



City of Colorado Springs

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

Meeting Minutes City Council

City Council meetings are broadcast live on Channel 18. In accordance with the ADA, anyone requiring an auxiliary aid to participate in this meeting should make the request as soon as possible but no later than 48 hours before the scheduled event.

Tuesday, August 27, 2019

8:00 AM

Council Chambers

1. Call to Order

2. Invocation and Pledge of Allegiance

3. Changes to Agenda/Postponements

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. [19-387](#) Ordinance No. 19-53 amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a supplemental appropriation to the General Fund up to the amount of \$2,400,000 for a transfer to the Capital Improvement Program Fund, and to the Capital Improvement Program Fund up to the amount of \$2,400,000 for capital transportation infrastructure projects due to additional funding from the Highway Users Tax Fund

Presenter:

Charae McDaniel, Chief Financial Officer
Travis Easton, Public Works Director

Attachments: [Version 2-Supplemental Approp Ordinance for addl HUTF funding-2019](#)
[2019 HUTF Bridge Maps-pdf](#)
[Signed Ordinance 19-53.pdf](#)

4B. First Presentation:

- 4B.A. [19-507](#) City Council Regular Meeting Minutes August 13, 2019

Presenter:

Sarah B. Johnson, City Clerk

Attachments: [8-13-2019 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

4B.B. [19-493](#) Appointments to Boards and Commissions

Presenter:

Jacquelyn Puett, Assistant to Council

Attachments: [082719 Boards and Commissions.pdf](#)

This Item was approved on the Consent Calendar.

4B.C. [19-480](#) A resolution authorizing the acquisition of properties pursuant to the Federal Emergency Management Agency's Hazard Mitigation Grant Program

Presenter:

Gordon Brenner, City Recovery Coordinator

Darlene Kennedy, City Real Estate Services Manager

Jennifer Vance, City Finance Grants Program Manager

Attachments: [DRAFT Resolution for Acquisition 2013-2015 FEMA Landslides_gjb_20190827 Exhibit A 4840 Broadmoor Bluffs Exhibit B 4820 Broadmoor Bluffs Exhibit C 325 Haversham Signed Resolution 78-19.pdf](#)

Approval of the Consent Agenda

Motion by President Pro Tem Strand, seconded by Councilmember Murray, 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 8-0-1-0

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

Absent: 1 - Gaebler

5. Recognitions

6. Due to time constraints, the Council President has suspended the Citizen Discussion for Items Not on Today's Agenda portion of the meeting pursuant to Council Rule 2-1. The Council President encourages all citizens wishing to address Councilmembers on items not on today's agenda to directly contact Councilmembers by telephone or email. This section of the meeting will occur again at the September 10, 2019 regular Council meeting.

7. Mayor's Business

8. Items Called Off Consent Calendar

- 4B.D.** [19-503](#) A resolution finding a petition for annexation of the area known as the Church for All Nations consisting of 52.78 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of September 24, 2019 for the Colorado Springs City Council to consider the annexation of the area.

(Legislative)

Presenter:

Catherine Carleo, Principal Planner, Planning & Community Development

Peter Wysocki, Planning and Community Development Director

Attachments: [RES_CFAN_Annex_SetHearingDate](#)
[Exhibit A - CFN Annexation Petition](#)
[LEGAL_Annexation Boundary](#)
[Vicinity](#)
[PUBLIC NOTICE_CFAN Annexation](#)
[City Clerk Memo to Advertise_CFAN Annexation](#)
[Signed Resolution 79-19.pdf](#)

Councilmember Avila asked when this item was previously discussed with City Council. Peter Wysocki, Planning and Community Development Director, stated this is the first time it is before City Council because this is to set a hearing date for the petition for annexation.

Motion by Councilmember Murray, seconded by Councilmember Williams, that the Resolution finding the petition for annexation to be in substantial compliance with C.R.S. section 31-12-107(1), setting the hearing date of September 24, 2019 for consideration of the Church for All Nations Annexation, and directing the Clerk to provide notice in accord with C.R.S. section 31-12-108 be adopted. The motion passed by a vote of 7-1-1-0

Aye: 7 - Geislinger, Murray, Knight, Pico, Skorman, Strand, and Williams

No: 1 - Avila

Absent: 1 - Gaebler

- 4B.E.** [CPC MP](#)
[06-00219-A9](#)
[MJ19](#) A resolution for a major amendment to the Flying Horse Master Plan illustrating a change of land use from multi-family residential at 12-20 dwelling units per acre to a reduced density for single-family residential at 3.5-8 dwelling units per acre for the property located northeast of the intersection of Running Water Drive and New Life Drive.

