



# City of Colorado Springs

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

## Meeting Minutes City Council

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Tuesday, September 24, 2019

10:00 AM

Council Chambers

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### 1. Call to Order

**Present:** 8 - Councilmember Yolanda Avila, Councilmember Jill Gaebler, Councilmember David Geislinger, Councilmember Bill Murray, Councilmember Don Knight, Councilmember Andy Pico, President Richard Skorman, and President Pro Tem Tom Strand

**Absent:** 1 - Councilmember Wayne Williams

### 2. Invocation and Pledge of Allegiance

The Invocation was made by Kevin Ballard, Chaplain, Colorado Springs Police Department.

President Skorman led the Pledge of Allegiance.

### 3. Changes to Agenda/Postponements

Councilmember Avila requested items 4B.D. and 4B.E. be removed from the Consent Calendar.

Citizen Deborah Stout-Meinger requested item 4A.B. 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. [19-486](#)**

Ordinance No. 19-60 amending Ordinance No. 18-118 (2019 Appropriation Ordinance) for a supplemental appropriation to the Colorado Springs Airport Capital Improvement Program fund in the

amount of \$2,700,000 for Airport Land Development and the Airport Master Plan

Presenter:

Charae McDaniel, Chief Financial Officer

Troy Stover, Assistant Director of Aviation

**Attachments:** [8-1-19-Airport Land Development Ordinance-pdf](#)

[Signed Ordinance 19-60.pdf](#)

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

**4A.C. [19-398](#)**

Ordinance No. 19-62 organizing the MW Retail Business Improvement District and appointing an initial Board of Directors. (Legislative Item)

Presenter:

Peter Wysocki, Director of Planning and Community Development

Carl Schueler, Comprehensive Planning Manager, Planning & Community Development Department

**Attachments:** [Ordinance\\_MWRetailBID](#)

[Exhibit A- 2019 07 12 - Executed Petition for Organization - MW Retail BID\(3706726.1\)](#)

[Exhibit B- 2019 08 01 - Notice of Hearing on Petition for Organization - MW Retail BID](#)

[Exhibit C- Final 2019-2020 Operating Plan - MW Retail BID](#)

[Exhibit D- Special District Policy](#)

[Signed Ordinance 19-62.pdf](#)

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

**4A.D. [CPC PUZ 19-00032](#)**

Ordinance No. 19-63 amending the zoning map of the City of Colorado Spring pertaining to 0.63 of an acre located at the northeast corner of South Sierra Madre Street and West Fountain Boulevard from M-1 (Light Industrial) to PUD (Planned Unit Development: Multi-Family Residential, 28 dwelling units per acre, maximum building height of 14-feet).

(Quasi-Judicial)

Related file: CPC PUD 19-00033

Presenter:

Peter Wysocki, Director, Planning and Community Development

Matthew Fitzsimmons, Planner II, Urban Planning Division

**Attachments:** [ZC\\_ORD\\_WorkingFusion](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[Signed Ordinance 19-63.pdf](#)

This Ordinance was finally passed on the Consent Calendar.

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

**4B.A.** [19-581](#) City Council Regular Meeting Minutes September 10, 2019

Presenter:  
Sarah B. Johnson, City Clerk

**Attachments:** [9-10-2019 City Council Meeting Minutes Final.pdf](#)

The Minutes were approved on the Consent Calendar.

**4B.B.** [19-582](#) Appointments to Boards and Commissions

Presenter:  
Jacquelyn Puett, Assistant to Council

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

This Item was approved on the Consent Calendar.

**4B.C.** [19-510](#) A resolution authorizing the disposal of surplus, City-owned property to JVKHE-2, LLC, ("Purchaser") as the one logical, potential purchaser.

Presenter:  
Greg Phillips, Director of Aviation, Colorado Springs Airport

**Attachments:** [Exhibit A-Approved Concept Plan-Peak Innovation Park 121818](#)  
[Exhibit B-2019.08.20 Hotel Site\(s\) Exhibit](#)  
[Hotel Letter of Support...8.28.19.pdf](#)  
[Exhibit C - FAA Instrument of Release.pdf](#)  
[8-28-19 - Marriott Backup Memo.docx](#)  
[8-28-19 - Resolution for Marriott Hotel 6 acres.docx](#)  
[Signed Resolution 85-19.pdf](#)

This Resolution was adopted on the Consent Calendar.

#### **Approval of the Consent Agenda**

Motion by President Pro Tem Strand, seconded by Councilmember Gaebler, 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, Pico, Skorman, and Strand

**Absent:** 1 - Williams

## **5. Recognitions**

### **5.A. [19-518](#) A Proclamation Honoring Arts Month**

Presenter:  
Tom Strand, Council Member

**Attachments:** [Arts Month Proclamation 2019 - FINAL](#)

Andy Vick, Executive Director, Cultural Office of the Pikes Peak Region (COPPeR), presented the Proclamation recognizing October 2019 as the sixth annual Arts Month in the Pikes Peak Region. He gave a brief history identifying the objective and call to action for everyone to try a new cultural experience during the month. Mr. Vick identified several of the events scheduled for the month, explained the advertising involved, and the financial impact to the community.

At the request of Councilmember Gaebler, David Siegel played violin and Jim Marsh played banjo to honor Arts Month.

Councilmember Geislinger read the Proclamation recognizing October 2019 as Arts Month.

### **5.B. [19-519](#) Proclamation in Honor of the 6th Annual Creek Week**

Presenter:  
Jill Gaebler, City Council Member

**Attachments:** [Creek Week 2019 - FINAL](#)

Larry Small, Executive Director, Fountain Creek Watershed, Flood Control and Greenway District, presented the Resolution recognizing the sixth annual Creek Week and stated Creek Week is the largest citizen based clean up event in the state of Colorado.

Allison Schuch, Director and Founder, Creek Week Clean Up, expressed appreciation for all the support and hard work of the volunteers and identified the amount of trash which has been removed from streams.

Councilmember Gaebler read the Resolution recognizing September 28, 2019 through October 6, 2019 as Creek Week.

