



City of Colorado Springs

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

Meeting Minutes City Council

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Thursday, December 5, 2019

8:00 AM

Council Chambers

This is the same meeting agenda from the cancelled November 26th meeting.

1. Call to Order

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

Councilmember Pico arrived at approximately 10:00 AM.

2. Invocation and Pledge of Allegiance

The Invocation was made by Councilmember Geislinger.

President Skorman led the Pledge of Allegiance.

3. Changes to Agenda/Postponements

President Skorman stated items 5.A. and 12.A. will be heard at 10:00 AM.

Councilmember Knight requested items 4B.A and 4B.S. be removed from the Consent Calendar.

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. [19-491](#)

Ordinance No. 19-85 Repealing Ordinance No. 18-116 and Adopting the City of Colorado Springs - 2020 Salary Structure for Civilian and Sworn Municipal Employees

Presenter:

Mike Sullivan, Human Resources Director
Charae McDaniel, Chief Financial Officer

Attachments: [11-12-19 - Ordinance - 2020 Salary Schedule](#)
[Final 2020 Salary Schedule rev 10242019](#)
[Signed Ordinance 19-85.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4A.B. [19-489](#)

Ordinance No. 19-86 Making and Certifying the 2019 Tax Levy for Taxes Payable in 2020 at 4.279 Mills Upon Each Dollar of Assessed Valuation of All Taxable Property and a Tax Credit of 4.279 Mills Upon Each Dollar of Assessed Valuation of All Taxable Business Personal Property Within the Corporate Limits of the City of Colorado Springs

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [TaxLevy2020-BPPT CreditORD](#)
[Signed Ordinance 19-86.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4A.C. [19-490](#)

Ordinance No. 19-87 Adopting the Annual Budget and Appropriating Funds for the Several Purposes Named in Said Budget for the Year Ending December 31, 2020

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [2020 Budget Ordinance with Attachments A and B](#)
[Attachment C - Corrected All Funds Summary pages-Ballfield Fund 10-30-19](#)
[Signed Ordinance 19-87.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4A.D. [19-637](#)

Ordinance No. 19-88 amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a supplemental appropriation to the 2C-Road Repair, Maintenance and Improvement Fund in the amount of \$3,000,000 for additional capital expenditures identified for 2019

Presenter:

Charae McDaniel, Chief Financial Officer
Travis Easton, P.E., Public Works Director
Corey Farkas, Manager of Operations and Maintenance Division of Public Works

Attachments: [Supplemental Approp Ord - 2C Fund #2 Oct 2019 Signed Ordinance 19-88.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.E.** [19-660](#) Ordinance No. 19-89 amending Ordinance No. 18-109 (Colorado Springs Utilities Annual Budget) for a supplemental appropriation to Colorado Springs Utilities' budget in the amount of \$9,800,000

Presenter:

Scott Shewey, Acting Chief Planning and Finance Officer
Aram Benyamin, Chief Executive Officer

Attachments: [CSU-Supplemental Appropriation ORD-2019-11-12 CAU supplemental appropriation 9+3 update Signed Ordinance 19-89.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.F.** [CPC PUZ 19-00053](#) Ordinance No. 19-91 amending the zoning map of the City of Colorado Springs pertaining to 19.26 acres from PIP-1/AO/SS (Planning Industrial Park/Airport Overlay/Streamside Overlay Zone) to PUD/AO/SS (Planned Unit Development/Airport Overlay/Streamside Overlay; single-family residential, 4.67 DU/AC, 30-foot maximum building height) zone district located at the southeastern corner of Galley Road and Babcock Road.

(Quasi-Judicial)

Presenter:

Peter Wysocki, Director Planning and Community Development
Morgan Hester, Principal Planner, Planning and Community Development

Attachments: [ZC ORD RidgeatSandCreek Exhibit A - Legal Description Exhibit B - Zone Change Vicinity Map Signed Ordinance 19-91.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.G.** [CPC A 19-00067](#) Ordinance No. 19-92 annexing into the City of Colorado Springs that area known as the Tutt Boulevard Addition No. 1 Annexation consisting of 1.74 acres.
(Legislative)

Presenter:

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

Attachments: [Tutt Blvd Addition No. 1 ANX ORD](#)

[Exhibit A - Tutt Boulevard Annex Legal](#)

[Signed Ordinance 19-92.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

- 4A.H.** [CPC ZC 19-00121](#) Ordinance No. 19-93 amending the Zoning Map of the City of Colorado Springs relating to 1.28 acres located northwest of Tutt Boulevard and Cowpoke Road establishing the PF (Public Facility) zone district. (Legislative)

Related Files: CPC A 19-00067R, CPC A 19-00067, CPC ZC 19-00121

Presenter:

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

Attachments: [ORD ZC TuttBlvdAnnexation](#)

[Exhibit A - Tutt Boulevard Annex Zoning Legal](#)

[Exhibit B - Tutt Boulevard Addition No. 1 Annexation Zone Change](#)

[Signed Ordinance 19-93.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

- 4B.B.** [19-722](#) Appointments to Boards and Commissions

Presenter:

Jacquelyn Puett, Assistant to Council

Attachments: [112619 Boards and Commissions.pdf](#)

This Item was approved on the Consent Calendar.