(QUASI-JUDICIAL)

Related Files: CPC PUD 19-00030, CPC PUZ 19-00029

Presenter:

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

Attachments: [RES FlyingHorseMasterPlanAmendment](#)

[Exhibit A FlyingHorseMPA](#)

[Staff Presentation Flying Horse Capri CC 8-27-19](#)

[CPC Staff Report Flying Horse Capri](#)

[FIGURE 1 Capri Project Statment](#)

[FIGURE 2 Flying Horse MP-Capri](#)

[FIGURE 3 Flying Horse Capri DP](#)

[FIGURE 4 PlanCOS Flying Horse Capri](#)

[FIGURE 5 Fiscal Impact Analysis#13](#)

[Ortho Map](#)

[Site](#)

[7.5.408 Master Plan](#)

[Draft CPC FlyingHorseCapri minutes](#)

[Signed Resolution 80-19.pdf](#)

Councilmember Geislinger stated changes in master plans, especially if it is for a reduced density, should not be put on the Consent Calendar so City Council can have a philosophical discussion regarding them.

Councilmember Williams asked if these items were on the Consent Calendar because of a unanimous vote by the Planning Commission. Peter Wysocki, Director of Planning and Community Development, confirmed it was.

Councilmember Pico stated if the Planning Commission has no objection, he does not see a reason to not put it on the Consent Calendar. He commented that the market conditions drive what the developer does with the property and City Council should not interfere with it.

Councilmember Murray stated he agrees with Councilmember Geislinger that these types of items should not be on the Consent Calendar because City Council has a responsibility to review each of them.

Councilmember Knight stated there should also be a financial impact analysis with these types of changes to land use.

Motion by Councilmember Williams, seconded by Councilmember Pico, that the Resolution approving major master plan amendment for the Flying Horse Master Plan, based upon the findings that the request meets the review criteria for granting a major master plan amendment as set forth in City Code Section 7.5.408 be adopted. The motion passed by a vote of 7-1-1-0

Aye: 7 - Geislinger, Murray, Knight, Pico, Skorman, Strand, and Williams

No: 1 - Avila

Absent: 1 - Gaebler

4B.F. [CPC PUZ
19-00029](#)

Ordinance No. 19-56 amending the zoning map for the City of Colorado Springs pertaining to 23.46 acres located northeast of the intersection of Running Water Drive and New Life Drive from A (Agricultural) to PUD (Planned Unit Development; single-family detached residential, 3.5-8 dwelling units per acre, 35-foot maximum building height).

(QUASI-JUDICIAL)

Related Files: CPC MP 06-00219-A9MJ19, CPC PUD 19-00030

Presenter:

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

Attachments: [ZC_ORD_FlyingHorseCapriParcel13](#)

[EXHIBIT A_Legal](#)

[EXHIBIT B_Zone Change Depiction](#)

Please see comments in Agenda item 4B.E.

Motion by Councilmember Geislinger, seconded by Councilmember Pico, that the Ordinance changing the zoning of 23.46 acres from A (Agricultural) to PUD (Planned Unit Development; single-family detached residential, 3.5-8 dwelling units per acre, 35-foot maximum building height), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603(B) and the criteria for establishment of a PUD zone as set forth in City Code Section 7.3.603 be approved on first reading. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Gaebler

4B.G. [CPC PUD
19-00030](#)

A development plan for the Flying Horse Capri single-family residential development located northeast of the intersection of Running Water Drive and New Life Drive and consisting of 23.46 acres.

(QUASI-JUDICIAL)

Related Files: CPC MP 06-00219-A9MJ19, CPC PUZ 19-00029

Presenter:

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

Attachments: [FIGURE 3 Flying Horse Capri DP](#)

[7.3.606 PUD Development Plan](#)

[7.5.502.E Development Plan Review](#)

Please see comments in Agenda item 4B.E.

Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that the development plan for Flying Horse Capri single-family residential development, based upon the findings that the development plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.606, and the development plan review criteria as set forth in Section 7.5.502E with the following technical modifications: 1. Show the circumference of the cul-de-sac bulb marked as a fire lane. 2. Update tree locations per final coordination with Colorado Springs Utilities be approved. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Gaebler

9. Utilities Business

10. Unfinished Business

10.A. [19-399](#)

Ordinance No. 19-54 submitting a Charter amendment to the registered qualified electors of the City of Colorado Springs, Colorado at the special municipal election to be held at the coordinated election conducted by mail ballot to be held on November 5, 2019, adding a new section 11-80 of the City Charter relating to conveyances of City-owned parkland, providing for the form of the ballot title, providing for certain matters with respect to the election, and providing the effective date of this ordinance.