- 5.C. [19-526](#) Resolution to Support October 2019 as Fire Prevention Month in the City of Colorado Springs

**Attachments:** [2019 Fire Prevention Month Resolution](#)  
[Signed Resolution 86-19.pdf](#)

Brett Lacey, Fire Marshal, Colorado Springs Fire Department, presented a brief background on the origin of Fire Prevention Month and identified the number of fire related fatalities in the community in 2019 as compared to 2017 and 2018. He stated the theme of this year's Fire Prevention Month is "Not every hero wears a cape".

President Pro Tem Strand read the Resolution to support October 2019 as Fire Prevention Month.

**Motion by Councilmember Geislinger, seconded by Councilmember Pico, that the Resolution be adopted. The motion passed by a vote of 8-0-1-0**

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

**Absent:** 1 - Williams

## **6. Citizen Discussion**

Citizen Tony Heinz states the Gazette erroneously reported the Gold Hills Mesa neighborhood has settled more than three inches over five years even though there is no physical evidence.

Citizen Deborah Stout-Meininger stated the Colorado Department of Transportation (CDOT) and Pikes Peak Rural Transportation Authority (PPRTA) project list is a bait and switch.

Citizen Jaymen Johnson requested additional clarification regarding the formation of metropolitan districts.

Citizen Taylor Saulsbury spoke about climate change and requested the Drake Power Plant be decommissioned in 2025.

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

There was no Mayor's Business.

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

- 4A.B. [19-508](#) Ordinance No. 19-61 of the City of Colorado Springs, Colorado providing for the refunding of certain outstanding Utilities System

Revenue Bonds of the City; providing for the extension, betterment, other improvement and equipment of the City of Colorado Springs Utilities System; providing for the issuance and sale of the City of Colorado Springs, Colorado, Utilities System Refunding Revenue Bonds, Series 2019A in an aggregate principal amount not to exceed \$110,000,000, payable solely out of the net revenues to be derived from the operation of the City of Colorado Springs Utilities System; authorizing the execution by the City of a Paying Agent Agreement, a Bond Purchase Agreement and an Official Statement related thereto; and providing other matters relating thereto:

Presenter:

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

Aram Benyamin, Chief Executive Officer, Colorado Springs Utilities

**Attachments:** [CSU 2019A Bond Ordinance 4834-5197-4812 4](#)

Citizen Deborah Stout-Meininger asked if this amount of \$110M is for additional Utilities infrastructure being buried in conjunction with the 2C projects. Eric Tharp, Chief Energy Services Officer, Colorado Springs Utilities, stated it is not related to 2C, it is the refinancing of existing debt at a better rate.

**Motion by Councilmember Murray, seconded by Councilmember Geislinger, that the Ordinance No. 19-61 of the City of Colorado Springs, Colorado providing for the refunding of certain outstanding Utilities System Revenue Bonds of the City; providing for the extension, betterment, other improvement and equipment of the City of Colorado Springs Utilities System; providing for the issuance and sale of the City of Colorado Springs, Colorado, Utilities System Refunding Revenue Bonds, Series 2019A in an aggregate principal amount not to exceed \$110,000,000, payable solely out of the net revenues to be derived from the operation of the City of Colorado Springs Utilities System; authorizing the execution by the City of a Paying Agent Agreement, a Bond Purchase Agreement and an Official Statement related thereto; and providing other matters relating thereto: be finally passed. The motion passed by a vote of 8-0-1-0**

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

**Absent:** 1 - Williams

**4B.D.** [CPC ZC 18-00083](#)

Ordinance No. 19-64 amending the zoning map of the City of Colorado Springs pertaining to 4.77 acres located southwest of East Fountain Boulevard and Alvarado Drive from OC/PBC/cr/AO (Office Complex and Planned Business Center with conditions of record and Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay).

(QUASI-JUDICIAL)

Related Files: CPC ZC 18-00083, and CPC DP 18-00084

Presenter:

Peter Wysocki, Director of Planning and Community Development

Rachel Teixeira, Planner II, Planning and Community Development

**Attachments:** [ZC ORD FountainSelfStorage](#)  
[Exhibit A - Legal Description](#)  
[Exhibit B - Zone Change](#)  
[Fountain Vicinity Map](#)  
[Figure 3 - Development Plan](#)  
[CPC Staff Report Fountain Self Storage](#)  
[Figure 1 - Project Statement](#)  
[Figure 2 - Zoning Exhibit](#)  
[Powerpoint for Fountain Self Storage](#)  
[Figure 4 - PlanCOS](#)  
[Figure 5 - Land Uses](#)  
[7.5.603.B Findings - ZC](#)  
[CPC\\_Minutes\\_FountainSelfStorage](#)

Councilmember Avila requested a presentation from staff because even though she realizes an owner can do what they want with their property, the southeast needs development which contributes to and impacts the economy and the community in a positive way.

Marc Smith, Corporate Division Chief, Office of the City Attorney, stated after the public hearing and testimony of these items, City Council will need to apply the review criteria.

Rachel Teixeira, Planner II, Planning and Community Development, presented the Ordinance amending the zoning map to allow for Fountain Self-Storage. She gave an overview of the applications, vicinity map, zone change site plan, development plan, and context map. Ms. Teixeira identified the neighborhood process, City agency involvement, correlation to PlanCOS, and staff's recommendation.

Arnold Niemeyer, P.E. Project Manager, Jehn Engineering, gave an overview of the Fountain Self-Storage company and stated it is consistent with the development surrounding the property and would be an asset to the community.

Councilmember Avila asked how it contributes to community. Mr. Niemeyer

stated with nearby apartments who would utilize this facility, this business will benefit the community.

Councilmember Geislinger asked how long the lot has been vacant. Mr. Niemeyer stated there has never been a development on this lot.

Citizen Jaymen Johnson spoke in favor of the project.

Councilmember Murray stated he will be supporting this project because he does not feel it is contrary to the area, but the administration needs to address the comprehensive plan and the process for the development within the City. Councilmember Pico stated the comprehensive plan does not identify every parcel in the City and it is up to the developer as to what project is built on their property.

