projections were overly conservative, he does not see a need to adjust the ECA by three percent at this time.

Councilmember Murray stated he does not believe this proposal is out of line and City Council should approve Colorado Springs Utilities' (CSU) forecasting model.

Scott Shewey, Acting Chief Planning and Finance Officer, Colorado Springs Utilities, stated the current calculation is based on the next quarter's cost plus refunding the over collection of the existing estimated over collection balance and the rate adjustment is scheduled on a quarterly basis, the rate action is accurate based on the forecast model they use, and the City Auditor's Office has reviewed their calculation.

Councilmember Geislinger asked if there is a downside to postponing the rate change for a month. Mr. Shewey stated it would require staff to get the filing ready and it may cause the next rate change to be more drastic.

**Motion by Councilmember Knight, seconded by Councilmember Pico, that the Electric Cost Adjustment (ECA) Resolution be postponed to the August 25, 2020 City Council meeting. The motion passed by a vote of 5-4-0-0**

**Aye:** 5 - Geislinger, Knight, Pico, Strand, and Williams

**No:** 4 - Avila, Gaebler, Murray, and Skorman

**Motion by Councilmember Knight, seconded by Councilmember Pico, that the Electric Capacity Charge and Industrial Service - Large Power and Light Supply Credit Resolution 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. Utilities Business**

There was no Utilities Business.

## **10. Unfinished Business**

- 10.A. [AR R](#) An appeal of the Historic Preservation Board's action of denial for a  
[20-00354-HP](#) Report of Acceptability for the removal of eight (8) windows and  
[B](#) installation of four (4) windows in the existing sunroom on the southern  
elevation of the residence located at 1611 Wood Avenue.

(Quasi-Judicial)

Presenter:

Gaby Serrano, Planner II, Planning and Community Development  
Peter Wysocki, Planning and Community Development Director

**Attachments:** [Sunroom\\_photos](#)

[EastExisting](#)

[EastProposed](#)

[SouthWest Existing](#)

[SouthWestProposed](#)

[WestExisting](#)

[WestProposed](#)

[Project Statement for the Report of Acceptability](#)

[1999 Building Permit Plans - Sunroom](#)

[Section 7.5.1605.C](#)

[7.5.906 \(B\) Appeal](#)

Gaby Serrano, Planner II, Planning and Community Development, stated

this is an appeal of the Historic Preservation Board's (HPB) denial of a Report of Acceptability for the removal of eight windows and installation of four windows in the existing sunroom on the southern of the residence located at 1611 Wood Avenue, presented photos of the proposed changes, and gave staff's recommendation.

Councilmember Knight asked if the building was previously multi-family. Ms. Serrano stated to her knowledge, it has always been R1-9000.

President Pro Tem Strand asked if the diagrams have been reviewed by the HPB. Ms. Serrano stated they have not.

President Pro Tem Strand asked the impact of sending back to the HPB would be. Dr. Mario Soto, representing the appellant, requested the item be approved today and not be delayed further.

Councilmember Williams and Councilmember Gaebler stated they support the appeal.

Councilmember Geislinger, Councilmember Pico, and Councilmember Knight stated going forward, applicants need to provide all the supporting documents to the HPB from the start of the process.

**Motion by Councilmember Gaebler, seconded by Councilmember Geislinger, to uphold the appeal and overturn the action of the Historic Preservation Board to deny the Report of Acceptability for removal of 8 windows and replacement of those windows with the installation of 4 windows on the southern elevation of 1611 Wood Avenue, based on the finding that the request met the review criteria in City Code Section 7.5.1605 (C) and the appeal met the appeal requirements of City Code Section 7.5.906(B). The motion passed by a vote of 9-0-0**

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

## **11. New Business**

### **11.A. [20-240](#)**

A resolution approving a service plan allowing for the creation of the Reagan Ranch Metropolitan District Nos. 1-3.

(Legislative)

Presenter:

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

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [Resolution](#)  
[Powerpoint](#)  
[Attachment 1-2020 07 01 - Service Plan - Reagan Ranch MD Nos. 1 - 3](#)  
[Attachment 2-Service Plan Transmittal Letter - Reagan Ranch MD Nos. 1-3](#)  
[Attachment 3 -Supplement to Service Plan - Reagan Ranch MD Nos. 1-3](#)  
[Attachment 4- 2020 07 01 - Revised Supplement to Service Plan - Reagan Ranch MD Nos. 1-3](#)  
[Attachment 5-2020 07 01 - Redline Service Plan - Reagan Ranch MD Nos. 1-3](#)  
[Attachment 6- MD Public Improvement Map](#)  
[Attachment 7-Public Improvement Table {final}](#)  
[Attachment 8-Reagan Ranch MD No. 2 - Regional Public Improvements Summary - with Initial Inclusions {final}](#)  
[Attachment 9-Reagan Ranch Metropolitan District No. 1 - Public Improvements Summary - Initial Inclusions {final}](#)  
[Attachment 10- Reagan Ranch Metropolitan District No. 1 - Regional Public Improvements Summary {final}](#)  
[Attachment 11- Reagan Ranch Metropolitan District No. 2 - Public Improvements Summary - Future Inclusions {final}](#)  
[Attachment 12- Reagan Ranch Metropolitan District No. 2 - Regional Costs](#)  
[Attachment 13- Reagan Ranch Metropolitan District No. 3 Public Improvements Summary - Initial Inclusions {final}](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, presented the Resolution approving a service plan for the Reagan Ranch Metropolitan District Nos. 1-3 and stated this item has been thoroughly vetted by the Budget Committee. He stated there has been a question recently posed from the Ellicott Metropolitan District as to whether parts of this inclusion area are within the boundaries of Ellicott Metropolitan District, but he does not believe it has an impact on the service plan allowing for the creation of the Reagan Ranch Metropolitan District Nos. 1-3. Mr. Schueler stated there is a contingency provision that the development plans for this property are to be approved within two years.