- 4B.C.** [19-442](#) A Resolution Establishing the Stormwater Plan Review Fee

Presenter:

Travis Easton, Public Works Director
Richard Mulledy, Stormwater Enterprise
Chris Wheeler, Budget Manager

Attachments: [Resolution - Establish Stormwater Plan Review Fee](#)
[Exhibit A-Stormwater Plan Review Fee Schedule](#)
[Exhibit B- COS Stormwater Fee -HBA Letter](#)
[Signed Resolution 128-19.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.D. [19-707](#)** The City Clerk reports that on October 22, 2019 there was filed with her a petition for the annexation of McGraw Addition No. 1 Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1) .

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [McGrew annexation](#)
[McGrew vicinity map](#)

This Item was approved on the Consent Calendar.

- 4B.E. [19-708](#)** The City Clerk reports that on October 22, 2019 there was filed with her a petition for the annexation of Peak Center Addition No. 1 Annexation. The City Clerk herewith communicates such to City Council and recommends that the petition and map be referred to the City Administration for review and recommendation regarding whether the petition is in substantial compliance with Section 31-12-107(1) .

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [Peak Center Annexation Petition](#)
[Vicinity Map Peak Venter Addition](#)

This Item was approved on the Consent Calendar.

- 4B.F. [19-448](#)** A resolution fixing and certifying the 2019 annual assessment mill levy for assessments payable in 2020 at 4.409 mills upon each dollar of assessed valuation within the Briargate Special Improvement Maintenance District

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [Briargate SIMD map](#)
[2020 Signed bg Budget.9.30.19](#)
[Resolution re Mill Levy for Briargate SIMD_ 11.26.19](#)
[Signed Resolution 129-19.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.G. [19-449](#)** A resolution fixing and certifying the 2019 annual assessment mill levy for assessments payable in 2020 at 1.009 mills upon each dollar of assessed valuation within the Colorado Avenue Gateway Special Improvement Maintenance District

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [Colo Ave Gateway SIMD map](#)
[2020 cgw Signed Budget Letter](#)
[Resolution re Set Mill Levy for Colo Ave Gateway SIMD_ 11.26.19](#)
[Signed Resolution 130-19.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.H. [19-450](#)** A resolution fixing and certifying the 2019 annual assessment mill levy for assessments payable in 2020 at 3.935 mills upon each dollar of assessed valuation within the Nor'wood Special Improvement Maintenance District

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [2020 Signed nw Budget.9.30.19](#)
[Norwood SIMD map](#)
[Resolution re Set Mill Levy for Norwood SIMD_ 11.26.19](#)
[Signed Resolution 131-19.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.I. [19-451](#)** A resolution fixing and certifying the 2019 annual assessment mill levy for assessments payable in 2020 at 13.416 mills upon each dollar of assessed valuation within the Old Colorado City Security & Maintenance District

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [2020 occ signed Budget Letter.10.3.19](#)
[Old Colo City SIMD map](#)
[Resolution re Set Mill Levy for Old Colorado City SIMD_ 11.26.19](#)
[Signed Resolution 132-19.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.J. [19-452](#)** A resolution fixing and certifying the 2019 annual assessment mill levy for assessments payable in 2020 at \$1.10 per front footage of real property within the Platte Avenue Special Improvement Maintenance District

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [2020 pa signed budget letter.revised.10.15.19](#)
[Platte Ave SIMD map](#)
[Resolution re Set Mill Levy for Platte Ave SIMD 11.26.19](#)
[Signed Resolution 133-19.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.K. [19-453](#)** A resolution fixing and certifying the 2019 annual assessment mill levy for assessments payable in 2020 at 3.858 mills upon each dollar of assessed valuation within the Stetson Hills Special Improvement Maintenance District

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [SH Signed Budget Letter.9.30.19](#)
[Stetson Hills SIMD map](#)
[Resolution re Set Mill Levy for Stetson Hills SIMD_ 11.26.19](#)
[Signed Resolution 134-19.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.L. [19-454](#)** A resolution fixing and certifying the 2019 annual assessment mill levy for assessments payable in 2020 at 3.615 mills upon each dollar of assessed valuation within the Woodstone Special Improvement Maintenance District

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [2020 Signed WS Budget Letter](#)
[Woodstone SIMD map](#)
[Resolution re Set Mill Levy for Woodstone SIMD 11.26.19](#)
[Signed Resolution 135-19.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.M. [19-638](#)** A Resolution Rescinding Resolution Number 68-12 and Establishing Building Permit Review Fees for the Development Review Enterprise.