President Skorman stated it is important to review these types of development plans, but he will be supporting it because the review criteria does not support voting against it.

Councilmember Knight stated this corridor is a major access point into the City for people who fly into the City in private jets and there needs to be a plan for this area.

**Motion by Councilmember Gaebler, seconded by President Pro Tem Strand, that the Ordinance amending the zoning map of the City of Colorado Springs pertaining to 4.77 acres changing the zone from OC/PBC/cr/AO (Office Complex and Planned Business Center with conditions of record and Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay), 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), subject to compliance with the following technical modification to the zoning exhibit: 1. Update the text on the plan to reflect the zone change to PBC and elimination of the condition of record. The motion passed by a vote of 7-1-1-0**

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

**No:** 1 - Avila

**Absent:** 1 - Williams

**4B.E.** [CPC DP  
18-00084](#)

A development plan for Fountain Self-Storage illustrating a mini-warehouse facility on 4.77 acres located southwest of East Fountain Boulevard and Alvarado Drive.

(QUASI-JUDICIAL)

Related Files: CPC ZC 18-00083, and CPC DP 18-00084



Presenter:

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

**Attachments:** [Figure 3 - Development Plan](#)  
[7.5.502.E Development Plan Review](#)  
[Powerpoint for Fountain Self Storage](#)

Please see comments in Agenda item 4B.D.

**Motion by Councilmember Geislinger, seconded by Councilmember Murray, that the Fountain Self-Storage Development Plan, based upon the findings that the development plan complies with the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E), subject to compliance with the following technical modifications: Technical and Informational Modifications to the Development Plan: 1. Add the text under application(s) under review on Cover Sheet - Sheet 1 of 5: "THE PROPERTY OWNER/APPLICANT IS ON NOTICE: THERE IS A POSSIBILITY OF CDOT EXPANDING FOUNTAIN BOULEVARD IN THE FUTURE. THIS WOULD RESULT IN THE CLOSURE OF THE FOUNTAIN BOULEVARD FRONTAGE ROAD ACCESS ENTRANCE, LEAVING ALVARADO DRIVE AS THE ONLY PRIMARY ACCESS FOR THE ENTIRE SITE." 2. Modify the text from "TO PBC/CR/AO (PLANNED BUSINESS CENTER WITH CONDITIONS OF RECORD AND AIRPORT OVERLAY)" to "TO PBC/AO (PLANNED BUSINESS CENTER WITH AIRPORT OVERLAY)." 3. Remove the conditional use language from Cover Sheet - Sheet 1 of 5 be approved. The motion passed by a vote of 7-1-1-0**

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

**No:** 1 - Avila

**Absent:** 1 - Williams

## **9. Utilities Business**

There was no Utilities Business.

## **10. Unfinished Business**

There was no Unfinished Business.

## **11. New Business**

- 11.A. [19-396](#) A resolution approving a service plan allowing for the creation of the Stadium Metropolitan District.

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development

Carl Schueler, Planning Manager- Comprehensive Planning, Planning &

## Development Department

**Attachments:** [Resolution](#)[Exhibit - 2019 07 02 - Service Plan - Stadium MD](#)[Attachment 1- 2019 07 02 - Service Plan Transmittal Letter - Stadium MD](#)[Attachment 2- 2019 08 05 - Redline Comparison Service Plan - Stadium MD](#)[Attachment 3- Switchbacks - Cash flow forecast](#)[Attachment 4- Weidner Stadium - Revenues and Expenses at Normalized Operations](#)[Attachment 5- 8-19-19 Budget Committee STADIUM PRESENTATION](#)[PowerPoint](#)[Signed Resolution 87-19.pdf](#)

Carl Schueler, Planning Manager, Comprehensive Planning, Planning and Development Department, presented the Resolution approving a service plan allowing for the creation of the Stadium Metropolitan District.

Councilmember Murray asked for justification of the \$50M debt request and how will the revenue be made. Russ Dykstra, Spencer Fane, LLC, representing the district, stated the \$50M is not for the primary financing of the stadium, it is for the refurbishment of the stadium as needed over the years. He explained that if there is any additional revenue available at the end after the capital reserves are paid for, operations and maintenance obligations are complete, and the repairs and replacements are taken care of, then there is potential for reimbursement to the developer for construction costs. Bob Cope, Economic Development Manager, stated revenue from the fifteen mills will not go towards the original construction costs of the stadium only revenue from the Public Improvement Fees or other revenue sources. He stated the development will pay for itself and will not affect outside residents.

Councilmember Knight stated he supports the stadium project, but not the request for fifteen mills Gallagher-adjusted operation and maintenance because the City's standard baseline since 2006 is ten mills and there is no firm rationale for the increase. Mr. Schueler stated because this property is commercial, there would not be a Gallaher-adjustment in this case.

President Pro Tem Strand asked what the impact would be of lowering the operations and maintenance to ten mills. Mr. Dykstra stated the assessed valuation is so small they need every bit to make sure it is functional and

they have flexibility.

Citizen Deborah Stout-Meininger stated a 500-unit, upscale, apartment complex will be constructed along with the stadium which can hold up to 8,000 people, but there are no plans for parking areas. She also said there will be no accountability to the public for the spending of the \$50M in bond loans and the City would be responsible for mitigating the toxins in the soil where the stadium will be located.

Citizen Jaymen Johnson asked if the stadium will be publically funded. President Skorman stated it will not, it is privately funded.

Councilmember Murray asked where the estimated \$287,000 annual parking revenue will originate from. Mr. Cope stated parking revenue will be generated by leasing a private parking area in the vicinity and will charge a fee for parking.