Presenter:

Marc Smith, Corporate Division Chief, City Attorney's Office
Karen Palus, Parks, Recreation and Cultural Services Director

Attachments: [Charter-Amendment-ParklandConveyances-2019-08-20-Option1-Clean](#)

[Exhibit A-Parkland Designation List 07312019](#)

[Charter-Amendment-ParklandConveyances-2019-08-20-Option1-Redline](#)

President Skorman read a statement from Councilmember Gaebler who stated the voters should have the ultimate voice in regards to park land.

Councilmember Avila stated she supports this item and she believes people will care about all the parks in the City.

Councilmember Geislinger stated he will not be supporting this item because he believes there is a better option and it is not urgent to put this on the upcoming ballot

President Skorman stated he supports this item.

Councilmember Williams stated this item needs more of a public process.

Councilmember Knight stated there needs to be more of a discussion regarding the exceptions.

Councilmember Pico stated he has concerns for there not being a definitive list of parks included and the exceptions need to be reviewed further to get the details worked out.

Councilmember Murray stated he supports this item and unless there are protections put around these parks, they might get traded.

Motion by President Pro Tem Strand, seconded by Councilmember Murray, that the Ordinance submitting a Charter amendment to the registered qualified electors of the City of Colorado Springs, Colorado at the special municipal election to be held at the coordinated election conducted by mail ballot to be held on November 5, 2019, adding a new section 11-80 of the City Charter relating to conveyances of City-owned parkland, providing for the form of the ballot title, providing for certain matters with respect to the election, and providing the effective date of this ordinance be finally passed. The motion failed by a vote of 4-4-1-0

Aye: 4 - Avila, Murray, Skorman, and Strand

No: 4 - Geislinger, Knight, Pico, and Williams

Absent: 1 - Gaebler

10.B. [19-511](#)

Ordinance No. 19-55 submitting a Charter amendment to the registered qualified electors of the City of Colorado Springs, Colorado at the special municipal election to be held at the coordinated election conducted by mail ballot to be held on November 5, 2019, relating to conveyances of City-owned parkland and amending section 3-70 of the City Charter, providing for the form of the ballot title, providing for certain

matters with respect to the election, and providing the effective date of this ordinance

Presenter:

Marc Smith, Corporate Division Chief, City Attorney's Office

Karen Palus, Parks, Recreation and Cultural Services Director

Attachments: [POPS Option 2 Ordinance](#)

President Pro Tem Strand stated he has received a lot of input from the community that if Option 1 did not pass, they would prefer to maintain status quo.

Councilmember Williams, President Pro Tem Strand, and President Skorman stated they support postponing this item indefinitely.

Motion by Councilmember Williams, seconded by Councilmember Knight, that the Ordinance submitting a Charter amendment to the registered qualified electors of the City of Colorado Springs, Colorado at the special municipal election to be held at the coordinated election conducted by mail ballot to be held on November 5, 2019, relating to conveyances of City-owned parkland and amending section 3-70 of the City Charter, providing for the form of the ballot title, providing for certain matters with respect to the election, and providing the effective date of this ordinance be postponed indefinitely. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Gaebler

11. New Business

- 11.A.** [19-476](#) Ordinance No. 19-57 Authorizing and Approving The Lease-Purchase Of Certain Property and the Execution of Documents Related Thereto by the City of Colorado Springs, Colorado, in Connection With the Issuance of Certificates of Participation, Series 2019, in an Aggregate Principal Amount of Not To Exceed \$12,500,000; Ratifying Action Previously Taken Concerning Such Matters; And Providing For Other Matters Related Thereto

Presenter:

Charae McDaniel, Chief Financial Officer

Tom Florczak, Deputy City Attorney

Attachments: [Colorado Springs 2019 COPs - City Authorizing Ordinance.doc](#)
[Redline_4838-2539-9963v4_Colorado Springs 2019 COPs - City Authorizing Ordinance - 4838-2539-9963v5_Colorado Springs 2019 COPs - City Authorizing Ordinance.DOCX](#)
[Colorado Springs 2019 COPs - Indenture.doc](#)
[Colorado Springs 2019 COPs Site Lease \(Governmental - A\).docx](#)
[Colorado Springs COPs 2019 - Lease Purchase Agreement \(Governmental - A\).doc](#)
[2019 Fire and Ice COP - presentation.pptx](#)

- 11.B. [19-432](#) A Resolution authorizing the use of Eminent Domain to acquire real property interests owned by Goetsch Peacock, LLC for the Cottonwood Creek Detention Basin PR-2 Project.