Councilmember Pico asked what responsibilities does the Ellicott Metropolitan District have. Mr. Schueler stated it was set up because they have a very small park in the Ellicott Valley, they wanted to operate after school recreation programs in the Ellicott High School, and they wanted the ability to receive Great Outdoors Colorado (GOCO) and Conservation Trust funds and grants.

Russ Dykstra, Spencer Fane, LLP, representing the district, identified state statutes states if there are overlapping areas, the new district cannot provide the same service as the existing district and recommended a condition be added to the motion that if there are overlapping areas with Ellicott Metropolitan District, the Reagan Ranch Metropolitan District Nos. 1-3 cannot provide any Parks and Recreation services without an agreement or exclusion from the Ellicott Metropolitan District.

Councilmember Knight asked if there is a one hundred percent overlap. Mr. Dykstra stated it is his understanding it is only part of the inclusion parcels. Councilmember Knight asked if their preference would be a two-week postponement to figure it out. Mr. Dykstra stated feasibly they could do that if that is what City Council prefers, but they were prefer the condition be added to the motion.

Councilmember Knight asked what the status is with the Banning Lewis Ranch Regional Metropolitan District. Mr. Dykstra stated the property exclusions were completed and recorded with El Paso County.

Councilmember Murray stated he prefers the item be postponed for two weeks.

Councilmember Geislinger asked if the Reagan Ranch Metropolitan District is legally prohibited from applying for and utilizing GOCO and Conservation Trust funds. Mr. Schueler confirmed they were.

Jeff Greene, Chief of Staff, stated the existing Ellicott Metropolitan District is not a taxing district, it was set up for administrative process in order to be eligible to apply for GOCO and Conservation Trust funds and how those funds are allocated is between the district and the County.

Councilmember Williams asked when the Ellicott Metropolitan District was established. Mr. Schueler stated he will provide that information.

Councilmember Pico stated he does not see this as being much of a conflict because the purpose of each district are completely different and they do not interfere with each other.

**Motion by Councilmember Murray, seconded by President Pro Tem Strand, that the Resolution of the City of Colorado Springs approving a service plan allowing for the creation of the Reagan Ranch Metropolitan District Nos 1-3 be postponed to the August 11, 2020 City Council meeting. The motion passed by a vote of**

9-0-0-0

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

- 11.B. [20-298](#)** A resolution approving a service plan allowing for the creation of the Greenways Metropolitan District Nos 1-3.

(Legislative)

Presenter:

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

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [Resolution](#)

[Attachment 1- 2020 07 01 - Service Plan - Greenways MD Nos. 1-3](#)

[Attachment 2-Transmittal Letter - Greenways MD Nos. 1-3](#)

[Attachment 3- 2020 07 01 - Supplement Letter - Greenways MD Nos. 1-3](#)

[Attachment 4- 2020 07 01 - Redline Comparison - Greenways MD Nos. 1-4](#)

[Attachment 5- Public Improvements Cost Estimate - Greenways MD Nos. 1-3](#)

[Powerpoint-Greenways MDs](#)

[Signed Resolution 60-20.pdf](#)

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development Department, presented the Resolution approving a service plan for the Greenways Metropolitan District Nos 1-3 and stated staff recommends approval.

There were no comments on this item.

**Motion by Councilmember Murray, seconded by President Pro Tem Strand, that the Resolution of the City of Colorado Springs approving a service plan allowing for the creation of the Greenway Metropolitan District Nos 1-3 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**

There was no Public Hearing.

## **13. Added Item Agenda**

There were no items added to the Agenda.

## **14. Executive Session**

**14.A.** [20-387](#)

In accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(a) and (b), the City Council, in Open Session, is to determine whether it will hold an electronic Closed Executive Session. The issues to be discussed involve: (1) legal advice and consultation with the City Attorney on specific legal questions related to possession and use agreements necessary for a Public Works project; and (2) legal advice and consultation with the City Attorney regarding a land transaction matter.

The President of Council shall poll the City Councilmembers, and, upon consent of two-thirds of the members present, may conduct an electronic Closed Executive Session. Each City Councilmember participating in the electronic Closed Executive Session shall affirmatively state for the record that no other member of the public not authorized to participate in the electronic Closed Executive Session is present or able to hear the matters discussed as part of the electronic Closed Executive Session. If consent to the electronic Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.

Presenter:

Wynetta Massey, City Attorney

**Attachments:** [07272020Closed](#)

Marc Smith, Corporate Division Chief, Office of the City Attorney, stated the first issue of the electronic Closed Executive Session has been resolved and withdrawn from the agenda.

He stated in accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b) and (e), the City Council, in Open Session, is to determine whether it will hold an electronic Closed Executive Session. The issue to be discussed involves legal advice and consultation with the City Attorney regarding a land transaction matter.

President Skorman polled City Council regarding the desire to proceed with an electronic Closed Executive Session. At least two-thirds of City Council agreed to proceed in an electronic Closed Executive Session. Each City Councilmember participating the electronic Closed Executive Session affirmatively stated for the record that no other member of the public not authorized to participate in the electronic Closed Executive Session was present or able to hear the matters discussed as part of the electronic Closed Executive Session.

**15. Adjourn**

Upon completion of the Closed Executive Session, there being no further business to come before City Council, Council adjourned.

Sarah B. Johnson, City Clerk