**Motion by Councilmember Gaebler, seconded by President Pro Tem Strand, that the Resolution approving a service plan for the Stadium Metropolitan District with a maximum debt authorization of \$50,000,000 be adopted. The motion passed by a vote of 6-2-1-0**

**Aye:** 6 - Avila, Gaebler, Geislinger, Pico, Skorman, and Strand

**No:** 2 - Murray, and Knight

**Absent:** 1 - Williams

**11.B.** [19-397](#)

A Resolution approving a service plan allowing for the creation of the Chapel Heights Metropolitan District

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development

Carl Schueler, Planning Manager- Comprehensive Planning, Planning and Development Department

**Attachments:** [resolution](#)[Exhibit A- 2019 07 02 - Service Plan - Chapel Heights MD](#)[Attachment 1- 2019 07 02 - Transmittal Letter - Chapel Heights MD](#)[Attachment 2- 2019 07 02 - Redline Comparison Service Plan - Chapel Heights MD](#)[Attachment 3- Chapel Heights MD Cost Estimates](#)[Attachment 4- Opportunity Zone Highlights](#)[Chapel Heights PowerPoint](#)

Carl Schueler, Planning Manager, Comprehensive Planning, Planning and Development Department, presented the Resolution approving a service plan allowing for the creation of the Chapel Heights Metropolitan District. He explained the service plan language regarding the access to parks and recreation facilities and identified the eight Federal opportunity zones located in the City.

Chelsea Gaylord, Project Manager, Economic Development, gave a brief history of Federal opportunity zones designation process, the incentives involved, and stated it is up to the landowners of the 6302 tract to determine the project constructed and whether or not they want to utilize the Federal opportunity zone incentives.

Councilmember Knight asked if the Oversight Committee for the opportunity zones has reviewed this project. Ms. Gaylord stated it has not been addressed yet, but will be discussed as regulations are finalized.

Councilmember Pico asked what qualifying projects could be developed in this opportunity zone. Ms. Gaylord listed some of the requirements a project must meet in order to qualify for funding.

Councilmember Pico and Councilmember Avila requested the total acreage of this opportunity zone. Mr. Schueler stated the overall tract is 423 acres and the district is 42 acres.

Councilmember Avila stated the City needs to keep the total acreage of the southeast opportunity zone and require investors to improve the economy in that area. Ms. Gaylord stated the intent of opportunity zones is to promote private long-term investment, revitalization, and create jobs in lower income communities. Councilmember Pico stated the idea of keeping the entire tract area intact for a single project is not feasible because there are already hundreds of houses and two parks in the area.

Councilmember Murray asked if the application for opportunity zone funding would require City Council approval. Ms. Gaylord stated it is not required to go before City Council.

Councilmember Knight stated this is moving too fast and regardless of if the developer applies for the tax relief or not, it is secondary to the strategic plan for the best use of this opportunity zone to revitalize the southeast.

Councilmember Geislinger stated he likes this project for this area, but if the opportunity zone funding is utilized, the project could be readjusted so the cost of the housing and the mills could go down.

Russ Dykstra, Spencer Fane, LLC, representing the district, stated this property has been on the market and vacant for approximately four years and the closing date is set for October 31, 2019 which is why the district and the certainty of a financing tool need to be in place. He stated the covenants need to be recorded before the district can move on any other sales or marketing of property and if this is postponed, they will have to go through the entire process again.

Councilmember Pico stated it needs further planning and supports postponing it.

Councilmember Knight stated \$150 per month for maintenance dues is extremely high for workforce housing and the zone change request would be a change of property rights.

Councilmember Avila stated the proposed use of this property is market value housing which would gentrify the area and it needs to be more affordable. She stated this property has been on the market for four years, but the opportunity zone has only been available less than a year.

Councilmember Gaebler stated she supports the project because of the very dense infill housing which is needed by the community and delaying it may cause financial harm to the developer.

Councilmember Murray stated he supports the delay because it is important to focus on the strategy of the City which is doing what is best for the City and districts.

Councilmember Geislinger stated this is a good project, but supports a delay to ensure all the tools in the City's toolbox are utilized.

Mr. Dykstra stated there is a meeting with the developers scheduled for October 1, 2019 and requested if there is to be a postponement, it only be until the October 8, 2019 City Council meeting. Councilmember Knight, Councilmember Pico, Councilmember Avila, and Councilmember Murray stated the Oversight Committee needs more time than two weeks to review this area.

Councilmember Geislinger requested the item be heard with a review from the Oversight Committee at the October 7, 2019 Work Session meeting.

**Motion by President Pro Tem Strand, seconded by Councilmember Gaebler, to amend Councilmember Knight's motion to postpone the Resolution approving a service plan for the Chapel Heights Metropolitan District to the October 8, 2019 City Council meeting. The motion failed by a vote of 2-6-1-0**

**Aye:** 2 - Gaebler, and Strand

**No:** 6 - Avila, Geislinger, Murray, Knight, Pico, and Skorman

**Absent:** 1 - Williams

**Motion by Councilmember Knight, seconded by Councilmember Pico, to postpone the Resolution approving a service plan for the Chapel Heights Metropolitan District to the January 14, 2020 City Council meeting. The motion passed by a vote of 6-2-1-0**

**Aye:** 6 - Avila, Geislinger, Murray, Knight, Pico, and Skorman

**No:** 2 - Gaebler, and Strand

**Absent:** 1 - Williams

**11.C.** [19-577](#)

A resolution approving and authorizing the Mayor to execute and administer the Intergovernmental Agreements between the City of Colorado Springs and the Colorado Department of Transportation for the construction management and the maintenance and operations obligations associated with the extension of State Highway 21 between I-25 Expressway and Voyager Parkway.

Presenter:

Travis Easton, P.E., Director of Public Works

**Attachments:** [PW-SH21PowersTol-25RES-2019-09-11](#)

[Exhibit A CDOT R2-22057-IGA SH 21 from I-25 to Powers Const. Mgt. Execs revised 11Sep2019](#)  
[Exhibit B CDOT R2-IGA-22057 CO Spgs SH21 I-25 to Voyager Maintenance Execs revised 11Sep2019](#)  
[Powers Ext. to Council](#)

Travis Easton, P.E., Director of Public Works, presented the Resolution for the Intergovernmental Agreements (IGA) between the City and the Colorado Department of Transportation (CDOT) for the construction management and the maintenance and operations and the IGA between the City and Copper Ridge Metropolitan District for the construction oversight, construction management and certain maintenance and operations obligations associated with the extension obligations associated with the extension of Powers Boulevard between I-25 Expressway and Voyager Parkway. He presented a map of where the interchange would be located and stated any financial obligations of the City will be passed onto the Copper Ridge Metropolitan district. Mr. Easton stated CDOT is budgeting approximately \$10M for water quality improvements and the maintenance and operations IGA will not set a precedence because it is specific to this project.