Presenter:

Peter Wysocki, Director of Planning and Community Development
Meggan Herington, Assistant Director of Planning

Attachments: [RES DRE Zoning Fee](#)
[Exhibit 1 DRE Fees](#)
[Exhibit 2 DRE Fee Collection Details 2017-2018](#)
[Exhibit 3 DRE Fees 2019YTD](#)
[Exhibit 4 DRE Balance Sheet as of September 2019](#)
[Signed Resolution 136-19.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.N. [19-664](#)** Resolution of Support for the City of Colorado Springs' Daniel's Pass Trail Grant Application to the Colorado Parks and Wildlife State Trails Program

Presenter:

Karen Palus, Director - Parks, Recreation and Cultural Services
Tilah Larson, Senior Analyst - Parks, Recreation and Cultural Services

Attachments: [11-12-19 - Daniel's Pass Grant - Resolution](#)
[11-12-19 - Daniel's Pass Grant - Powerpoint](#)
[Signed Resolution 137-19.pdf](#)

This Resolution was adopted on the Consent Calendar.

- 4B.O. [19-680](#)** A resolution approving the Intergovernmental Agreement between the City of Colorado Springs and the Colorado Department of Transportation for construction of the Mountain Metro Transit Route 8 Pedestrian and Transit Accessibility Improvements Project.

Presenter:

Mike Chaves, P.E., Engineering Manager

Attachments: [MMT Route 8 \(Cache la Poudre\).Resolution No. xxx-19-attreview](#)
[Exhibit A-R2-23058-IGA CO Spgs MMT Route Execs 8 revised 07Oct2019](#)
[Exhibit B-MMT Route 8 Vicinity Map](#)

This Resolution was adopted on the Consent Calendar.

- 4B.P. [19-668](#)** Ordinance No. 19-94 amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a supplemental appropriation to the Lodgers & Auto Rental Tax (LART) Fund in the amount of \$154,652 for three additional projects and events as recommended by the LART Citizen Advisory Committee

Presenter:
Charae McDaniel, Chief Financial Officer
Laurel Prud'homme, Chair, LART Citizen Advisory Committee

Attachments: [Ordinance for LART 2019 Additional Events-Nov 2019](#)
[11-25-19 LART Resolution Exhibit A 2019 - CAC recommendations REVISED 8-29-18](#)

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

- 4B.Q. [19-661](#)** Ordinance No. 19-95 amending Ordinance No. 14-20, Section 3; Repealing Ordinance No. 18-9; and Prescribing the Salary of the City Attorney

Presenter:
Mike Sullivan, Human Resources Director
Mayor John Suthers

Attachments: [CityAtty-MasseySalaryORD-2019-09-19.docx](#)

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

- 4B.R. [19-662](#)** Ordinance No. 19-96 repealing Ordinance No. 19-32 (approving the salary of the City Auditor) and prescribing the salary of the City Auditor

Presenter:
Mike Sullivan, Human Resources Director
Council President, Richard Skorman

Attachments: [CityAuditor-NesterSalaryORD 2019-09-19.docx](#)

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

- 4B.T. [19-702](#)** A Resolution Appointing Five Members to the Briargate Center Business Improvement District Board of Directors

Presenter:

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

Attachments: [Briargate Appointment Resolution](#)
[Attachment 1- Letter to Carl Schueler re Appt of Board Directors](#)
[Attachment 2- Petition](#)
[Briargate BIS Appt. PowerPoint](#)
[Signed Resolution 139-19.pdf](#)

This Resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by Councilmember Williams, seconded by President Pro Tem Strand, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Pico

5. Recognitions

5.A. [19-750](#) Proclamation in Honor of Pearl Harbor Day, December 7th, 2019

Presenter:
Council Member, Andy Pico

Attachments: [Pearl Harbor Day - 2019](#)

Councilmember Pico read the Proclamation recognizing December 7, 2019 as Pearl Harbor Day.

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

There was no Citizen Discussion.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

4B.A. [19-720](#) City Council Regular Meeting Minutes November 12, 2019

Presenter:
Sarah B. Johnson, City Clerk

Attachments: [11-12-2019 City Council Meeting Minutes Final.pdf](#)

Councilmember Knight stated the November 12, 2019 City Council Meeting Minutes reflect his preference was one every five lots separation, but that was his second choice. He stated his first choice is no non-owner occupied short term rentals in single-family residence R1 zones. Sarah B. Johnson, City Clerk, stated she will amend the minutes as requested.

Motion by Councilmember Knight, seconded by Councilmember Williams, that the November 12, 2019 City Council Regular Meeting Minutes be approved as amended. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Pico

- 4B.S.** [19-663](#) Ordinance No. 19-97 repealing Section 3 of Ordinance No. 18-120 (setting the salary of the City Council Administrator) and setting the salary of the City Council Administrator

Presenter:

Mike Sullivan, Human Resources Director
Council President, Richard Skorman

Attachments: [Emily Evans Salary Ordinance \(December 2019\).docx](#)

Councilmember Knight stated he believes a five percent increase of the salary of the City Council Administrator is too much.