Presenter:
Jeff Dunn, PE, Stormwater Enterprise

Attachments: [Resolution Goetsch Peacock Property](#)
[Exhibit A -Lopez Recorded Deed](#)
[Exhibit B -Tutt Goetch Peacock Easement Rec No. 212048184](#)
[Exhibit C - Tutt Goetch Peacock Easement Rec No. 212048281](#)
[Aug 27 Council Presentation](#)
[Signed Resolution 81-19.pdf](#)

12. Public Hearing

- 12.A. [CPC V](#)
[19-00044](#) Ordinance No. 19-58 vacating a public right of way of an east-west running alley located south of Lot 13 in the Bristols Subdivision of Blocks 229 and 231 Addition No. 1 in the City of Colorado Springs consisting of 0.034 of an acre.

(Legislative)

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

Attachments: [V_ROW_ORD_418EWillamette](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Vacation Plat](#)

Matthew Fitzsimmons, Planner II, Urban Planning Division, presented the Ordinance vacating a public right of way of an east-west running alley located south of 616 N. Corona Street. He presented a vicinity map of the alley, the details of the vacation, and the stakeholder notice. Mr.

Fitzsimmons stated the three applicants are requesting the vacation of the right of way so they can secure their rear and side property from loitering high school students.

Councilmember Williams asked if the Public Works Department has any use for this alley. Mr. Fitzsimmons stated they do not.

Motion by Councilmember Murray, seconded by Councilmember Williams, that the Ordinance vacating a portion of City right of way for the 418 E. Willamette Alley Vacation Plan, based upon the finding that the application complies with the review criteria in City Code Section 7.7.402.C, subject to completion of the technical plan modifications: 1. Provide recording reception number, 2. Replace the word "recorded" with the word "granted", 3. Identify North Corona Street & East Willamette Ave., 4. Add "Town of Colorado Springs" at the end of the title and also within "be it known by these presents" and "City approval" be approved on first reading. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Gaebler

12.B. [CPC ZC 19-00049](#)

Ordinance No. 19-59 changing the zone for Switchback Coffee from R2/UV (Two Family Residential with a previously approved Use Variance) to C5/cr (Intermediate Business with conditions of record) for the 5,740 square foot property located at 330 and 332 North Institute Street.

(QUASI-JUDICIAL)

Related Files: CPC ZC 19-00049, CPC UV 03-00120-A1MN19, and CPC NV 19-00051

Presenter:

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

Attachments: [ZC ORD SwitchbackCoffe](#)
[Exhibit A - Legal Description](#)
[Exhibit B - Zone Change](#)
[Switchback Coffee Vicinity Map](#)

Ryan Tefertiller, Urban Planning Manager, Planning and Community Development, presented the Ordinance changing the zone for Switchback Coffee located at 330 and 332 North Institute Street. He provided a brief background of the site, stakeholder notice details of the applications, analysis, and staff recommendations.

Councilmember Williams asked how the lack of parking is being addressed. Mr. Tefertiller stated they are working towards encouraging multi-modal transportation for customers and employees.

Councilmember Pico asked how zero parking stalls will work when twenty-three parking stalls are required. Mr. Tefertiller stated the size of the lot, the size of the existing building, and previous uses of the building for the past years has been what has driven the requirement for the twenty-three parking stalls.

Councilmember Knight stated the basement is changing to five studios which will be rented out and increase the need for parking.

Ryan Lloyd, Echo Architecture, representing the applicant, gave a brief history of the site and said they are just trying to bring this property into City Code compliance. He stated adding a vast expanse of flat surface for parking would be detrimental to the neighborhood appeal.

Councilmember Pico asked if there are bicycle stalls at this location. Mr. Lloyd stated there are approximately eighteen stalls and Pike Ride has also added bicycle stalls.

Brandon Delgrosso, owner of Switchback Coffee Roasters, gave an overview of his business and work in the community and neighborhood and identified there was only one neighbor in opposition of the application.

Citizen Ken Wilson spoke in support of the item.

Councilmember Knight asked what business was in the building when the parking variance was granted in 2003. Mr. Tefertiller stated Raven's Nest Coffee.