There were no comments on this item.

**Motion by Councilmember Murray, seconded by Councilmember Knight, that the Resolution approving the IGAs and authorizing the Mayor to execute and administer the IGAs on behalf of the City be adopted. The motion passed by a vote of 8-0-1-0**

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

**Absent:** 1 - Williams

**11.D. [19-578](#)**

A resolution approving and authorizing the Mayor to execute and administer the Intergovernmental Agreement between the City of Colorado Springs and the Copper Ridge Metropolitan District for the construction oversight, construction management and certain maintenance and operations obligations associated with the extension of State Highway 21 between I-25 Expressway and Voyager Parkway

Presenter:

Travis Easton, P.E., Director of Public Works

**Attachments:** [PW-IGA\\_CityCopperRidgeDistrictRES-2019-09-11](#)  
[Exhibit A City-District IGA \(9-11-19\)\(Clean version\)](#)

Please see comments in Agenda item 11.C.

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**Motion by President Pro Tem Strand, seconded by Councilmember Murray, that the Resolution approving the IGA and authorizing the Mayor to execute and administer the IGA on behalf of the City be adopted. The motion passed by a vote of 8-0-1-0**

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

**Absent:** 1 - Williams

- 11.E. [19-425](#)** An ordinance amending Chapter 7 of the Code of the City of Colorado Springs pertaining to the occupancy and density of short term rental units

Presenter:

Morgan Hester, Principal Planner

Peter Wysocki, Director of Planning and Community Development

**Attachments:** [CC Presentation - STR Ordinances 10-7-19](#)

President Skorman stated this item is for discussion only and City Council will vote on the item at the October 8, 2019 City Council meeting, but wanted to allow the public the opportunity to speak on the item.

Morgan Hester, Principal Planner, Planning and Community Development, presented an Ordinance amending Chapter 7 of City Code pertaining to the occupancy and density of short term vacation home rental (STR) units. She went over the locations of issued STR permits, the third-party enforcement request for qualification (RFQ), Breckenridge, CO regulations, and complaints received by Neighborhood Services. Ms. Hester gave an overview of the occupancy and the three permit density cap options which included five-lot spacing, block face limitation, and five hundred foot distance limitation.

Citizens Chelly Gardner-Smith, Sheila Camera, Lynn Rosenthal, Tonya Mitchell, Summer Westerbur, Andra Vagher, Mark Stevens, Steve Merkel, Brian Sink, Tam Walsky, Jeremiah Erickson, Ryan Dekker, Brandon Behr, Bryan Gibson, Elliott Orsillo, Kyle Purev, Ryan Spradlin, Allen Mosher, and Eric Behr spoke in opposition of the proposed limitations on STRs.

Citizens Marie McGinnis, Nicole Neff, Elizabeth Selinas, Mike Applegate, Jim Keuning, Bob Loevy, Linda Railey, Bob Pennick, Al English, Pat Doyle, Ed Sawyer, Bruce Hutchinson, and Julia Owens spoke in favor of increased limitations on STRs.

Councilmember Knight stated he supports the regulations Manitou Springs



has in place which include an occupancy limit of two people per bedroom, plus two family members with no age requirement, and a 500 foot separation between STRs.

Councilmember Murray stated he has not heard any complaints against any owner-occupied units so there should be a differential between long term and STRs. He stated STRs should be treated as commercial property and there needs to be a mechanism in place for adequate, reasonable, and timely enforcement of complaints.

Councilmember Geislinger stated STRs were previously completely unregulated and by having these discussions, they are working towards enforcement of the regulations. He stated for purposes of density restriction, owner-occupied and non-owner-occupied need to be identified.

Councilmember Gaebler stated there should be more enforcement of non-compliance owners prior to any additional regulations being implemented and if the rules of occupancy per bedroom is changed, it should be changed across all uses.

President Pro Tem Strand stated there needs to be another hearing before a decision is made.

Councilmember Knight requested a draft Ordinance similar to Manitou Springs with two people per bedroom, plus two more family members with no age requirement, and a non-owner-occupied density of 500 feet.

Councilmember Pico requested two Ordinances be drafted, one which reflects owner-occupied STRs and one for non-owner-occupied STRs. He stated he supports two people per bedroom, plus two more family members with no age requirement, but is reluctant to put a restriction on the density.

## **12. Public Hearing**

### **12.A. [CPC V 19-00065](#)**

Ordinance No. 19-65 vacating a public right-of-way described as a portion of Tejon Place and the adjacent ten foot alleys south of E. Navajo St. and east of S. Tejon St. within the Maddock's Addition to Ivywild and the Williamson's Addition to Ivywild consisting of 0.104 acres.

Presenter:  
Peter Wysocki, Director, Planning and Community Development

Department  
Ryan Tefertiller, Manager, Urban Planning Division

**Attachments:** [V ROW ORD IvywildHotelAlley](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Vacation Plat](#)

Ryan Tefertiller, Manager, Urban Planning Division, Planning and Community Development, presented the Ordinance for the Ivywild Hotel alley vacation. He gave a brief background of the site, and an overview of the application, stakeholder notice, analysis, and staff recommendation.

Councilmember Geislinger asked if the public notification postcards were only for the alleyway vacation and not the proposed hotel. Mr. Tefertiller confirmed they were and stated when the applications are received for the proposed hotel project, a significant public notification process will take place.