Motion by Councilmember Murray, seconded by President Pro Tem Strand, that the Ordinance repealing Section 3 of Ordinance No. 18-120 (setting the salary of the City Council Administrator) and setting the salary of the City Council Administrator at \$103,584, together with applicable benefits, effective December 28, 2019 was approved on first reading. The motion passed by a vote of 7-1-1-0

Aye: 7 - Avila, Gaebler, Geislinger, Murray, Skorman, Strand, and Williams

No: 1 - Knight

Absent: 1 - Pico

9. Utilities Business

- 9.A.** [19-611](#) Ordinance No. 19-98 of the City of Colorado Springs, Colorado authorizing the termination by the City of existing Interest Rate Exchange Agreements delegating to the Utilities Chief Executive Officer or the Utilities Chief Planning and Financial Officer (or the Acting Chief Planning and Financial Officer, as applicable) the authority to determine the financial terms of transactions terminating such agreements; ratifying action heretofore taken and relating to such agreements; and providing other matters relating thereto

Presenter:

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

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [Swap Termination Ordinance 2019 4848-8831-7352 3 clean](#)

Councilmember Knight stated the language regarding any bonding activity will go through the Finance Committee to review the swap, is not included in the Ordinance. Scott Shewey, Acting Chief Planning and Finance Officer, Colorado Springs Utilities stated the Ordinance provided assurance of notification and there has never been an instance where financial actions on a swap termination have not gone before the Finance Committee

Councilmember Williams requested adding an amendment to the last sentence of Section three to include the language “such notification shall be submitted electronically and at a meeting of the Utilities Board or its Finance Committee”. Mr. Shewey agreed to Councilmember Williams’ request.

Motion by Councilmember Murray, seconded by President Pro Tem Strand, that the Ordinance of the City of Colorado Springs, Colorado authorizing the termination by the City of existing Interest Rate Exchange Agreements delegating to the Utilities Chief Executive Officer or the Utilities Chief Planning and Financial Officer (or the Acting Chief Planning and Financial Officer, as applicable) the authority to determine the financial terms of transactions terminating such agreements; ratifying action heretofore taken and relating to such agreements; and providing other matters relating thereto as amended to include the language in the last sentence of Section three “to be submitted electronically and at a meeting of the Utilities Board or its Finance Committee” be approved on first reading. The motion passed by a vote of 8-0-1-0

- 9.B.** [19-721](#) Ordinance No. 19-99 amending Part 13 (Water Shortage) of Article 4 (Water Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, pertaining to water shortage

Presenter:

Michael Gustafson, Senior Attorney, City Attorney’s Office

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

Attachments: [CSU-WSO_ORD-2019-12-8](#)

Michael Gustafson, Senior Attorney, City Attorney’s Office, presented the Ordinance pertaining to water shortage.

Councilmember Knight stated he and Councilmember Pico believe the language which makes this mandatory is only for political reasons because

the City is doing extremely well conserving water voluntarily.

Councilmember Williams stated he is not comfortable raising the homeowner's baseline level permit fee up to fifty dollars for the establishment of landscaping. Julia Gallucci, Water Education, Colorado Springs Utilities (CSU), stated they wanted to have flexibility to pay the administrative costs to make sure people are doing what they said they are going to do. She stated there is a long term imperative built into this Ordinance which will gain approximately 450 acre feet of future supply savings. Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities, stated the up to fifty-dollars fee gives CSU the authority if they need to recover the cost of administrative costs. Councilmember Williams requested the fee be subject to the approval of the Utilities Board.

Councilmember Geislinger Skorman and Councilmember Gaebler stated they support this because it is a good policy for additional water supply.

Councilmember Knight stated the four water systems within the City have a daily access charge because the operations and maintenance cost is still subject to inflation costs so if the volume of sales for water is reduced, revenue will go down and he believes it will back the City into a corner. Councilmember Geislinger stated this Ordinance forces the community to face the inevitable challenge of a limited resource and having a pricing system to allow the City to be responsible stewards of it.

Mr. Benyamin, stated this brings CSU in line with the other communities along the Front Range.

Motion by Councilmember Gaebler, seconded by Councilmember Williams, that the Ordinance amending Part 13 (Water Shortage) of Article 4 (Water Code) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, pertaining to water shortage as amended to for the fifty dollars to be subject to the approval of Utilities Board be approved on first reading. The motion passed by a vote of 8-0-1-0

10. Unfinished Business

- 10.A. [CPC V](#)
[19-00103](#) Ordinance No. 19-90 vacating public right-of-way described as W. Moreno Ave. between S. Sierra Madre St. and Sahwatch St. and a 30 foot wide portion of Sahwatch St. between W. Cimarron St. and W. Moreno Ave. within Addition #1 to the Town of Colorado Springs consisting of 0.87 acres.

(LEGISLATIVE)

CPC CU 19-00102

Presenter:

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

Attachments: [ORD VROW DowntownStadium](#)
[Exhibit A LegalDescriptionWeidner Stadium](#)
[Exhibit B - Vacation Plat](#)
[Figure 6 - Downtown Stadium vacation plat](#)
[7.7.402.C Vacation Procedures](#)
[Signed Ordinance 19-90.pdf](#)

There were no comments on this item.