Councilmember Avila stated she likes the walkability of this neighborhood.

Councilmember Pico stated he cannot support a parking variance with zero parking stalls with no parking plan to address the issue.

Motion by Councilmember Murray, seconded by Councilmember Geislinger, that the Ordinance approving the Switchback Coffee Zone Change from R2/UV (Two Family Residential with a previously approved Use Variance) to C5/cr (Intermediate Business with conditions of record), based upon the findings that the request complies with the zone change review criteria in City Code Section

7.5.603.B and meets the criteria for conditions of record in City Code Section 7.3.507.A be approved on first reading. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Gaebler

- 12.C.** [CPC UV 03-00120-A1 MN19](#) A minor amendment to a previously approved development plan for Switchback Coffee located at 330 and 332 North Institute Street

(QUASI-JUDICIAL)

Related Files: CPC ZC 19-00049, CPC UV 03-00120-A1MN19, and CPC NV 19-00051

Presenter:

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

Attachments: [FIGURE 4 - Switchback-Variance - ProjectStatement](#)

[FIGURE 7 - 2002 Variance Documents](#)

[FIGURE 8 - 2003 Variance plan](#)

[7.5.502.E Development Plan Review](#)

Please see comments in Agenda item 12.B.

Motion by President Pro Tem Strand, seconded by Councilmember Murray, to approve the minor amendment to the Switchback Coffee Development Plan, based upon the finding that the amended plan complies with the development plan review criteria in City Code Section 7.5.502.E., subject to the following conditions and technical modifications:

Technical and Informational Modifications to the Development Plan Amendment:

Add the following operational restrictions to the plan:

1. Hours of Operation:

- Sunday - Thursday: No earlier than 6 a.m. / no later than 8 p.m.

- Friday and Saturday: No earlier than 6 a.m. / no later than 10 p.m.

(Note: Closing hours should not imply that customers would not be permitted to finish meal/drink and have vacated the building by that time. Service to customers should end at or before required closing time; the owner/tenant should make efforts to ensure customers are off the premises within a reasonable amount of time after closing).

2. Outdoor Seating: Outdoor patio seating is limited to the east patio only.

3. Music: No amplified music, including speakers, may be used on the patio.

4. Smoking: No smoking allowed on the patio.

5. Signage: Illuminated signage is limited to backlit or internally lit signage. Any exposed neon or excessively bright signage is prohibited anywhere on the building or displayed within a window.

6. Employee Parking: Employees should be encouraged to either use alternative transportation (i.e. walking, biking, motorcycle, moped, mass transit, etc.) or encouraged to park west along Willamette Ave. (Note: Staff and the owner understand that the enforceability of this provision may be difficult; owner and

tenant(s) should work with their staff and the neighborhood regarding on-street parking).

7. Amendments: Amendments to these provisions may be administratively reviewed and amended at any time, however, notification to property owners within 1,000-feet of the property and to the neighborhood organization must be given to allow citizen comment. The motion passed by a vote of 6-2-1-0

Aye: 6 - Avila, Geislinger, Murray, Pico, Skorman, and Strand

No: 2 - Knight, and Williams

Absent: 1 - Gaebler

12.D. [CPC NV
19-00051](#)

A non-use variance from Section 7.4.203.A. of City Code allowing zero off-street parking stalls where 23 are required for the mix of uses illustrated on the Switchback Coffee development plan.

(QUASI-JUDICIAL)

Related Files: CPC ZC 19-00049, CPC UV 03-00120-A1MN19, and CPC NV 19-00051

Presenter:

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

Attachments: [FIGURE 1 - Switchback Development Plan](#)

[FIGURE 3 - Switchback Minor Amendment to DP - Project Statement](#)

[7.5.801 Purpose - nonuse variance](#)

[7.5.802.B and E Non-use variance](#)

[7.5.802.D Parking & Storage](#)

Please see comments in Agenda item 12.B.

Motion by Councilmember Murray, seconded by Councilmember Geislinger, that the non-use variance to allow zero off-street parking stalls where 23 are required for Switchback Coffee at 330 and 332 North Institute Street, based upon the finding that the request complies with the non-use variance review criteria in City Code Sections 7.5.802.B. and 7.5.802.D be approved. The motion passed by a vote of 5-3-1-0

Aye: 5 - Avila, Geislinger, Murray, Skorman, and Strand

No: 3 - Knight, Pico, and Williams

Absent: 1 - Gaebler

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