**Motion by Councilmember Murray, seconded by President Pro Tem Strand, that the Ordinance vacating a portion of City right of way described as a portion of Tejon Place and the adjacent ten foot alleys south of E. Navajo St. and east of S. Tejon St. within the Maddock's Addition to Ivywild and the Williamson's Addition to Ivywild and consisting of 0.104 acres, based upon the finding that the application complies with the review criteria in City Code Section 7.7.402.C be approved on first reading. The motion passed by a vote of 8-0-1-0**

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

**Absent:** 1 - Williams

- 12.B.** [CPC A 13-00004R](#) A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as the Church for All Nations Annexation.  
(Legislative)

Related Files: CPC A 13-00004, CPC A 13-00004R, CPC PUZ 13-00138, CPC PUP 13-00139

Presenter:

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

**Attachments:** [RES FindingsofFact ChurchofAllNations](#)  
[Exhibit A CFAN Annexation Legal](#)  
[Exhibit B CFAN Annexation Agreement](#)  
[Clerk Affidavit-signed](#)  
[Planner Affidavit-signed](#)  
[Surveyor Affidavit-signed](#)

Peter Wysocki, Planning and Community Development Director, presented the proposed Church for All Nations annexation. He presented maps of the site location, enclave annexations, and the surrounding zoning, and proposed annexation. He gave an overview of its compatibility of PlanCOS, the fiscal impact, the stakeholder process, and staff recommendations.

Councilmember Knight asked what the allowable 75-foot architectural features will be. Kyle Campbell, Classic Consulting Engineers and Surveyors, representing the property, stated the Church for All Nations would like to expand their facilities and the allowance would account for a spire, tower, or cross associated with the church.

Councilmember Murray requested the 75-foot architectural feature to be stricken from the plan to be consistent with the rest of the area. Mr. Campbell stated the applicant would agree to the modification if Council added the condition. Councilmember Pico stated he prefers the allowance be left in.

Councilmember Avila stated she will not be supporting this annexation because the City is continuing to sprawl and the Colorado Springs Fire Department was almost forced to close Fire Station 11 in the southeast because of budget restraints and this planned unit development is not set up for transit.

**Motion by Councilmember Geislinger, seconded by Councilmember Gaebler, tthat the Resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as the Church for All Nations Annexation and approving an annexation agreement be adopted. The motion passed by a vote of 7-1-1-0**

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

**No:** 1 - Avila

**Absent:** 1 - Williams

- 12.C. [CPC A 13-00004](#) Ordinance No. 19-66 annexing into the City of Colorado Springs that area known as the Church for All Nations Annexation consisting of 52.78 acres.  
(Legislative)

Related Files: CPC A 13-00004, CPC A 13-00004R, CPC PUZ 13-00138, CPC PUP 13-00139

Presenter:

Katie Carleo, Principal Planner, Planning and Development

Peter Wysocki, Planning and Community Development Director

**Attachments:** [ORD Annex ChurchForAllNations](#)  
[EXHIBIT A CFAN Annexation Legal Vicinity](#)  
[FIGURE 1cc CFAN Annexation Agreement-signed](#)  
[FIGURE 2cc CFAN BOR Letter of Assent 6.6.19](#)  
[FIGURE 3cc Fiscal Impact Analysis.CFAN](#)  
[Staff Presentation CFAN Annexation CC 9.24.19](#)  
[CPC Staff Report CFAN Annexation KAC](#)  
[FIGURE 1 Project Statement](#)  
[FIGURE 2 Annexation Plat](#)  
[FIGURE 3 Enclave Areas](#)  
[FIGURE 4 CFAN Annex Agreement](#)  
[FIGURE 5 Surrounding Zoning](#)  
[FIGURE 6 PlanCOS Exhibit](#)  
[FIGURE 7 Concept Plan](#)  
[7.6.203-Annexation Conditions](#)  
[Draft CPC CFAN min](#)  
[STAFF PP CFAN Annexation CPC 6.20.19](#)  
[Applicant PP Church for All Nations Annexation - Slideshow](#)

Please see comments in Agenda item 12.B.

**Motion by Councilmember Murray, seconded by Councilmember Geislinger, that the Ordinance Church for All Nations Addition No.1 Annexation based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 be approved on first reading. The motion passed by a vote of 7-1-1-0**

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

**No:** 1 - Avila

**Absent:** 1 - Williams

- 12.D. [CPC PUZ 13-00138](#) Ordinance No. 19-67 amending the Zoning Map of the City of Colorado Springs relating to 43.72 acres located northeast of Powers Boulevard and Dublin Boulevard establishing the PUD (Planned Unit Development; Mixed Commercial, Residential, Religious Institution; maximum residential density 20 DU/AC; 45-foot maximum building height with 75-feet for architectural features with Airport Overlay) zone district. (Legislative)

Related Files: CPC A 13-00004, CPC A 13-00004R, CPC PUZ 13-00138, CPC PUP 13-00139

Presenter:

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

**Attachments:** [ZC ORD ChurchforAllNations](#)  
[Exhibit A CFAN Zoning Legal](#)  
[Exhibit B CFAN Zoning Exhibit](#)  
[FIGURE 5 Surrounding Zoning](#)  
[7.5.603.B Findings - ZC](#)  
[7.3.603 Establishment & Development of a PUD Zone](#)

Please see comments in Agenda item 12.B.

**Motion by Councilmember Murray, that Ordinance be amended to remove the 75-foot for architectural features for the establishment of the PUD (Planned Unit Development; Mixed Commercial and Residential, maximum residential density 20 DU/AC, 45-foot maximum building height with Airport Overlay) zone district, based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603 be approved on first reading. The motion failed for lack of second.**

Please see comments in Agenda item 12.B.

**Motion by Councilmember Pico, seconded by Councilmember Geislinger, that the Ordinance for the establishment of the PUD (Planned Unit Development; Mixed Commercial and Residential, maximum residential density 20 DU/AC, 45-foot maximum building height with 75-feet for architectural features with Airport Overlay) zone district, based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603 be approved on first reading. The motion passed by a vote of 6-2-1-0**

**Aye:** 6 - Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

**No:** 2 - Avila, and Murray

**Absent:** 1 - Williams

- 12.E.** [CPC PUP 13-00139](#) The Church for All Nations Concept Plan illustrating future development of 43.71 acres for mixed commercial and residential use located northeast of Powers Boulevard and Dublin Boulevard.  
(Quasi-Judicial)

Related Files: CPC A 13-00004, CPC A 13-00004R, CPC PUZ 13-00138, CPC PUP 13-00139

Presenter:

Katie Carleo, Principal Planner, Planning and Development

Peter Wysocki, Planning and Community Development Director

**Attachments:** [FIGURE 7 Concept Plan](#)

[7.5.501.E Concept Plans](#)

[7.3.605 PUD Concept Plan](#)

Please see comments in Agenda item 12.B.