Motion by Councilmember Williams, seconded by President Pro Tem Strand, that the Ordinance approving the right-of-way vacation based on the findings that the vacation criteria found in Section 7.7.402.C. of the City Code will be met once the following technical modifications are addressed: Technical modifications to the vacation application: 1. Document that the easements retained as part of the Sahwatch vacation are adequate for the existing public stormwater infrastructure in the area. be finally passed. The motion passed by a vote of 6-1-2-0

Aye: 6 - Gaebler, Geislinger, Murray, Skorman, Strand, and Williams

No: 1 - Knight

Absent: 2 - Avila, and Pico

11. New Business

- 11.A.** [19-455](#) A Resolution Setting and Certifying the 2019 Tax Levy for Taxes Payable in 2020 at 5.000 Mills for the Colorado Springs Downtown Development Authority in Colorado Springs, Colorado

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [01_Res to Set Mill Levy for DDA_11 26 19](#)
[Signed Resolution 140-19.pdf](#)

President Skorman recused himself for Agenda items 11.A. and 11.B.

Charae McDaniel, Chief Financial Officer, presented the property tax mill levy and the 2020 budget for the Downtown Development Authority.

There were no comments on this item.

Motion by President Pro Tem Strand, seconded by Councilmember Gaebler, that the Resolution to set and certify the 2019 tax levy for taxes payable in 2020 at 5.000 mills for the Colorado Springs Downtown Development Authority be adopted. The motion passed by a vote of 7-0-1-1

Aye: 7 - Avila, Gaebler, Geislinger, Murray, Knight, Strand, and Williams

Absent: 1 - Pico

Recused: 1 - Skorman

- 11.B.** [19-470](#) A Resolution Appropriating Funds in the Amounts of, and for the Purposes Set Forth Below, for the Colorado Springs Downtown Development Authority in Colorado Springs Colorado, for the 2020 Budget Year

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [DDA 2020 Budget](#)
[02 Res to Appropriate for DDA 11.26.19](#)
[Signed Resolution 141-19.pdf](#)

Please see comments on Agenda item 11.A.

Motion by Councilmember Williams, seconded by Councilmember Murray, that the Resolution to appropriate funds for the 2020 budget for the Colorado Springs Downtown Development Authority be adopted. The motion passed by a vote of 7-0-1-1

Aye: 7 - Avila, Gaebler, Geislinger, Murray, Knight, Strand, and Williams

Absent: 1 - Pico

Recused: 1 - Skorman

- 11.C.** [19-418](#) The Proposed 2020 Operating Plan and Budget for the Creekwalk Marketplace Business Improvement District

Presenter:

Carl Schueler, Comprehensive Planning Manager

Attachments: [Revised 2020 Operating Plan and Budget - Creekwalk Marketplace BID](#)
[Letter from Spencer Fane re 2019 bond issuance](#)

Carl Schueler, Comprehensive Planning Manager, stated this item was presented at the Budget Committee on November 21, 2019

Councilmember Knight stated City Charter mandates two-thirds approval of City Council is required to issue debt and City Council should have been

notified of the Creekwalk Marketplace Business Improvement District's plan to increase the approved amount of debt issuance by twenty-five percent. He stated future debt issuances should be written with a not to exceed amount incorporated.

Motion by Councilmember Williams, seconded by Councilmember Murray, that the proposed 2020 Operating Plan and Budget for the Creekwalk Marketplace Business Improvement District be approved. The motion passed by a vote of 7-1-1-0

Aye: 7 - Avila, Gaebler, Geislinger, Murray, Skorman, Strand, and Williams

No: 1 - Knight

Absent: 1 - Pico

11.D. [19-686](#)

Ordinance No. 19-100 Authorizing the Execution and Delivery by the City of Colorado Springs of a Site Lease Between the City, as Lessor, and DNT Asset Trust, a Wholly Owned Subsidiary of JPMorgan Chase Bank, N.A., as Lessee, and, in Connection Therewith, a Lease Purchase Agreement Between the City, as Lessee, and DNT Asset Trust, a Wholly Owned Subsidiary of JPMorgan Chase Bank, N.A., as Lessor, with Respect to Certain Real Property for the Purpose of Refinancing Current Obligations of the City; Authorizing Officials of the City to Take All Action Necessary to Carry Out the Transactions Contemplated Hereby, and Providing for Related Matters

Presenter:

Charae McDaniel, Chief Financial Officer

Thomas J. Florczak, Deputy City Attorney

Attachments: [Colorado Springs CAB Refinancing Lease Ordinance-v11-26-2019.docx](#)
[Colorado Springs 2019 \(CAB Refinancing\) Site Lease.docx](#)
[Colorado Springs 2019 \(CAB Refinancing\) Lease Purchase Agreement.doc](#)

Charae McDaniel, Chief Financial Officer, presented the Ordinance authorizing a lease/lease purchase agreement to refinance the City Administration Building located at 30 S. Nevada Avenue with modification to the interest rate not to exceed a 2.5 percent instead of 2.0 percent.

President Pro Tem Strand asked if there is a balloon payment due on this loan. Ms. McDaniel confirmed this is to refinance the 2020 balloon payment amount of approximately \$4M on the current lease. President Pro Tem Strand asked what the current interest rate is. Ms. McDaniel stated they will provide that information.

Councilmember Williams requested City Council be notified at time of closing if the interest rates for the investment funds are not higher than the refinancing interest rate. Ms. McDaniel agreed to notify City Council.

Motion by Councilmember Williams, seconded by Councilmember Murray, that the Ordinance authorizing the execution and delivery by the City of Colorado Springs of a site lease between the City, as lessor, and DNT Asset Trust, a wholly owned subsidiary of JPMorgan Chase Bank, N.A., as lessee, and, in connection therewith, a lease purchase agreement between the City, as lessee, and DNT Asset Trust, a wholly owned subsidiary of JPMorgan Chase Bank, N.A., as Lessor, with respect to certain real property for the purpose of refinancing current obligations of the City; authorizing officials of the City to take all action necessary to carry out the transactions contemplated hereby, and providing for related matters be approved on first reading. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Pico

12. Public Hearing

12.A. [CPC CA 19-00137](#)

Ordinance No. 19-101 amending Section 201 (Definitions Enumerated) of Part 2 (Definitions) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) and Section 1704 (Short Term Rental Unit) of Part 17 (Short Term Rental Unit) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Short Term Rental Units and Providing Penalties for the violation thereof

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

Attachments: [ORD_ShortTermRentalDensity](#)

Morgan Hester, Principal Planner, Planning and Community Development presented an Ordinance amending Chapter 7 of City Code establishing density standards for non-owner occupied short term vacation home rental (STR) units. She gave an overview of the owner characteristics of the 1,292 STR permits, homeowner presence, and zoning concentration. She identified other jurisdiction permit density caps and owner occupancy regulations. Ms. Hester went over four options: Options A-owner occupied definition is 180 days with a military exemption, and minimum buffer is five lots between non-owner occupied STR units, Option B-owner occupied definition is 180 days with a military exemption, minimum buffer is five lots between non-owner occupied STR units, non-owner occupied STR units prohibited in single-family residential, Option C-owner occupied definition

is 180 days with a military exemption, minimum buffer is five lots between non-owner occupied STR units, non-owner occupied STR units prohibited in single-family residential, conditional use requires Public Hearing request for non-owner occupied STR units in single-family residential, and Option D-owner occupied definition is 210 days with a military exemption, minimum buffer requires 500-foot buffer between non-owner occupied STR units, non-owner occupied STR units prohibited in single-family residential.

Councilmember Murray asked how many total STR units there are within the City. Ms. Hester stated the third-party contractor is still working on researching the number of advertised STR units as compared to those which have obtained permits, but estimate there are 2,500 STR units within the City with 1,373 of them obtaining permits.

Councilmember Williams requested the number of non-owner occupied STR units located in R1 zones. Ms. Hester stated there are 189 non-owner occupied STR units in R, R1-9000, and R1-6000 zoning districts.

Councilmember Knight requested the definition of owner occupied be consistent throughout City Code. Ben Bolinger, City Attorney, stated the definition would be at the discretion of City Council.

Peter Wysocki, Director Planning and Community Development, stated applicants applying for a permit with less than a 500-foot buffer between STR units could apply for administrative relief.

Councilmember Gaebler requested the number of complaints received against STR units. Ms. Hester went over the number of calls for service and confirmed violations with Neighborhood Services. Councilmember Gaebler asked how the number of violations compare with other property uses. Mitch Hammes, Neighborhood Services Manager, stated a majority of complaints they receive are in regards to weeds or other blight which are not STR unit oriented.

Councilmember Williams asked what the best conditional use process would be for Option C. Ms. Hester stated in the event a conditional use is requested and granted, it would remain with the property until it is not utilized as such so a quasi conditional use process would be the appropriate avenue for an applicant to take.

President Skorman asked when the Ordinance would be effective. Sarah B. Johnson, City Clerk, stated if it is approved on first reading today, it would go to second reading at the December 19, 2019 City Council meeting and it would be effective five days after publication which is prior to the end of the year

Councilmember Geislinger asked how many permitted non-owner STR units are currently located in single-family residential zones and would be considered non-compliant with Option C. Ms. Hester gave an overview of the permits have been issued and a breakdown of the number of owner-occupied STRs in single-family and Planned Unit Development (PUD) zones.

Councilmember Williams asked what the cost would be for an appeal of a Planning Commission decision. Ms. Hester stated the fee would be \$176.

Citizens Kilian Gordon, Renee Behr, Nancy Wile, Jaymen Johnson, Ryan Hurtado, Josh Kolnitys, Lisa Taskerud, Douglas Raines, Jeff Thomas, Ryan Decker, Leslie Williams, Ryan Spradlin, Jack Casey, Shari Casey, and Linda Raines, spoke in opposition of the proposed Ordinances.