**Motion by President Pro Tem Strand, seconded by Councilmember Geislinger, that this Planning Case be approved Proposed Motion: <br />CPC PUP 13-00139 <br />Approve the Church for All Nations PUD Concept Plan, based upon the findings that the proposal meets the review criteria for concept plans as set forth in City Code Section 7.5.501(E) and criteria for PUD concept plans set forth in City Code Section 7.3.605.. The motion passed by a vote of**

**Aye:** 6 - Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

**No:** 2 - Avila, and Murray

**Absent:** 1 - Williams

- 12.F.** [CPC PUZ 19-00006](#) Ordinance No. 19-68 amending the zoning map of the City of Colorado Springs relating to 4 acres located at the southwest corner of Peterson Road and Pony Tracks Drive from R-1 6000/DF/AO (single-family residential with a design flexibility overlay and an airport overlay) to PUD/AO (single-family residential, maximum gross density of 9 dwelling units per acre with a 35-foot maximum building height with an Airport Overlay)

(QUASI-JUDICIAL)

Related Files: CPC PUZ 19-00006, CPC PUD 19-00007

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

**Attachments:** [Updated ZC ORD PonyParkResidences](#)  
[Exhibit A - Legal Description](#)  
[Exhibit B - Legal Description Depicted](#)  
[Vicinity Map](#)  
[Pony Park Presentation - Staff](#)  
[Figure 1cc - Public Comments Passed to CPC](#)  
[Figure 2cc - Public Comments Received After CPC](#)  
[CPC Report Pony Park](#)  
[Figure 1 - Development Plan](#)  
[Figure 2 - Project Statement](#)  
[Figure 3 - Existing Land Uses and Surrounding Zoning](#)  
[Figure 4 - Public Comments Received During Initial Review](#)  
[Figure 5 - Public Comments Received Following 2nd Neighborhood Meeting](#)  
[Figure 6 - Aerial Overlay](#)  
[Figure 7 - PlanCOS Analysis](#)  
[7.5.603.B Findings - ZC](#)  
[7.3.603 Establishment & Development of a PUD Zone](#)  
[CPC Minutes PonyPark draft](#)

Hannah Van Nimwegen, Senior Planner, Planning & Community Development presented the Ordinance amending the zoning map pertaining to 4 acres located at the southwest corner of Peterson Road and Pony Tracks Drive from single-family residential to planned unit development. She presented a vicinity map, gave an overview of the Pony Park residences, and staff recommendation.

John Olsen, Altitude Land Consultants, stated the first neighborhood meeting was fairly contentious so they revised the plan to a small lot planned unit development with thirty-six detached single-family homes based on their input. He gave an overview of the current development plan, concessions to plan, and support of PlanCOS.

Councilmember Pico asked if the zoning change will be with an Airport Overlay. Ms. Van Nimwegen confirmed it will be and should be added into the motion.

**Motion by Councilmember Gaebler, seconded by President Pro Tem Strand, that the Ordinance for the zone change of 4 acres from R-1 6000/DF/AO (Single-family Residential with a Design Flexibility Overlay and an Airport Overlay) to PUD (Planned Unit Development: Single-family Residential with a maximum height of 35 feet and a maximum gross density of 9 dwelling units per acre, with Airport Overlay), 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 7-1-1-0

**Aye:** 7 - Avila, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

**No:** 1 - Murray

**Absent:** 1 - Williams

**12.G.** [CPC PUD  
19-00007](#)

A development plan for the Pony Park Residences, a single-family residential development located southwest corner of Peterson Road and Pony Tracks Drive and consisting of 4 acres.

(QUASI-JUDICIAL)

Related Files: CPC PUZ 19-00006, CPC PUD 19-00007

Presenter:

Hannah Van Nimwegen, Senior Planner, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

**Attachments:** [Figure 1 - Development Plan](#)

[7.3.606 PUD Development Plan](#)

[7.5.502.E Development Plan Review](#)

Please see comments in Agenda item 12.F.

**Motion by Councilmember Geislinger, seconded by Councilmember Pico, that the development plan for the Pony Park Residences, based upon the findings that the development plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.605, and the development plan review criteria as set forth in Section 7.5.502E be approved. The motion passed by a vote of 7-1-1-0**

**Aye:** 7 - Avila, Gaebler, Geislinger, Knight, Pico, Skorman, and Strand

**No:** 1 - Murray

**Absent:** 1 - Williams

**12.H.** [CPC PUZ  
19-000061](#)

An ordinance amending the zoning map of the City of Colorado Springs relating to 15.67 acres located on the southwest corner of Woodmen Road and Austin Bluffs Parkway from OC/PBC/AO/SS (Office Complex and Planned Business Center with Airport and Streamside Overlay) to PUD/AO/SS (Planned Unit Development: Single-Family Residential, maximum density of 3.6 dwelling units per acre, 35-foot maximum building height with Airport and Streamside Overlay)



(QUASI-JUDICIAL)

Related Files: CPC PUZ 19-00061, CPC CP 08-00142-A7MN19, CPC PUD 19-00063

Presenter:

Tasha Brackin, Senior Planner, Planning & Community Development  
Peter Wysocki, Planning & Community Development Director

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

[EXHIBIT A - Legal Description](#)

[EXHIBIT B - Zone Change Depiction](#)

[VICINITY MAP](#)

[Context Map](#)

[Staff-Presentation](#)

[CPC Report Trailside](#)

[Figure 1 - Project Statement](#)

[Figure 2 - Emails from six neighbors](#)