Citizens Dutch Schulz, Lizabeth Salinas, Jim Keuning, Joan Markley, Bill Madeiros, Mary McGinnis, and Frank Hibbitz spoke in favor of the proposed Ordinances.

Councilmember Pico stated a STR unit is no different than a home-based business. Councilmember Williams stated it is not a home-based business if the owner does not live there. Councilmember Gaebler stated long term rentals are usually not owner-occupied and it is a slippery slope to consider non-owner occupied STR units as commercial. Councilmember Geislinger stated there is also a slippery slope if nothing is done to regulate STR units.

Councilmember Knight stated businesses are not allowed in residential areas and non-owner occupied STR units are businesses.

Councilmember Knight stated he supports Option D which is the recommendation of the Planning Commission.

Councilmember Gaebler asked if any permits have been revoked. Ms.

Hester stated there have not been.

Jeff Greene, Chief of Staff, stated the Administration supports Option D

Councilmember Murray stated he supports Option D in order to protect the neighborhoods. He stated non-owner occupied STR units will be allowed in non-R1 zoned areas.

Councilmember Williams stated R1 zones should have limited use and he is not okay with small motels operating in residential areas, but believes Option C is the best option because the exceptions should be allowed and requested the owner-occupied definition be amended to 185 days.

President Pro Tem Strand stated the public process for this item has been substantial and he supports Option D as a compromise.

President Skorman stated he thought the goal was to restrict density in certain neighborhoods that would be taken over by STR units and feels Option D is too restrictive with the 500-foot buffer between non-owner occupied STR units. He said there has not been a lot of complaints received against STR units which cannot be resolved and there has not been any statistics regarding out-of-town investors versus residents who own STRs. President Skorman stated he does not support any of the proposed options at this time.

Councilmember Geislinger stated the City needs to take a step forward, put restrictions in place, and will be supporting Option D. He stated there is an economic advantage of STR units in the City, but it needs to be weighed against any disadvantages to the neighborhoods and hotels.

Councilmember Geislinger stated there is a need for reasonable and fair density restrictions and requested the 500-foot buffer which is not subject to the fifteen percent administrative relief set back variance. Marc Smith, Corporate Division Chief, Office of the City Attorney, stated administrative relief is available to all numeric standards in City Code and there would need to be a health, safety, welfare, or police power reason to make this process different. Councilmember Geislinger withdrew his request.

Councilmember Gaebler stated she respects trying to protect neighborhoods, but she does not see what they are trying to protect the neighborhoods from. She said if anything, STR units are a benefit to the

neighborhoods.

Councilmember Pico stated this impacts private property rights which they do not have justification for. He stated this is blowing a non-issue out of proportion and does not support any of options.

Councilmember Avila stated the City needs to move forward and be pro-active. She stated they are in a housing crisis and should not be more concerned with where the tourists will stay. She said she supports Option D. Councilmember Pico stated less than 600 non-owner occupied STR units out of 68,000 houses will not make a significant difference to the housing crisis.

Councilmember Murray stated this commercial use in R1 zones should have come before City Council as a request for permission, not afterwards as a request for forgiveness. Councilmember Pico stated years ago, the City encouraged this and if there is a problem, there should be data supporting it.

Motion by Councilmember Knight, seconded by Councilmember Murray, that the Ordinance amending Chapter 7 (Planning, Development and Building) of City Code pertaining to the density of short term rental units as amended Owner Occupied Definition = 185 days with a military exemption, Minimum Buffer = 500-foot buffer between non-owner occupied STR units, Single-family Residential = Non-owner occupied STR units prohibited 5-4-0-0

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

No: 4 - Gaebler, Pico, Skorman, 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.

16. Additional Items

Following adjournment of the City Council Regular meeting, City Council will reconvene as the Board of Directors for the Briargate General Improvement District

- A. [19-405](#) A Public Hearing on the Budget for the Colorado Springs Briargate General Improvement District, Colorado Springs, Colorado, for the Calendar Year Beginning on the First Day of January 2020 and Ending on the Last Day of December 2020

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Briargate GID 2020 Budget](#)
[CITYOFCSBRIARGATEGID-Tax-Map](#)

There were no comments on this item.

- B. [19-410](#) A Resolution Levying General Property Taxes to Help Defray the Cost of Debt Service on the General Obligation Refunding Bonds, Series 2014 of the Colorado Springs Briargate General Improvement District, Colorado Springs, Colorado, for the 2020 Budget Year

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [01_Res to Set Mill Levy for Briargate GID_11 26 19](#)
[Signed Resolution 142-19.pdf](#)

There were no comments on this item.

Motion by Councilmember Williams, seconded by Councilmember Murray, that the Resolution to set and certify the 2019 mill levy at 12.000 mills on taxes payable in 2020 for the Colorado Springs Briargate General Improvement District be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Pico

- C. [19-409](#) A Resolution Summarizing Expenditures and Revenues, Adopting a Budget, and Appropriating Funds for the Colorado Springs Briargate General Improvement District, Colorado Springs, Colorado, for the Calendar Year Beginning on the First Day of January 2020 and Ending on the Last Day of December 2020

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [Briargate GID 2020 Budget](#)
[02_Res to Adopt Budget and Appropriate for Briargate GID_11 26 19](#)
[Signed Resolution 143-19.pdf](#)

There were no comments on this item.

Motion by President Pro Tem Strand, seconded by Councilmember Murray, that the Resolution to adopt the 2020 budget and appropriate funding for the 2020 budget year for the Colorado Springs Briargate General Improvement District be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Pico

Following adjournment of the Briargate General Improvement District Board of Directors meeting, members will reconvene as the Board of Directors of the Spring Creek General Improvement District.

- D.** [19-474](#) A Public Hearing on the Budget for the Colorado Springs Spring Creek General Improvement District, Colorado Springs, Colorado, for the Calendar Year Beginning on the First Day of January 2020 and Ending on the Last Day of December 2020

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [Spring Creek GID 2020 Budget](#)
[CSSPRINGCREEKGID-Tax-Map](#)

There were no comments on this item.

- E.** [19-475](#) A Resolution Levying General Property Taxes to Help Defray the Cost of Debt Service on the General Obligation Refunding Bonds, Series 2005 of the Colorado Springs Spring Creek General Improvement District, Colorado Springs, Colorado, for the 2020 Budget Year

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [01 Res to Set Mill Levy for Spring Creek GID 11 26 19](#)
[Signed Resolution 144-19.pdf](#)

There were no comments on this item.

Motion by Councilmember Williams, seconded by President Pro Tem Strand, that the Resolution to set and certify the 2019 mill levy at 4.000 mills on taxes payable in 2020 for the Colorado Springs Spring Creek General Improvement District be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Pico

- F.** [19-477](#) A Resolution Summarizing Expenditures and Revenues, Adopting a Budget, and Appropriating Funds for the Colorado Springs Spring

Creek General Improvement District, Colorado Springs, Colorado, for the Calendar Year Beginning on the First Day of January 2020 and Ending on the Last Day of December 2020

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [02_Res to Adopt Budget for Spring Creek GID_11 26 19](#)
[Spring Creek GID 2020 Budget](#)
[Signed Resolution 145-19.pdf](#)

There were no comments on this item.

Motion by President Pro Tem Strand, seconded by Councilmember Murray, that the Resolution to adopt the 2020 budget and appropriate funding for the 2020 budget year for the Colorado Springs Spring Creek General Improvement District be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Pico

Following adjournment of the Spring Creek General Improvement District Board of Directors, members will reconvene as the Market Place at Austin Bluffs Board of Directors

- G.** [19-471](#) A Public Hearing on the Budget for the Colorado Springs Marketplace at Austin Bluffs General Improvement District, Colorado Springs, Colorado, for the Calendar Year Beginning on the First Day of January 2020 and Ending on the Last Day of December 2020

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [MAB GID 2020 Budget](#)
[MARKETPLACEATAUSTINBLUFFSGID-Tax-Map](#)

There were no comments on this item.

- H.** [19-472](#) A Resolution Levying General Property Taxes to Help Defray the Cost of Debt Service on the General Obligation Bonds of the Colorado Springs Marketplace at Austin Bluffs General Improvement District, Colorado Springs, Colorado, for the 2020 Budget Year

Presenter:
Charae McDaniel, Chief Financial Officer

Attachments: [01_Res to Set Mill Levy for MAB GID_11 26 19](#)
[Signed Resolution 146-19.pdf](#)

There were no comments on this item.

Motion by Councilmember Williams, seconded by Councilmember Geislinger, that the Resolution to set and certify the 2019 mill levy at 50.000 mills on taxes payable in 2020 for the Colorado Springs Marketplace at Austin Bluffs General Improvement District budget be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Pico

- I. [19-473](#) A Resolution Summarizing Expenditures and Revenues, Adopting a Budget, and Appropriating Funds for the Colorado Springs Marketplace at Austin Bluffs General Improvement District, Colorado Springs, Colorado, for the Calendar Year Beginning on the First Day of January 2020 and Ending on the Last Day of December 2020

Presenter:

Charae McDaniel, Chief Financial Officer

Attachments: [MAB GID 2020 Budget](#)

[02_Res to Adopt Budget for MAB GID_11 26 19](#)

[Signed Resolution 147-19.pdf](#)

There were no comments on this item.

Motion by Councilmember Geislinger, seconded by Councilmember Williams, that the Resolution to adopt the 2020 budget and appropriate the funding for the 2020 budget year for the Colorado Springs Marketplace at Austin Bluffs General Improvement District be adopted. The motion passed by a vote of 8-0-1-0

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

Absent: 1 - Pico

17. Adjourn

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

Sarah B. Johnson, City Clerk