[Figure 3 - Email from Academy School District 20](#)

[Figure 4 - PUD Zone Change Exhibit](#)

[Figure 5 - Concept Plan Amendment](#)

[Figure 6 - PUD Development Plan](#)

[FIGURE 7 - Area Context Map](#)

[7.3.603 Establishment & Development of a PUD Zone](#)

[7.5.603.B Findings - ZC](#)

[CPC\\_Minutes\\_Trailside@CottonwoodCreek\\_draft](#)

Tasha Brackin, Senior Planner, Planning and Community Development, presented the Ordinance amending the zoning map from office complex to planned unit development: single-family residential, the minor concept plan amendment changing the land use designation, and the PUD Development Plan relating to the Trailside at Cottonwood Creek. She presented a vicinity map, PLANCOS context maps, and area context map. Ms. Brackin gave an overview of the applications, site details, public notification, concept plan amendment, development plan, and staff recommendations.

Councilmember Knight stated he does not believe it would be a benefit to the City to change this area to residential because Woodmen Road is primarily a commercial corridor.

Councilmember Murray stated there will be issues with the proposed

density of houses due to the slope and erosion down to Cottonwood Creek.

Councilmember Geislinger stated the complexity of the geography of this area is not conducive for a commercial development.

President Pro Tem Strand stated a constituent requested the density of the homes from fifty-six to forty.

Andrea Barlow, NES, representing the applicant, stated this in an infill project and gave an overview of the existing concept plan and the proposed plan. She stated the anticipated traffic volume will only be twenty percent of the original commercial concept and there will be a bridge over Cottonwood Creek to connect Cottonwood Creek Trail. She identified the comparative density in the surrounding areas and stated the proposed project has not been controversial with the neighbors.

**Motion by Councilmember Gaebler, seconded by Councilmember Geislinger, that the Ordinance amending the zoning map of the City of Colorado Springs relating to 15.67 acres located on the southwest corner of Woodmen Road and Austin Bluffs Parkway from OC/PBC/AO/SS (Office Complex and Planned Business Center with Airport and Streamside Overlay) to PUD/AO/SS (Planned Unit Development: Single-Family Residential, maximum density of 3.6 dwelling units per acre, 35-foot maximum building height with Airport and Streamside Overlay) be approved on first reading. The motion failed by a vote of 4-4-1-0**

**Aye:** 4 - Gaebler, Geislinger, Skorman, and Strand

**No:** 4 - Avila, Murray, Knight, and Pico

**Absent:** 1 - Williams

- 12.I.** [CPC CP 08-00142-A7 MN19](#) A minor concept plan amendment changing the land use designation of 15.67 acres from commercial and medical office to single-family residential, located at the southwest corner of Woodmen Road and Austin Bluffs Parkway.

(QUASI-JUDICIAL)

Related Files: CPC PUZ 19-00061, CPC CP 08-00142-A7MN19, CPC PUD 19-00063

Presenter:

Tasha Brackin, Senior Planner, Planning & Community Development  
Peter Wysocki, Planning & Community Development Director

**Attachments:** [Figure 5 - Concept Plan Amendment 7.5.501.E Concept Plans](#)

Please see comments in Agenda item 12.H.

**Motion by President Pro Tem Strand, seconded by Councilmember Gaebler, that the minor concept plan amendment, based upon the findings that the amended concept plan meets the review criteria for granting approval of a concept plan as set forth in City Code Section 7.5.501.E be approved. The motion failed by a vote of 4-4-1-0**

**Aye:** 4 - Gaebler, Geislinger, Skorman, and Strand

**No:** 4 - Avila, Murray, Knight, and Pico

**Absent:** 1 - Williams

- 12.J.** [CPC PUD 19-00063](#) The Trailside at Cottonwood Creek PUD Development Plan proposing 56 single-family lots on 15.67 acres with a maximum building height of 35-feet, located at the southwest corner of Woodmen Road and Austin Bluffs Parkway.

Related Files: CPC PUZ 19-00061, CPC CP 08-00142-A7MN19, CPC PUD 19-00063

Presenter:

Tasha Brackin, Senior Planner, Planning & Community Development  
Peter Wysocki, Planning & Community Development Director

**Attachments:** [Figure 6 - PUD Development Plan](#)

[7.3.606 PUD Development Plan](#)

[7.5.502.E Development Plan Review](#)

Please see comments in Agenda item 12.H.

**Motion by President Pro Tem Strand, seconded by Councilmember Gaebler, that the development plan for Trailside at Cottonwood Creek, with technical modifications to fill in blank spaces within notes on the cover page relating to the approved Geologic Hazard Report and the project and ordinance numbers, based upon the findings that the development plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.605, and the development plan review criteria as set forth in Section 7.5.502E be approved. The motion failed by a vote of 4-4-1-0**

**Aye:** 4 - Gaebler, Geislinger, Skorman, and Strand

**No:** 4 - Avila, Murray, Knight, and Pico

**Absent:** 1 - Williams

### **13. Added Item Agenda**

There were no items added to the Agenda.

### **14. Executive Session**

- 14.A.** [19-596](#) 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), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issue to be discussed involves consultation with the City Attorney for the purpose of receiving legal advice on specific legal questions related to the interpretation of Colorado law, the City Charter, City Code, and City Council Rules.

The President of Council shall poll the City Councilmembers, and, upon consent of two-thirds of the members present, may hold a Closed Executive Session. If consent to the Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.

Presenter:

Wynetta Massey, City Attorney

**Attachments:** [09232019ExecSession](#)

Marc Smith, Corporate Division Chief, Office of the City Attorney 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), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issue to be discussed involves consultation with the City Attorney for the purpose of receiving legal advice on specific legal questions related to the interpretation of Colorado law, the City Charter, City Code, and City Council Rules. The President of Council shall poll the City Councilmembers, and, upon consent of two-thirds of the members present, may hold a Closed Executive Session. If consent to the Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.

President Skorman polled City Council regarding the desire to proceed with a Closed Executive Session. At least two-thirds of City Council agreed to proceed in 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